

VISTA  
Volunteer Information Service  
Office of Economic Opportunity

WHITE WINE  
VISTA

Vol. 5, No. 23

JUNE 26, 1970

VISTA . . .

In a recent statement addressed to VISTA Volunteers, which has been received by Volunteers in the field and which will appear as well in the upcoming issue of the VISTA Volunteer magazine, OEO Director Donald Rumsfeld announced his decision to amend the April 21 statement of OEO policy on occupational deferments so that its effect is consistent with the President's April 23 Executive Order.

Mr. Rumsfeld explained that the two policies were not parallel to the extent that the Executive Order authorized occupational deferments for those with appeals pending action as of April 23, whereas the previously announced OEO policy did not support such appeals. He noted that local draft boards have two sets of words to choose from in making individual decisions -- the OEO policy or the Executive Order -- and, he added, "it appears sensible to me to eliminate any confusion this could cause."

In reaching his decision to amend the OEO policy, Mr. Rumsfeld acknowledged two influencing circumstances: "(1) the issuance of the Presidential Executive Order after my April 21 OEO announcement, and (2) the persuasive case made by Volunteers and others that a more restrictive policy than the President's resulted in undesirable complications for individuals already in the draft appeal pipeline."

In concluding his statement on the decision to amend previously announced policy, Mr. Rumsfeld conveyed his personal views about VISTA and the work of the Volunteers:

"I consider VISTA to be one of the most important means by which the country demonstrates to the poor that Americans are concerned about their plight. I have often said that opportunity is what

RUMSFELD (Cont.)

our effort is all about. One tangible way of demonstrating support is VISTA's budget, which we have increased over 10% for Fiscal Year 1971. But beyond the dollars lies the soundness of the notion itself.

"I have visited a number of VISTA projects and talked with dozens of Volunteers. No one who has done this can help but come away from the experience with a profound respect for the dedication, enthusiasm, ability, and determination of those individuals, young and old, who are serving their country and the poor under difficult circumstances at a significant time in our nation's history."

## **BLACK LUNG BENEFITS?**

After the May 15-V-LINE article on the Black Lung Benefits program, Michael Glomb and David Sullivan, VISTA Lawyers working for Legal Research for Appalachian Elderly in Bluefield, West Virginia, brought to our attention certain recent criticisms that they and their sponsor had submitted to the Secretary of HEW in response to his open invitation for suggested changes in the Black Lung regulations. We thought that other VVs would be interested in their findings.

LRAE on the basis of its wide experience in assisting elderly and disabled Appalachian coal miners determined that many disabled miners and widows of victims will not get benefits under this new bill unless the present eligibility guidelines are liberalized. It is claimed by LRAE that the regulations do not reconcile the disputes within the medical profession concerning the cause and proof of Black Lung. The regulations require X-ray evidence of Black Lung. However, the reliability of X-rays as the only effective way to diagnose Black Lung has come under increasing attack in recent years. X-rays fail to measure the actual ability of the lungs to function and cannot reveal a certain form of Black Lung known as "simple pneumoconiosis," which many believe to be disabling. Congress, it appears, had intended to provide benefits to this form of Black Lung.

Furthermore, the present regulations allow a miner to get benefits only if he is so disabled that he cannot do any job at all that exists any place in the country, the so-called "national employability" test, now used under the Social Security disability insurance program. The legislation, though requiring that benefits be provided only to miners who are "totally disabled," left it up to the Secretary of HEW to determine the test for "total disability." The "national employability" test, it is claimed, is too restrictive; the test should be tailored to the low employability of the disabled coal miner.

VIS has a copy of the "Criticisms of Regulations" (May 14, 1970) and the "Suggestions for Reasonable Regulations" (March 18, 1970) that these VVs and James Haviland, Project Director and former VV, prepared for submission by LRAE - should anyone be interested. You might also write to these Volunteers at Legal Research for Appalachian Elderly, 308 Coal and Coke Building, Bluefield, West Virginia 24701.