

EDITORIAL

Commerce tends to wear off those prejudices which maintain destruction and animosity between nations. It softens and polishes the manners of men. It unites them by one of the strongest of all ties—the desire of supplying their mutual wants. It disposes them to peace by establishing in every state and order of citizens bound by their interest to be the guardians of public tranquility.

—F. W. Robertson

The DOT Report

Under the able leadership of Bill Scranton, the new Rail Task Force swung into action this week. After months of doing its homework, the task force has rallied citizens to the bench to tell the ICC what a devastating blow it would be to the Northeast if a U.S. Transportation Department report is accepted by Congress. The drastic effect the inadequate, erroneous, and superficial report would have on the regional economy cannot be over emphasized.

The DOT report calls for 445 miles of trackage to be abandoned in the 22-county northeast area, or 31 percent of all rails to be scrapped in the state. This would add 142,000 railroad carloads to our burgeoning highway system now, never mind any future growth.

Six hundred shippers, employing 110,000 people with an annual payroll of \$687 million falls into jeopardy. With an energy crisis facing us, trucks average four times more fuel per ton mile than do trains.

Seventeen thousand farmers in the 22-county region will see their cost for feed and grain shipped in by rail increased an estimated \$5 per ton, which may increase food prices as much as 50 percent.

Anthracoite coal, the region's most abundant natural resource, estimated at 13 billion tons, would be jeopardized because coal as a fossil fuel becomes uneconomic when transported by truck.

In Scranton alone, according to Mayor Peters, 7,300 jobs are dependent on the railroads, representing an annual payroll in excess of \$51 million. The story is the same across the region.

The DOT report, based on shoddy information at best, shows that the U.S. Transportation Department appears to be operating without constructive leadership, professional expertise, and with outdated data.

Testimony from business, labor, civic, consumer, industrial, agricultural and governmental representatives, many under the guidance of the task force, will challenge the DOT report in the ICC hearings. But that's not the whole battle. During coming months a mammoth lobby effort must be spearheaded to persuade members of Congress that the economic stability and deprivation of the region hangs in the balance. The Transportation Department appears confident that Congress will eventually adopt the major part of its plan.

As reported in a recent issue of the Wall Street Journal, a DOT spokesman said "local officials have protested individual rail freight abandonment proposals on many past occasions. But this is the first time they have been confronted with a massive plan, and one that may well wind up being endorsed by Congress." One DOT planner is confident this weight will help push it through. "They used to fight every abandonment tooth and nail," he is quoted as saying, "but when you hit them with it all at once, they don't know what to do."

Citizens in this region must not drop the ball at this point. We must show DOT officials that we do know what to do, and that our message will be loud and clear.

We must show that we will not stand still while DOT bureaucrats flagrantly violate the will of Congress in its preparation of the interim report based on inaccurate information about the past, an arbitrary approach to the present, and no concern or planning for the future.

Not only do we need most of the existing rail service in the 22-county area for our economic survival, but we need improvements, responsibly planned, economically worthy, and quickly carried out.

Anything less for Northeastern Pennsylvania would mean economic genocide.

—J. R. Freeman

Conservative View Impeach: Odds Favor Nixon

by James J. Kilpatrick

I have been on the road lately, flying the rib-eye circuit across the South, and distill this impression from a hundred conversations: Inflation may be Concern No. 1 in this region, but Topic No. 1 is impeachment. In every gathering, the first questions have to do with Richard Nixon: Will the old pro hang on to his title?

The sports metaphor has unusual application down here. For good or ill, the South in recent years has lost many of its regional distinctions, but it has retained this much: Southerners, as a breed, are still wild about sports. The tradition goes back to the first fun-loving Virginia Cavaliers, with their racehorses and gamecocks; it is manifested here in New Orleans today in the awesome Superdome, which squats like some massive Buddha over the central city, a \$130 million idol for the fans.

Given this obsession, it is not surprising to find that many Southerners look upon impeachment as a kind of novel spectator sport. It is Nixon in this corner and his collective opposition in the other. The Fight of the Century, folks, and how do you see the odds? After a few hours of such conversation, a political writer wants to yield to Howard Cosell.

The approach may sound both cynical and superficial, but it has its advantages. There is this to be said of any sports event, that it is played by rules, that it is subject to referees or umpires, and that it winds up with a decision or a final score. However wildly the fans may disagree with the officials, the outcome is accepted. And there is this above all: No matter how passionately the fans may view a particular event, they understand that a sports event is not the be-all and end-all. If Tulane loses, the university survives.

It is no bad thing to look upon impeachment in this fashion. There has been entirely too much apocalyptic fulmination about the state of the President. If the House impeaches Mr. Nixon, and the Senate removes him from office, the Republic will survive. The old pro will have been toppled, but this is a familiar fate for old pros. Such an outcome would elate the Nixon haters and crush the Nixon rooters, but so long as the fans had seen a fair match,

played by the rules, in time the event would fade into the record books like last year's Superbowl—or last year's vice president.

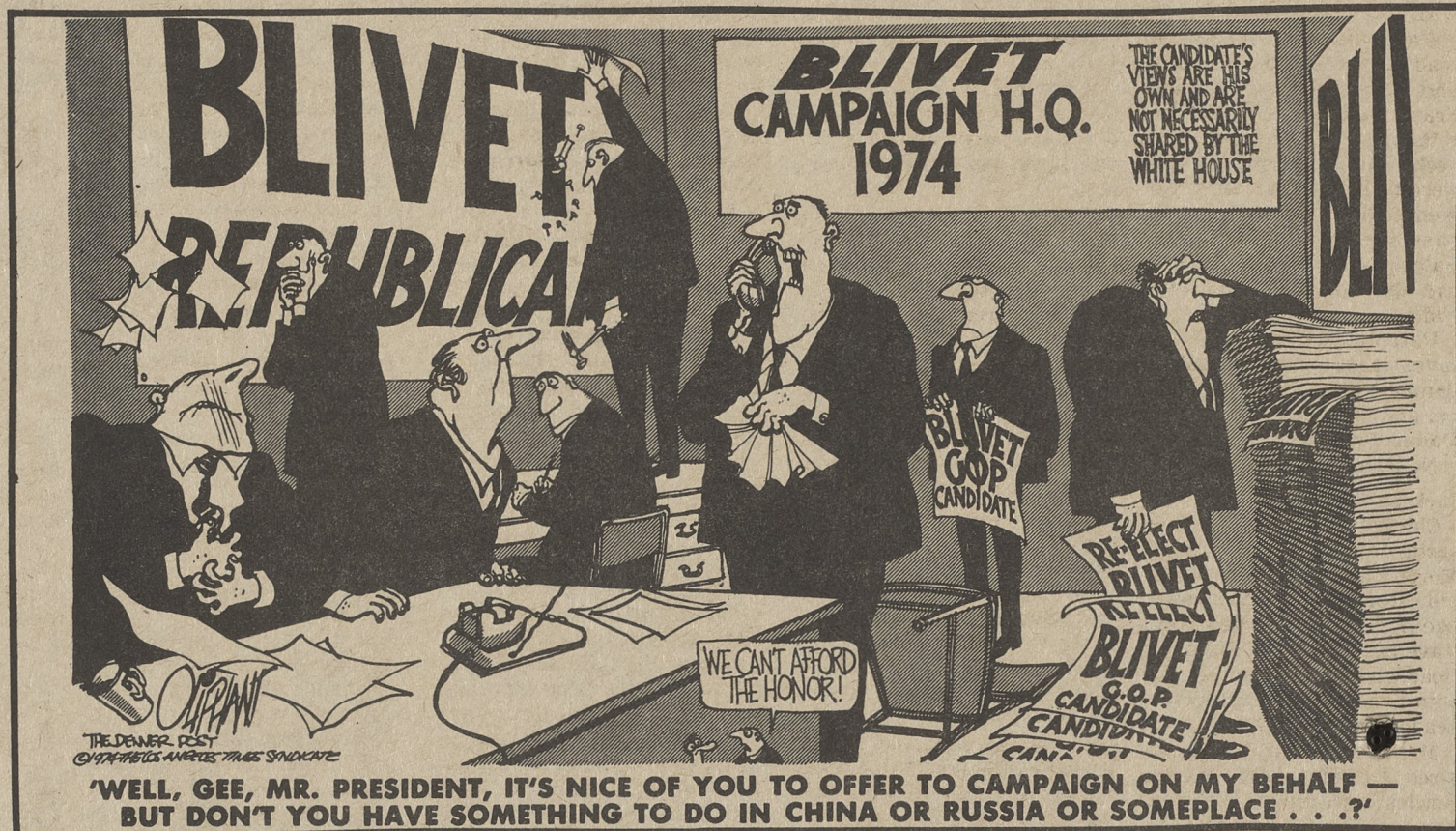
What are the rules of this contest? The House Judiciary Committee is attempting to reduce them to writing now. Because not even his worst enemy has imputed "treason" to the President, it is clear that under the Constitution he could be impeached only for "bribery, high crimes and misdemeanors." The terms come from the vocabulary of the criminal law. The Constitution also speaks of "conviction" and of "trial." I take all this to mean that an impeachable offense must be a criminal offense.

If this is a reasonable construction, it follows that Mr. Nixon might fairly be impeached on such charges as obstruction of justice, evasion of taxes, acceptance of bribes in the guise of campaign contributions, or the misappropriation of public funds to his private benefit. He could not be impeached for such actions as the bombing of Cambodia or the impoundment of various funds.

Is there probable cause to believe the President has committed an impeachable offense? It seems to be highly doubtful. But if a majority of the House should vote to impeach, could proof of guilt be produced before

the Senate? This strikes me as more unlikely still. As a defendant on trial, Mr. Nixon would be entitled to every protection of due process of law—to the presumption of innocence, to cross-examination of hostile witnesses, to the exclusion of hearsay testimony, to a final instruction on reasonable doubt.

Will the old pro hold his title? I am no Jimmy the Greek, but if you want to make book: Three to one the House will not impeach, fifty to one the Senate will not convict. When the lights go down in the congressional Superdome, Mr. Nixon will be the winner, and like it or not, still the champ.



TRB

from Washington

by Richard Strout

I doubt if the public yet realizes the kind of drama before it if the House impeaches President Nixon, which now seems at least possible. Here are the lines spoken on March 13, 1868, in the US Senate:

The Chief Justice (Salmon P. Chase): "The Sergeant-at-Arms will call the accused."

The Sergeant-at-Arms: "Andrew Johnson, President of the United States, Andrew Johnson, President of the United States, appear and answer the articles of impeachment exhibited against you by the House of Representatives of the United States."

The chamber is jammed. The black-robed Chief Justice escorted to his podium by a committee of senators and facing the seven "Managers" (prosecutors) and the entire House of Representatives (who have come over, two-by-two, from their legislative wing) intones,

"Make proclamation!"

The Sergeant-at-Arms: "Hear ye! Hear ye! All persons are commanded to keep silence while the Senate of the United States is sitting for the trials of the articles of impeachment exhibited by the House of Representatives against Andrew Johnson, President of the United States."

One rubs one's eyes? Is this possible in 1974? These are the actual spine-tingling words uttered on that fateful day. One has to read them, I think, to make this incredible scene come alive. Will William Wannal, the inconspicuous present-day Senate Sergeant-at-Arms from Montgomery County, Md., twice repeat his tremendous summons to "Richard Milhouse Nixon to appear and answer" the House charges?

This possibility can no longer be dismissed. The present betting is now, I think, three-to-one that the House Judiciary committee will recommend impeachment. It will hand down articles which put a broad interpretation on that ambiguous phrase "high crimes and misdemeanors." And the House itself? Most people would say, I think that it's a toss-up; there is certainly not a majority for impeachment yet.

But the vote is not today, it's three or four months off, after the Rodino committee's report, after the three pending grand juries make their reports, after the probable new White House confrontation with Special Prosecutor Jaworski, after the prospective public testimony of that lethal witness with the choir boy face, John W. Dean III.

The brutal fact is that a large part of the nation and a majority of Congress would very much like to get rid of President Nixon, and substitute Jerry Ford, if they only knew how. The anxiety of House Republicans approaches panic. Barry Goldwater sees a 10 percent drop in Republican support if Mr. Nixon remains in office without raising his standing in the polls. That could be a loss of 70 GOP House seats—a holocaust. Democrats last week captured the "safe" House seat in Michigan left vacant by Mr. Ford which Republicans have held since 1911. It changed America's political climate. "Watergate killed us; I don't know of anything else," despairing Michigan Republican chairman William McLaughlin exclaimed. "I'm sure we'll win, said Minority Leader Rhodes before the election, "but we must win big." They lost. The public is speaking up about Watergate.

House impeachment will probably depend on how many Republican members join

the expected Democratic majority. They can pass the buck if they want. They can argue that they seek to send the whole issue to the Senate to give Mr. Nixon a "fair trial"; the House will merely indict, let the Senators say "guilty" or "not guilty"! It is the line of least resistance and probably the safest thing for many Representatives.

We're lucky the reckless passions of 1868 don't inflame the present crisis. Enemies of President Johnson charged that he participated in the plot against President Lincoln. Squint-eyed Ben Butler of Boston, one of the most despicable demagogues America has ever produced charged, on the House floor, (March 3, 1868) that President Johnson got "into an open barouche with two abandoned women, roaring drunk, and rode up and down Pennsylvania Avenue..."

Whether then or since, the great bulk of Constitutional students conclude that the Founding Fathers meant just what they said in giving the broadest grounds for impeachment. "Acts that undermine the integrity of government" is the catchall definition which the Association of the Bar of the City of New York, puts on it, and the Olympian Charles Evans Hughes once wrote that "according to the weight of opinion, impeachable offenses include, not merely acts that are indictable, but serious misbehavior."

Meanwhile, in another battleground here, it remains to be seen whether the Department of Agriculture, which arranged the Great Grain Robbery with the Russians in 1973, hasn't come up with a more serious blooper, a massive fertilizer shortage. Nobody doubts that we are going to have a bumper corn and wheat harvest this year. But this may not be enough. After a generation of paying

American farmers not to raise crops the Administration responded to the abrupt world food crisis by removing restrictions on acreage, including some 40 million last year and some 20 million this year. But it made no arrangement for more fertilizer. An enormous amount is needed if the price of wheat, which has jumped from \$1.75 to \$5 a bushel, is ever to come down, or if the world's poor nations are to be fed.

How much fertilizer? For city people it's hard to appreciate. Imagine a 100-car train made up of 100-ton hopper cars. The train will handle 10,000 tons and as it rolls through the lonesome prairie night it will be a mile long. A boy watching the engine pass amid counting cars will wait three or four minutes for the caboose. The new acreage increase for 1974 alone requires 400 solid train loads of this fertilizer. And the earlier acreage increase is yelling for fertilizer, too. The Fertilizer Institute lobby declares that they must have more gasoline, and fuel oil, and natural gas to make the nitrogen fertilizer, and that the Administration is grossly underestimating their needs. City people want gasoline, too and the Administration won't ration. Every development of this sort emphasizes again, the amazing interconnection of the shrinking planet with its bounding population, and the disorder latent in the new Age of Scarcity. Morocco and Tunisia, for example, two of the biggest producers of phosphate rock (another fertilizer) in mid-October suddenly jumped prices 183 percent! Foreign customers, says Edwin Wheeler for the Fertilizer Institute, are "literally tearing down the door to get American fertilizer." But there isn't enough. He is only the latest to note "the specter of starvation" in poorer countries.

Capitol Notes

by William Eckenbarger

The scheme to build a \$150 million agricultural exposition center has been put out to pasture by the Pennsylvania General Assembly, but it is disturbing to ponder how it ever came so close to becoming a reality.

The proposal was simply a rather bizarre example of a rather common practice in Harrisburg called pork-barreling—the construction of pet projects at public expense.

Pork-barreling is as old as parliamentary government itself. Its strength lies in its domino effect—Legislator X agrees to support Legislator Y's project if Legislator Y will support Legislator X's project. Before it's over, you might have 40 lawmakers scratching each other's back with tax dollars.

The Keystone Exhibition Center was billed as a replacement for the existing State Farm Show Complex in Harrisburg, which is the site of several one-week agricultural expositions, rock concerts, political rallies, high school basketball games and other special events. The buildings lay fallow about nine months out of the year.

Although the aborted legislation set aside \$150 million for the project, the actual cost

Better Known as Pork-Barrelling

would have been far greater. For one thing, it was borrowed money—meaning the actual cost to taxpayers would have been about double over the life of the bond issue. For another, such undertakings by state government invariably end up costing more than supporters estimated.

The venture was pushed strongly in the legislative halls—first by the farm lobby, then by local businessmen who saw dollar signs and politicians who saw votes from agricultural areas.

Even Gov. Shapp, who was going around the state blasting local school directors for including swimming pools in new school building plans, was converted to the cause.

The only dispassionate evaluation of the plans came in 1972 when the Governor's Management Review Task Force, a team of outside businessmen, surveyed state government. They curtly recommended that the new building plans be abandoned and that the existing Farm Show building be renovated instead.

Yet suddenly last month the enabling bill was on the brink of passage in the Senate, and the skids were greased for a smooth ride

through the House and on to the desk of the sympathetic governor.

Projects like this are very sensitive to sunlight, and some last-minute exposure of the bill in the press resulted in the bill being wordlessly dispatched to oblivion in committee. Backers of the project have not been heard from since.

But the exposition center isn't the only hogwash in this year's pork-barrel. Still waiting to feed at the public trough is a \$45 million "Hall of Justice" for Allegheny County in Pittsburgh. Hall of Justice is a euphemism for

county courthouse—an edifice of masonry built at the expense of county taxpayers.

Also waiting in the wings is Highlands Historical Park in Montgomery County. There's a proposal to spend \$150,000 to restore the place—even though state historians aren't even sure it's historic.

Pork-barreling could be dismissed as a cute game played by childish legislators—were it not for the fact that while millions are squandered on nonsense, very real needs of the elderly and mentally disabled in Pennsylvania are ignored.

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