recognition of the new educational purposes of museums, this bill would authorize $25 million a year for the first year and $30 million a year in two subsequent years to assist museums in modernizing their methods and facilities. The "museum services act" would be administered by an Institute for the Improvement of Museum Services to be established within the Department of Health, Education and Welfare. Such legislation, says Senator Pell, would not only help the museums and thereby schools and colleges. It would also boost the nation's cultural growth. We wish the bill success on its way through Congress.

HOUSE OF REPRESENTATIVES—*Monday, September 10, 1973*

The House met at 12 o'clock noon.

The Chaplain, Rev. Edward G. Latch, D.D., offered the following prayer:

O give thanks unto the Lord, for He is good; for His mercy endureth forever.—Psalms 106: 1.

Eternal Father of our spirits, as we stand upon the threshold of another day, we greet the rising sun with hearts filled with gratitude and with faith in Thy loving providence. In the midst of the daily discipline of demanding duties we would keep the avenues of our lives open to the source of all life and light.

Draw us into a closer harmony with Thee that we may hear the whispers of truth, feel the appeal of beauty, and respond to the call of love. Above all, make us like Thee that with courage and confidence our lives may shine in the darkness with the transforming light of a responsive and a responsible citizenship in our beloved America.

In Thy holy name we pray. Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Without objection, the Journal stands approved.

There was no objection.

MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States was communicated to the House by Mr. Marks, one of his secretaries.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Arrington, one of its clerks, announced that the Senate had passed with amendments in which the concurrence of the House is requested, a bill of the House of the following title:

H.R. 4771. An act to authorize the District of Columbia Council to regulate and stabilize rents in the District of Columbia.

The message also announced that the Senate agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 8825) entitled "An act making appropriations for the Department of Housing and Urban Development; for space, science, veterans, and certain other independent executive agencies, boards, commissions, and corporations for the fiscal year ending June 30, 1974, and for other purposes."

The message also announced that the Senate agreed to the House amendment to Senate amendment No. 3 and that the Senate further insisted on its amendments Nos. 44 and 45, requested a further conference with the House and appointed Mr. PROXMIRE, Mr. MCCLELLAN, Mr. PASTORE, Mr. BAYH, Mr. CHILES, Mr. MOSS, Mr. MATHIAS, Mr. YOUNG, Mr. CASE, and Mr. FONG as conferees on the part of the Senate.

The message also announced that the Senate agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 6912) entitled "An act to amend the Par Value Modification Act, and for other purposes."

The message also announced that the Senate agreed to the House amendment to Senate amendment No. 1 to the House amendment, and receded from its amendment No. 2 to the House amendment to S. 1385, authorizing funds for continuance of civil government for the Trust Territory of the Pacific Islands.

The message also announced that Mr. STEVENS and Mr. GRAVEL were appointed as ex officio conferees on S. 1081, to establish a Federal policy granting rights-of-way across Federal lands.

The message also announced that the Senate had passed bills of the following titles, in which the concurrence of the House is requested:

S. 1841. An act to amend the Communications Act of 1934 for 1 year with respect to certain agreements relating to the broadcasting of home games of certain professional athletic teams; and

S. 1914. An act to provide for the establishment of the Board for International Broadcasting, to authorize the continuation of assistance to Radio Free Europe and Radio Liberty, and for other purposes.

TAX REFORM

(Mr. CONABLE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. CONABLE. Mr. Speaker, I note from a press statement, and this is the only way we find out about such decisions at this point, that the chairman of the Ways and Means Committee feels the committee will not work this fall on a tax reform bill, although some time will be spent on related pension reform. Perhaps his decision is based on the obviously unrealistic assessment of our autumn adjournment date by some majority party spokesmen and, therefore, is subject to change as time wears on and it becomes apparent that Congress will be in session for many weeks to come. Speaking as one rank-and-file member of the Ways and Means Committee, however, I feel that tax reform should have a high priority and that, regardless of our capacity to take completed action, we should address this subject, if possible, in a nonelection year atmosphere. I am confident that we will have a tax reform bill, at public insistence, sooner or later, and the longer we let the pressure for it build, the less likely we are to deal with this issue carefully and thoroughly. Unless the committee addresses this issue in the near future, I fear that efforts will be made to attach so-called tax reform measures to unrelated bills, an unsatisfactory and sometimes even dangerous practice.

TAX REFORM—NOW

(Mr. REUSS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. REUSS. Mr. Speaker, I want to second heartily the sentiments just expressed by our colleague from New York (Mr. CONABLE). I believe that loophole-plugging tax reform is a vital necessity for the economy this year. I hope that somehow or other the tax writing committee, the Committee on Ways and Means, can so compose and arrange itself that it will be able to present such a bill to us on the floor shortly.

I believe it is necessary not only from the obvious standpoint of equity that we repair the loopholes, preferences, and inequities in our tax system, but it is also necessary from the standpoint of combating inflation, and from the standpoint of coming to grips with the unconscionably high interest rates which are now dogging this country.

I have come just now from a hearing of the Committee on Banking and Currency, at which representatives of the housing and financial industries all called for tax reform now.

I hope the gentleman's words will be heeded.

TRIBUTE TO THE LATE HONORABLE J. VAUGHAN GARY

(Mr. CONTE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. CONTE. Mr. Speaker, I am sure that any Member of this body who had the honor of serving here 10 years ago, was deeply saddened late last week to learn of the death of former Representative J. Vaughan Gary of Virginia.

For 20 years, from 1945 to 1965, Mr. Gary represented the people of Virginia's Third District in this body. And while he did an outstanding job for his constituents, his concerns and his efforts were truly national in scope.

As a member of the Appropriations

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Committee, Mr. Gary brought to that committee a strong concern for fiscal economy. But, at the same time, this enlightened public servant recognized the great necessity in the late 1940's for this Nation to lend a helping hand to the war-ravaged nations across the seas.

Vaughan Gary rose to become chairman of the Treasury-Post Office Appropriations Subcommittee and for 6 years I had the great honor of serving with him on that body. A talented and dedicated worker, he provided leadership that earned him the deep admiration of every member of that subcommittee.

His two decades of service in the House were studded with achievements. One of these, with which I am most familiar, was his concern for the U.S. Coast Guard. At that time, the Coast Guard budget was under the jurisdiction of the Treasury-Post Office Subcommittee. Vaughan Gary had a deep appreciation of this great service. I accompanied him on numerous inspection trips to Coast Guard installations and he knew where every penny we appropriated went; he knew the Coast Guard's needs; and he worked endlessly to see that those needs were met.

Mr. Speaker, J. Vaughan Gary provided this House with an example of leadership which is hard to match. The Government and the country are diminished by his passing.

Mr. GERALD R. FORD. Mr. Speaker, will the gentleman yield?

Mr. CONTE. I yield to the distinguished minority leader.

Mr. GERALD R. FORD. Mr. Speaker, I join in the remarks made by the gentleman from Massachusetts (Mr. CONTE). I served with Vaughan Gary on the Committee on Appropriations for many, many years. I served with him on one subcommittee for a number of years. The gentleman from Virginia was one of the most responsible, most able, and most dedicated Members I have known in the Congress, and I mourn his passing, as I am sure all of those who served with him do.

Mr. PASSMAN. Mr. Speaker, will the gentleman yield?

Mr. CONTE. I yield to the gentleman from Louisiana.

Mr. PASSMAN. Mr. Speaker, I join in the remarks made by the gentleman from Massachusetts concerning the passing of my good friend, the late Honorable J. Vaughan Gary.

HEARINGS ON CONSUMER PROTECTION AGENCY BILLS

(Mr. BROOKS asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. BROOKS. Mr. Speaker, Chairman HOLIFIELD of the Committee on Government Operations, who is unavoidably absent today, has asked me to advise the membership that hearings on bills to establish a Consumer Protection Agency will be held by the Subcommittee on Legislation and Military Operations on September 17, 18, 19, and 21, 1973. These hearings will commence each day at 9:30 a.m. in the committee main hearing room, 2154 Rayburn House Office Building.

If any Member desires to testify before the subcommittee or to submit a statement for the record, he should advise the subcommittee staff in room B373, Rayburn House Office Building, telephone extension 55147. Prospective witnesses are asked to notify the subcommittee staff no later than Wednesday, September 12.

Chairman HOLIFIELD also asked me to announce that hearings will be held on September 12, 1973, at 9:30 a.m. in room 2154, Rayburn House Office Building, concerning the Cabinet Committee on Opportunities for Spanish-Speaking People. This is a continuation of a previous hearing to consider whether the Cabinet committee's funding authorization should be extended.

MORRIE ALEXANDER, MASTER CARVER

(Mr. MEEDS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MEEDS. Mr. Speaker, on August 21, one of the Nation's best known and most respected Indian wood carvers died. Morrie Alexander, 57, suffered a heart attack. He was a member of the Lummi Tribe, whose reservation is located near Bellingham, Wash. I knew Morrie personally and had the honor of possessing one of his works, a striking totem pole carved here in Washington, D.C., during the annual American Folklife Festival.

Until a few years ago, Morrie Alexander was one of two remaining Lummi carvers. Anxious that the Nation not lose the splendid carvings that are so important in our heritage, the Ford Foundation extended assistance. Soon apprentices were learning the skill of carving under Morrie and Albert Charles.

To Morrie the fashioning of wood was also a teaching tool. Stories came alive as he carved and explained Indian history and legend. Ironically, on the day he died he was scheduled to visit Seattle to help dedicate a totem he had just carved for a local school.

Morrie Alexander's carvings adorn the homes, buildings, and offices of both Indians and non-Indians, and his stories tell the rich heritage of the Lummi people. He will be missed by his friends, his tribe, and all of us. But his spirit endures his passing, for Morrie Alexander was one of that small number of human beings who leave far more than they take from life.

THE MILITARY ALL-VOLUNTEER CONCEPT

(Mr. MONTGOMERY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MONTGOMERY. Mr. Speaker, I know the Members will be glad to hear that I am planning a series of 1-minute speeches to discuss the military all-volunteer concept as it affects the Regulars and the Reserves.

I am concerned that the Army and Navy are having their problems reaching their strength goals.

On the other hand, I see the National Guard and Reserve having the opportunity without the crutch of the selective service of becoming our strongest combat arm under the total force concept.

I look forward to keeping my colleagues posted on this important defense subject.

STATE OF THE UNION—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 93–1)

The SPEAKER laid before the House the following message from the President of the United States; which was read and referred to the Committee of the Whole House on the State of the Union and ordered to be printed:

To the Congress of the United States:

As the Congress reconvenes for the closing months of the 1973 legislative season, it returns to a critical challenge.

Our country faces many pressing problems which must be solved with dispatch.

Americans want and deserve decisive action to fight rising prices. And they want every possible step taken now—not a year from now or in the next session of the Congress.

Americans want and deserve decisive action this year to ensure that we will have enough heat for our homes, enough power for our factories, and enough fuel for our transportation.

They want and deserve decisive action this year to combat crime and drug abuse. The national rate of serious crime is now heading down for the first time in 17 years, and they want that downward spiral to continue.

There is also an immediate need to improve the quality of our schools, reform Federal programs for our cities and towns, provide better job training, revamp our housing programs, institute lasting reforms in campaign practices, and strengthen our position in world markets.

Of transcending importance is America's continuing commitment to building a lasting structure of world peace. Our people are now at peace for the first time in more than a decade, and they expect their leaders to do all that is necessary to maintain the peace, including those actions which preserve the Nation's strong defense posture.

At the same time, it is apparent as the fall legislative season begins that many Members of the Congress wish to play a larger role in governing the Nation. They want to increase the respect and authority which the American people feel for that great institution.

Personally, I welcome a congressional renaissance. Although I believe in a strong Presidency—and I will continue to oppose all efforts to strip the Presidency of the powers it must have to be

effective—I also believe in a strong Congress.

In campaigning for the Presidency in 1968, I called for "national leadership that recognizes the need in this country for a balance of power. We must maintain," I said, "a balance of power between the legislative and the judicial and the executive branches of Government."

I still believe in that division of responsibility. There can be no monopoly of wisdom on either end of Pennsylvania Avenue—and there should be no monopoly of power.

The challenge is thus clear. The problems of the Nation are pressing, and our elected leaders must rise to the occasion. These next four months will be a time of great testing. If the Congress is to play its proper role in guiding the affairs of the Nation, now is the time for it to take swift and decisive action.

In sending this message to the Congress today, I want to refocus attention on more than 50 legislative measures which I proposed earlier this year. These proposals, along with my regular authorization requests, are now of the highest priority if we are to meet our responsibilities.

Frankly, the action taken by the Congress on my proposals so far this year has been far less than I had expected. Commendable progress has been made on some fronts, and I have signed into law several bills which were the result of constructive compromise between the Congress and the Administration. Among them have been a new approach to farm legislation, a Federal highway bill which will also spur the development of mass transit systems, an increase in social security benefits, airport development legislation, amendments to the Rural Electrification Act, the Economic Development Administration and the Law Enforcement Assistance Administration authorizations, an Older Americans bill, an emergency farm loan bill, a national cemeteries bill and a medical care bill for veterans.

Yet the work that lies ahead in the final quarter of the year is far heavier and even more critical than that which has been accomplished so far. Nearly all of the significant proposals that I have submitted to the Congress still await final action. In addition, with more than two months of the new fiscal year already behind us, the Congress has passed only three of thirteen regular appropriations bill, all of which ideally should have been passed before the fiscal year began. I regret that it has also been necessary for me to veto six bills this year. Four of those vetoes have been sustained, and the final disposition on two of them has not yet been determined. I am hopeful that in some of these areas where I have exercised the veto, such as minimum wage legislation, the Congress will pass new legislation this fall which will meet my objections. The Congressional agenda for the next four months is thus long and urgent.

I realize that it will not be possible for the Congress to act this year on all of the legislation which I have submitted. But some of these measures respond directly to the most immediate problems before the country. I will give special attention to them in this message, just as I trust the Congress to give special attention to them before the last gavel falls later this year.

In the spirit of responsible cooperation which must prevail between the Executive and the Congress if we are to make genuine progress this fall, I am fully prepared to work closely with Members of the Congress in hammering out modifications to these bills. Already this year I have met more often with the bipartisan leaders of the Congress than in any other year of my Presidency, and I hope to meet even more frequently with Members of the Congress during the coming weeks. In addition, Cabinet members and all other appropriate members of the Administration will be fully accessible and available. There are, of course, certain principles of vital national concern which cannot be compromised—the need for budgetary discipline for a strong national security posture, and for the preservation of the requisite powers of the executive branch. But within these limits I stand ready to find workable compromises wherever possible on solutions to our national problems.

The overriding question, however, is not the degree of compromise which is reached between the executive branch and the Congress, nor is it a matter of who receives the credit. The most important question concerns the results we achieve for the American people. We must work hard and we must work constructively over the next four months to meet the country's pressing needs. It is on that basis that we shall be judged.

THE FIRST GOAL: A BALANCED BUDGET

No issue is of greater concern to the American public than rising consumer prices. The battle against inflation must be our first priority for the remainder of this year.

The executive branch is already actively engaged in this fight:

—We have imposed a strong, new set of economic controls which should help to bring a reduction in the rate of inflation by the end of this year.

—We have taken a series of measures to expand food supplies, so that production will keep up with growing demands. The farm bill passed by the Congress and signed into law last month will make a significant contribution to this effort.

—Thirdly, the Federal Reserve System has been working to maintain reasonable controls on the flow of money within the economy, which is essential to reducing inflation.

We are moving in the right direction, but we must recognize that we can reach our goal only if we also apply the single most important weapon in our arsenal: control of the Federal budget. Every dollar we cut from the Federal deficit is another blow against higher prices. And nothing we could do at this time would be more effective in beating inflation than to wipe out the deficit altogether and to balance the Federal budget.

Eight months ago I submitted to the Congress a new budget calling for Federal outlays of $268.7 billion during fiscal year 1974. Since that time, the Congress has undertaken a serious and commendable effort to establish its own mechanism for controlling overall expenditure levels. If that effort succeeds, the Congress will have a much more reliable tool for holding spending to acceptable totals.

At the same time, the Administration has been working to increase the efficiency and thus cut the cost of the Government. We now expect to end the current fiscal year with no increase of civilian employees over last year's level and with 80,000 fewer employees than in 1972, despite the fact that the workload has increased. I have also acted to delay a pay increase for all Federal employees for a period of 60 days in order to hold the spending line. Clearly, the men and women in the Federal Government are doing their fair share in the inflation fight.

Yet the battle for essential budgetary discipline is still far from won. Although we are only two months into the new fiscal year, the Congress has already enacted programs which would exceed my total budget by some $2 billion and it is considering additional legislation which, if passed, would add another $4 billion of spending in excess of my budgetary requests. In addition, the Congress has failed to enact specific program reductions I have recommended which amount to nearly $1½ billion. Thus, if the Congress continues to follow its present course, the American taxpayers will soon receive a bill for more than $7 billion in increased spending.

These increases, if allowed to stand, would drive this year's budget over the $275 billion mark. That figure would represent a 12 percent increase over last year's budget level. A continuation of that trend would increase the annual budget burden to some one-half trillion dollars by 1980. Clearly we need to draw the line against this tendency. And the time to draw the line is 1973, when excessive spending packs an inflationary wallop that is particularly dangerous.

The Congress has indicated a strong desire not only to control the total level of governmental outlays but also to determine which programs should be curtailed to achieve those levels. I call upon the Congress to act while there is still time, while vital spending bills are still before it, and while it can still go back and reconsider actions taken earlier this year. A great deal of the recent budget busting has been done not through the conventional appropriations process, but through "backdoor" funding and mandatory spending programs approved by legislative committees—two approaches which need to be carefully reviewed. I am fully prepared to work closely with the Congress in determining the best ways to control expenditures and in discussing the particular programs that should be cut back.

In our joint efforts, however, I continue to be adamantly opposed to attempts at balancing the overall budget by slashing the defense budget. We are already at the razor's edge in defense spending. In constant dollars, our defense spending in this fiscal year will be $10 billion less than was spent in 1964, before the Vietnam war began. Our defense forces are at the lowest level since

the days just before the Korean war, and a smaller part of our gross national product is being spent on defense than in any year since 1950. Further cuts would be dangerously irresponsible and I will veto any bill that includes cuts which would imperil our national security.

Some people have become so accustomed to Federal deficits that they think a balanced budget is impossible. But balancing the Federal budget is no pipedream; it is a realistic goal. The figures for fiscal year 1973 show that we held spending more than $3 billion below our target figure—and that the budget was actually in surplus during the last three months of the fiscal year.

This record was achieved in part because of the cooperation of the Congress in certain areas, and I am grateful for that cooperation. In other areas, however, congressional spending was excessive and I found it necessary to veto certain measures and reserve certain funds. I would have preferred not to have exercised those powers, but the public interest demanded that I take such actions. Should those actions prove necessary again in the months ahead, I will not hesitate to take them.

STRENGTHENING THE ECONOMY

The fight against inflation must move ahead on many fronts. Even as we strive to hold the line on Federal spending, we must also take a number of additional actions to strengthening the economy and curb rising prices.

TRADE REFORM ACT

One of the most important of all the bills now before the Congress is my proposed Trade Reform Act of 1973. It is important that final action on this measure be taken in the next four months.

This legislation represents the most significant reform of our approach to world trade in more than a decade. But it builds on a strong tradition, steadily maintained since the days of Franklin Roosevelt, of giving the executive branch the authority it needs to represent the Nation effectively in trade negotiations with other countries.

The weeks and months ahead are a particularly important time in international economic history. This month sees the formal opening of a new and highly important round of trade negotiations in Tokyo and the annual meeting of the International Monetary Fund and World Bank in Nairobi. The Nairobi meeting is highly important to international monetary reform negotiations. Decisions which grow out of both of these meetings will shape the world's economy for many years to come. The United States can be a much more effective participant in such discussions if the Congress provides the tools contained in my proposed trade reform legislation.

The United States continues to seek a more open trading world. We believe that artificial barriers against trade among nations are often barriers against prosperity within nations. But while the trading system should be more open, it should also be more fair. The trading game must be made equitable for all countries—giving our workers, farmers and businessmen the opportunity to sell to other countries goods which they produce most competitively and, as consumers, to buy goods which their counterparts in other countries produce most competitively. In bargaining for a more open and more equitable trading system, our negotiators must be equipped with authorities comparable to those of their counterparts from other nations.

My trade reform legislation would provide a number of such authorities and thus would strengthen our bargaining position. I emphasize again that the Congress should set up what ever mechanism it deems best for closer consultation and cooperation with the executive branch to ensure that its views are properly represented as trade negotiations go forward.

At the same time, I have also requested actions to ensure that the benefits of expanding international trade are fairly distributed among our own people and that no segment of our economy is asked to bear an unfair burden. My proposals would give us greater flexibility in providing appropriate relief from imports which cause severe domestic problems and would also liberalize our programs of adjustment assistance and other forms of compensation to help workers who are displaced because of rising imports. They would also equip us to deal more adequately with the unfair trading practices of other countries, and through expanded trade, to "sop up" some of the excess dollar credits now held abroad which can play havoc with domestic markets.

Other authorities contained in the bill would give us greater flexibility to use trade policy in fighting inflation, correcting our balance of payments, expanding our exports, and advancing our foreign policy goals. One provision of this bill, authorizing the President to extend Most Favored Nation treatment to those countries which lack that status, would be particularly helpful in carrying out our foreign policy and I continue to give it my strong support.

Altogether, the proposed Trade Reform Act of 1973 represents a critical building block as we seek to construct a durable structure of peace in the world and a vibrant and stable economy at home. In the difficult negotiations which lie ahead, this legislation would enable us to assure more jobs for American workers, better markets for American producers, wider opportunities for American investors and lower prices for American consumers.

EXPORT ADMINISTRATION ACT

The Export Administration Act amendment which my Administration proposed on June 13th is another weapon which could be helpful in the fight against rising prices. One of the most important causes of the recent inflationary surge has been the extraordinary boom abroad and the additional demand which it has generated for our products. On the whole, this boom should be seen as a healthy, long-range development for our economy as well as for other countries. But as I said last June, when we have pressing shortages in this country and when we must choose between meeting needs abroad or at home, then "we must put the American consumer first."

This is why I have asked for new and more flexible authority to establish certain controls on food and other exports when and where they are needed. I continue, however, to oppose permanent controls because they can upset and discourage our entire pattern of healthy trade relationships and thus complicate the fight against inflation. Our limited controls on soybeans were changed last Friday to permit full exports on new contracts. This action was taken because we are convinced that stocks and new crop supplies are more than adequate to meet our own needs.

Nevertheless, I still seek the authority I requested last June to be sure we will be able to respond rapidly, if necessary, to new circumstances. I also emphasize that new controls will be imposed only if they are absolutely needed.

TAX REFORM

This Administration continues its strong opposition to a tax increase. We want to fight inflation and balance the budget by placing restraints on spending and not by adding to our current tax burdens.

At the same time, I remain vitally interested in finding ways to make our present tax structure fairer and simpler. Tax reform has been under consideration for some time and there is a continuing need for revising and simplifying the tax laws. My Administration has made some specific suggestions to that end and has indicated a willingness to work with the tax writing committees of the Congress in a general review of the Internal Revenue Code. This important task should be undertaken now rather than during an election year when political pressures invariably make such reform more difficult.

I would call special attention to one tax reform measure extensively discussed during the 1972 campaign and now pending before the Congress. That is my recommendation for providing property tax relief for older Americans. Retired people with low incomes bear a crushing and unfair property tax burden in many States. Even though their incomes decline with retirement, the property tax in many cases goes on rising. As a result, the home which should be a symbol of financial independence for older people often becomes another cause of financial strain. I again urge prompt action on the Administration's proposal to provide a special tax credit to help older people with lower incomes pay their property taxes. Simple justice demands it.

STOCKPILE DISPOSAL ACT

Another important action which the Congress can take in the battle against rising prices is to provide the necessary authority for selling part of our national strategic stockpile—materials which are no longer needed for national security. I requested such authority last April with regard to $4 billion worth of goods in our stockpile. Such sales, by allowing us to increase supplies in the marketplace of major commodities, could help provide important relief for hard-pressed American consumers. Further, this bill could help to maintain and provide employment for workers whose jobs are dependent upon the availability of basic commodities such as aluminum,

zinc and copper, all of which are in short supply.

Our country's strategic stockpile still reflects the economic and military realities of the 1950's—in fact, 95 percent of the current stockpile was acquired before 1959. In the 1970's, however, our military requirements have changed—and so has our economic capacity to meet them. My proposed new guidelines for the stockpile would carefully protect our national security in the light of these changing realities, while substantially enhancing our economic health.

I regret that this legislation has not moved forward more rapidly during the past few months. In the name of national efficiency, thrift, and price stability, I call again for its prompt and favorable consideration.

OTHER ECONOMIC LEGISLATION

As I indicated in my message to Congress on August 3, I will shortly be submitting my legislation on the restructuring of financial institutions. This is a complex matter which requires thorough but prompt study by the Congress.

I call, too, for speedy enactment of legislation which has now emerged from conference which would establish the Council on International Economic Policy on a permanent basis.

MEETING THE ENERGY CHALLENGE

I have previously stated, and wish to restate in the most emphatic terms, that the gap between America's projected short-term energy needs and our available domestic energy supplies is widening at a rate which demands our immediate attention.

I am taking all appropriate measures within my authority to deal with this problem, seeking to increase our supplies and moderate our demands. Looking to the future, I have announced plans for a large scale increase in our research and development effort, and I have asked my top energy advisor, Governor John Love, to meet with State officials to seek temporary modifications of air quality standards. Such modifications would help to minimize fuel shortages this winter. In addition, I will soon be meeting with members of the Atomic Energy Commission to determine whether we can bring nuclear power plants on line more quickly. But the energy problem requires more than Presidential action; it also requires action by the Congress.

It is absolutely essential that the Congress not wait for the stimulation of energy shortage to provide the legislation necessary to meet our needs. Already we have seen some regional inconveniences this summer with respect to gasoline and this winter we may experience a similar problem with regard to heating fuels.

Over the long term, the prospects for adequate energy for the United States are excellent. We have the resources and the technology to meet our growing needs. But to meet those long-term needs and to avoid severe problems over the short term, we must launch a concentrated effort which mobilizes the Government, American industry and the American people.

I have recently called for passage of seven major energy bills now before the Congress. Not all of those can be acted upon with equal speed, but four of these bills are of the highest urgency and must be acted upon before the end of this year. These four would provide for the construction of the Alaskan pipeline, construction of deepwater ports, deregulation of natural gas and establishment of new standards for surface mining. All four of these bills are addressed to both our short-term and long-term needs.

ALASKAN PIPELINE

Our first legislative goal—and one that should be achieved this month—is the enactment of an Alaskan pipeline bill. Construction of the pipeline would provide us with up to 2 million barrels of oil per day over which we would have full control and would simultaneously reduce by more than $3 billion per year our need for oil imports. I have proposed legislation to avoid any further delay in the construction of the Alaskan pipeline and I am gratified that both Houses of the Congress have already passed variations of this proposal. I urge the earliest possible attention to these bills by the House-Senate Conference Committee, so that pipeline construction can begin.

DEEPWATER PORTS

Until domestic resources are in full production and technological progress has reached a point where sufficient energy sources are within reach, we will have to rely upon imports of foreign oil. At the present time, however, continental port facilities are inadequate to handle our import requirements.

Because of our limited port capacity, the super-tankers presently used for petroleum transport cannot be off-loaded anywhere on our Atlantic coast. I have therefore proposed measures to authorize the construction and operation of deepwater port facilities in a manner consistent with our environmental priorities and consonant with the rights and responsibilities of the States involved.

We must not delay this important legislation. To do so would further delay the economical import of petroleum and would mean increased costs to the American consumer, unnecessary threats to our coastal environment, and further loss of revenues to Canadian and Caribbean ports which are already capable of off-loading large super-tankers.

NATURAL GAS

For several years Federal regulation of natural gas has helped to keep the price of that product artificially low. Large industrial consumers have welcomed this system of regulations—it has helped them to hold their fuel costs down, and since natural gas is the cleanest of our fossil fuels, it has also enabled them to meet environmental standards at an artificially low cost. This system of regulation, however, has also had the unfortunate result of discouraging producers from expanding supplies. As a result of high consumption by industrial uses coupled with the reluctance of producers to explore and develop new sources of natural gas, we now face a natural gas shortage.

I have therefore proposed that we begin a gradual move to free market prices for natural gas by allowing the price of new supplies of domestic natural gas to be determined by the competitive forces of the marketplace. This action should provide a secure source of natural gas at a price significantly lower than alternative sources. While there may be an increase in the price of natural gas over the short term that increase should be modest.

SURFACE MINING

Our most abundant domestic source of energy is coal. We must learn to use more of it, and we must learn to do so in a manner which does not damage the land we inhabit or the air we breathe.

Surface mining is both the most economical and the most environmentally destructive method of extracting coal. The damage caused by surface mining, however, can be repaired and the land restored. I believe it is the responsibility of the mining industry to undertake such restorative action and I believe it must be required of them.

I have proposed legislation to establish reclamation standards which would regulate all surface and underground mining in this country. These standards would be enforced by the States. I call again for enactment of this proposal, for it would enable us to increase the supply of a highly economic fuel while avoiding the severe environmental penalties which we have often paid in the past.

REORGANIZATION OF FEDERAL ENERGY EFFORT

The four energy bills discussed above can and should be passed by the Congress this year. There are three additional measures proposed by the Administration whose early passage is important but not so critical that they require action this year. I would hope that these measures would be near the top of the legislative agenda in the future.

One of these bills provides for reorganization of the Federal energy effort. While energy is one of our Nation's most pressing problems, and while the preservation and effective use of our natural resources is an imperative policy goal, it is presently impossible to administer these related objectives in a coordinated way. Our ability to manage our resources and provide for our needs should not be held hostage to old forms and institutions.

I have noted repeatedly the need for thorough reorganization of the executive branch of the Federal Government. I believe the need for reorganization is especially acute in the natural resource area. I have urged and I urge again the creation of a Department of Energy and Natural Resources to permit us to deal with these questions in a more comprehensive and more effective manner.

I also again ask the Congress to create a new, independent Energy Research and Development Administration so that we can make the very best use of our research and development funds in the future. Our research and development effort could produce the most helpful solutions to the energy problem. For that reason, I recently announced plans to initiate a $10 billion Federal effort in this field over the next five years. No legislative action is needed by the Congress this year to provide funding, but it will be necessary for the Congress to approve such funding in the years ahead.

Since regulation of atomic energy resources can be better and more fairly performed if it is disengaged from the

question of their development and promotion, I have also included in this reorganization package a separate and independent Nuclear Energy Commission to perform these vital duties.

SITING OF POWER PLANTS

One of the major energy questions we face in 1973 is whether we can provide sufficient electric power to light our cities, cool and heat our homes, and power our industries in the decades ahead. One of the solutions to that problem lies in the increased use of nuclear energy. It is estimated that by the year 2000 nuclear power can provide nearly half of this country's electrical production.

We now have adequate safeguards to ensure that nuclear power plants are safe and environmentally acceptable, but the way in which we apply those safeguards sometimes causes unreasonable delays in construction. Similarly, protracted delays have been encountered in the siting of our plants that are powered by fossile fuels, which still must provide the majority of our electric generation capacity over the next three decades. Accordingly, I have proposed legislation which would streamline the process for determining the sites of power plants and transmission lines while continuing to provide full protection for public health and for the environment. This legislation has been under study for two years, and I am anxious to get it out of committees and onto the statute books.

SANTA BARBARA ENERGY RESERVE

It is important to the necessary expansion of our domestic energy resources that we make more effective use of the vast oil and gas reserves along our Outer Continental Shelf. That is why I have ordered the Department of the Interior to triple the leasing schedule in this area and have directed the Council on Environmental Quality to study the feasibility of extending Outer Continental Shelf leasing to the waters off our Atlantic Coast and the Gulf of Alaska. I am equally determined, however, that our efforts to expand energy production should not run rough-shod over our valid concern to protect and enhance the natural environment.

I have therefore proposed in the past, and have resubmitted to the Congress this year, legislation to cancel oil leases in the Santa Barbara Channel and to create in that area a National Energy Reserve. Under this legislation, oil from Naval Petroleum Reserve No. 1 in California would be substituted for the oil off Santa Barbara and part of the proceeds from that production would be used to meet the expenses of exploring other potentially vast oil and gas reserves in Naval Petroleum Reserve No. 4 in Alaska. I believe that this legislation would permit us to maintain momentum in exploration and development while at the same time removing the threat of oil spills as a result of the unique geological formations off the Southern California coast.

In view of the present scarcity of fuels, it is important that we act now to draw upon the oil available in the Naval Petroleum Reserve No. 1 (Elk Hills). During the next several days, at my direction, representatives of the Administration will seek the necessary consultations with members of the Congress in order to increase production of oil from Elk Hills. This increased production should help to meet the fuel needs of the West Coast this winter.

RESTORING AND RENEWING OUR ENVIRONMENT

In my message to the Congress on February 15th of this year, I was able to report that our Nation had moved away from an era of environmental neglect into a new era of restoration and renewal. The 92nd Congress helped in this process by enacting a number of important measures in 1971 and 1972.

Unfortunately, that Congress failed to act upon nineteen of my environmental proposals, and the Administration therefore resubmitted them last winter to the new Congress. While most of these measures still await action, I continue to hope that the Congress will turn its attention to them.

Some say we have been the victim of our own success—that we have passed important legislation in the environmental area and that many are now tempted to rest on these laurels. But such lassitude would be dangerous. There are many areas of environmental concern still to be addressed. Three particularly important matters are national land use policy, the regulation of toxic substances, and the assurance of safe drinking water.

NATIONAL LAND USE POLICY ACT

The management of our lands is an emerging need of the highest priority. I firmly believe that land use policy is, and must remain, a basic responsibility of State and local governments and that the Federal Government should not usurp their functions. Nevertheless, the Federal Government should exercise leadership concerning the land use decisionmaking process, since our land is part of our national heritage and since decisions about land use often have regional and national consequences. The proposals I have made are designed to strike a careful balance between the setting of general standards at the Federal level and specific enforcement at the State and local level.

We first transmitted the proposed National Land Use Policy Act to the Congress in 1971, but there has been no law enacted since then. I am pleased, however, that the Senate has passed legislation incorporating many of the policies I have proposed. This legislation properly delineates the respective roles of the Federal, State and local governments in land use regulation. The Senate bill is deficient, however, in that it imposes an excessive financial burden on the Federal Government. I am hopeful that a responsible compromise can be worked out in the weeks ahead.

TOXIC SUBSTANCES

Because the great quantities of new chemicals now being used by industry pose undefined hazards to human life and the environment, I also asked the Congress again last February for legislation that would set standards for determining whether such chemicals are hazardous.

Such legislation has now passed both Houses of the Congress and is in conference committee. Although the Congressional version differs somewhat from the proposals the Administration has submitted, this new legislation would take the essential step of providing the Environmental Protection Agency with significant new authorities in this area. I am confident that a reasonable solution will be ironed out in conference, and I urge the Congress to move forward as rapidly as possible.

SAFE DRINKING WATER ACT

Finally, we must take new steps to protect the purity of our drinking water. The Federal Government's role in this process, however, should not be that of direct regulation but rather that of stimulating State and local authorities to ensure that national standards are met. I have asked that the primary monitoring and enforcement responsibilities for such standards be left with the States and localities.

This legislation has passed the Senate and awaits action in the House. While I urge prompt approval of this important new authority for the Environmental Protection Agency, I caution the Congress not to impinge on State and local powers and not to shift the responsibility for financing this program to the Federal Government and away from the users, where it belongs.

HUMAN RESOURCE NEEDS

It is an old adage that people are our most precious resource, but our legislative progress so far this year scarcely reflects that belief. Only a handful of bills has been passed in this important field. There are many other human resource measures proposed by the Administration and now pending before the Congress which deserve prompt consideration.

EDUCATION

As the Congress resumes its work for the fall legislative session, some 50 million young Americans are returning to elementary and secondary school classrooms all across the country. There they will pursue the education which is so important in broadening their horizons for the future and keeping our country progressive and free. Making sure that real educational excellence is available to all of those children must rank high on any list of human resource priorities for our Nation.

Constructive cooperation between the Administration and the Congress has already produced notable gains on this front over the past several years. The dismantling of dual school systems in the South is now virtually complete and the task of remedying school discrimination elsewhere in the country is proceeding harmoniously with forced busing being kept to a minimum. The National Institute of Education, which was created at my request by the Congress in 1972, is becoming the center for educational reform and innovation we hoped it could be. Total Federal outlays for education will reach $13.8 billion under my 1974 budget proposals—an increase of $4.8 billion over the 1969 level.

Of crucial importance now, however, is whether those funds are being channeled in such a way as to purchase maximum educational benefit for the students they are intended to help. The ex-

perience of nearly a decade since the Federal Government shouldered a major school aid role under the Elementary and Secondary Education Act of 1965 indicates that these funds are not being used as effectively and equitably as they should be. Elementary and secondary education grant programs have proved so rigid, narrow, fragmented and encumbered with red tape that reform, consolidation, greater equity and simplification are now essential.

It was to meet this need that I first asked the Congress early in 1971 to shift most Federal education programs from a categorical grant basis to a special revenue sharing approach. The need is still unmet as another school year starts. The best remedy is contained in the principles of the education legislation which the Administration proposed in 1971 and again in March of this year. The principles are more important than the question of how the bill is titled or who gets the credit.

I realize that the Better Schools Act has encountered difficulties in the Congress. I believe, however, that an acceptable proposal can be developed, and I am ready to work closely with the Congress to see that this goal is accomplished.

It will take political courage for the House and Senate to reject proposals which would perpetuate the more than 30 categorical grant programs perennially popular with legislators. But these programs are so tangled that we must move toward streamlining them and toward transferring key decision-making power out of the Washington bureaucracy back to the State and local levels where it can be exercised more intelligently. But if the Congress will keep its attention focused on the question of what best serves our school children, I believe it will recognize the need for prompt action.

Another area of renewed interest this fall is busing. My position is well known. I am opposed to compulsory busing for the purpose of achieving racial balance in our schools. I continue to believe in the neighborhood school—in the right of children to attend schools near their homes with friends who live near them. I continue to believe that busing is an unsatisfactory remedy for the inequities and inequalities of educational opportunity that exist in our country, tragic as those discrepancies are. We have been working to end those discrepancies, and we will continue to do so. But we should also place effective and reasonable curbs on busing in a way which would aid rather than challenge the courts. Last year I proposed legislation designed to achieve this goal. I will continue to work with the Congress in an effort to enact legislation which will end involuntary busing for purposes of racial balance and concentrate our effort on true opportunity in education.

WELFARE REFORM

Another critical need in the human resource area is to overhaul our welfare system. Earlier this year I directed that vigorous steps be taken to strengthen the management of the welfare program through administrative measures and legislative proposals. I have further directed that the study of legislative proposals include a review not only of the basic welfare program but also its relationship to other programs designed to assist low-income families, such as food stamps, public housing and medicaid. That study is now going forward, and I will be reviewing its results in the weeks ahead.

MANPOWER TRAINING AND RELATED LEGISLATION

A second basic concern of public policy in the area of human resources involves the effort to guarantee to all our people the opportunity and satisfaction of working at a good job for a good wage. The Administration and the Congress have worked together effectively to foster the economic expansion which has now brought our total employment to record levels and has raised real wages significantly. In addition, we have taken important steps to improve the quality of the work environment. These steps have included passage of the landmark Occupational Safety and Health Act of 1970 and a major overhaul of the unemployment insurance system.

But much remains to be done, especially for those workers on the fringes of the labor force whose low skills or other disadvantages leave them "on the outside looking in." Massive Federal aid in the manpower training field, as in education, dates from the 1960's—and here, too, it has become clear from the perspective of the 1970's that reform must be the order of the day. A special revenue sharing approach permitting States and communities to tailor their own programs to local needs will get better results for the dollar than those achieved by inflexible categorical grant programs designed in Washington.

In the face of Congressional rejection of my proposals in this area in 1971 and 1972, I directed the Secretary of Labor last January to implement administratively the principles of manpower revenue sharing, in so far as possible under existing law. That effort is now going forward, but I am certainly prepared to work with the Congress to achieve this same goal through legislation.

Working men and women will also be looking to the Congress this fall for action on three other bills which the Administration is requesting in their interest:

—*The Job Security Assistance Act,* which would establish minimum benefit levels for State unemployment compensation programs and extend coverage to farm workers;

—*The Vocational Rehabilitation Act* amendments, which would extend and improve job training programs for the handicapped, taking the place of an earlier measure whose severe over-spending provisions and program distortions necessitated my veto in March; and

—A constructive measure that would *raise the minimum wage* in light of the cost of living increases since the last such adjustment in 1968. Such legislation is essential to replace an earlier minimum wage bill which I felt compelled to veto last week because it would have hurt low-income workers and would have added to inflationary pressures in the economy.

PENSION REFORM

For most Americans, there are now two principal ways of providing for retirement. The first is the social security system, which is the largest system of its kind in the world and one of the most effective. The second is the system of private pension plans. Those plans now cover some 30 million workers and pay benefits to another 6 million retired persons.

As private pension plans have developed, certain flaws have also become apparent. The Federal Government should now act to help correct them. I first asked the Congress to enact pension reform legislation in 1971 and, after 16 months of additional study and hearings, I submitted two new bills to the Congress in the spring of this year.

One of these bills, the Retirement Benefits Tax Act, would give each worker greater rights in his pension plan and require that more money be put into it so that he will be more fully protected if he leaves his job before retirement. Unlike some of the alternative bills, it would also maintain strong encouragement for other employers to set up pension plans—an important provision since about half of the total private labor force is not covered at the present time.

The second bill, the Employee Benefits Protection Act, would establish tighter fiduciary standards for the administration of the more than $160 billion now invested in private pension and welfare funds. The unscrupulous activity which has sometimes characterized the administration of these funds in the past convinces me that the Federal Government should play a watchdog role.

I am aware that several other pension proposals have support on Capitol Hill. A reasonable compromise seems in order, and my Administration is anxious to work with the Congress to achieve agreement in the months ahead.

HEALTH LEGISLATION

In the field of health care and medical protection, the Administration remains committed to a broad national health strategy which will eliminate financial barriers to needed medical help for every American family and will open to all our people the promise of longer, fuller lives with increasing freedom from disease. We have nearly doubled Federal outlays for health since I took office, and we have been mobilizing to conquer cancer and to fight other particularly cruel enemies such as heart disease, and drug abuse.

My number one priority in this field over the long term remains the building of a balanced health insurance partnership in which the public and private sectors join to bring the costs of quality care within every family's reach. However, the present crowded calendars of key Congressional committees make it seem more likely to me that the real push for this reform must come in 1974. We will move forward this fall with the work needed for the introduction of legislation at an early date.

An attainable goal for these final months of 1973 is passage of the Administration's proposed Health Maintenance Organization Assistance Act, which would provide Federal money to demonstrate the promising innovation

of group medical centers where quality care can be maximized and costs minimized. The Senate has passed a bill to further the HMO concept. That bill, however, calls for a full-scale development effort rather than a limited demonstration program. A national development effort would require funding levels far beyond what is needed or what we can afford. The House is presently developing a bill which would be a fiscally responsible demonstration effort. If such a bill is passed by the full Congress, I will support it.

LEGAL SERVICES CORPORATION

The Administration will also work closely with the Congress in the weeks ahead to obtain final passage of our bill to establish a Legal Services Corporation which would provide the poor with quality legal representation, would be free from political pressures, and would include safeguards to ensure its operation in a responsible manner. Legal Services legislation has passed the House. Nothing should now stand in the way of prompt Senate action.

INDIAN LEGISLATION

The steadfast policy of this Administration is to advance the opportunities of American Indians for self-determination without bringing an end to the special Federal relationship with recognized Indian tribes. To that end, there are now six major pieces of legislation pending in the Congress which I proposed as long ago as July of 1970. This legislation would help to foster greater self-determination for the Indians, to expand their business opportunities, and to provide better protection of their natural resources. Many Indian leaders have indicated strong support for this legislation, and I would hope that the Congress will now act on it with the speed that it so clearly deserves.

PENSIONS FOR VETERANS

This Administration strongly believes that the Nation owes a special debt to its veterans, and we have tried to fulfill that obligation by supporting a number of improvements in veterans legislation. During the past four years, for instance, I have twice signed bills increasing the educational benefits for veterans and, during the current year, I have signed into law bills covering health care and cemetery benefits. All of those bills were the product of close cooperation between the Congress and the Administration.

The Congress is currently considering new pension legislation for veterans. With certain modifications, this bill would be a good first step toward the full reform which I believe to be necessary and which should be considered during the early days of the next session of the Congress.

CONSUMER AFFAIRS

Early in 1971, after the Congress had failed to act on my proposal to create an Office of Consumer Affairs, I established such an office by Executive order. The office is now a part of the Department of Health, Education and Welfare. In addition to playing an important role in forming Administration policy on consumer affairs and helping to educate the public on better ways to make consumer choices, the office seeks to represent consumer interests in testimony before the Congress and acts as a general ombudsman for the individual consumer.

I am convinced that we can do a good job for the consumer without excessive Federal intervention which could destroy the freedom of the American marketplace. However, I believe that more should be done in this field. To that end, I outlined this spring appropriate legislative specifications for establishing a separate Consumer Protection Agency and I am prepared to work further with the Congress on this issue.

VOLUNTEERISM

More than two years ago, in order to advance our tradition of voluntary action, I created a new Federal agency called ACTION. That agency is now responsible for directing federally funded domestic volunteer programs as well as the Peace Corps. ACTION has now proved to be an effective way of encouraging greater voluntary action here and abroad, and I am now anxious to place it on a more permanent footing. Accordingly, I ask that the Congress act this fall to provide legislative authority for this agency. Appropriate language for this legislation was agreed to prior to the August recess by a bipartisan group of sponsors in the House and Senate and by the Administration. I hope that this legislation will soon be sent to me for signature.

BUILDING BETTER COMMUNITIES

As we look back over the past decade, we can take pride in the fact that we have substantially slowed the processes of social upheaval in our cities. Yet by any yardstick, there is a great deal of work ahead if we are to make life in our communities as healthy and enriching as it should be.

It would be reassuring to believe that the expensive Federal Government programs of the past have made great inroads on our urban problems, but that is clearly not the case. Many of the programs designed for this purpose, such as urban renewal and the Model Cities experiment, have not done the job that was expected of them and often have had a counterproductive impact. Consequently, I have recommended they be scrapped. We have learned from experience that we cannot cure our social ills simply by throwing money at them or dictating prescriptions from Washington.

What we are seeking now is a set of new approaches and a set of new programs: we are seeking change that works. My Administration has proposed a series of initiatives which would guide us along a more productive path. I have been keenly disappointed that some Members of the Congress seem so interested in continuing programs that are proven failures that we are unable to gain a full hearing for new approaches that clearly deserve a chance.

So far, the only significant legislative breakthrough this year has been the enactment of a modified highway bill, permitting some of the money in the Highway Trust Fund to be used for vitally needed mass transit systems. This is a concept which I vigorously advocated and I signed it into law with a strong sense of pride and hope. Other Administration initiatives, however, still languish on Capitol Hill. To break the present stalemate, I am prepared to accept something less than the full legislative measures I have proposed. I would hope that in the same spirit some Members of the Congress would drop their insistence upon continuing the programs which have produced such limited social returns.

THE BETTER COMMUNITIES ACT

The Better Communities Act is the centerpiece of the legislative package which my Administration has sent to the Congress this year in the community development field. Embodied in this bill is a fundamentally different approach to the problems of community life. If it were passed, the Federal Government would continue to funnel money into our communities, but essential decisions on how that money was to be spent would no longer be made in Washington but at the local level. Five categorical grant programs and two loan programs which have proven to be inflexible and fragmented would be replaced and local governments would no longer be hamstrung by Washington's red tape.

I am aware that action on this bill has been delayed partly because some Members of the Congress wish to consider the Administration's housing proposals simultaneously. As I indicated in March, I ordered an intensive six-month study of Government housing policies to be conducted before I submitted such proposals. That study has just been completed and I plan to submit shortly a new set of housing policy recommendations to the Congress. When those recommendations arrive, I am hopeful that the Congress will move swiftly on both the Better Communities Act and the housing requests. Final action in 1973 may be an unrealistic goal, but I would certainly hope that we might have new laws on the books by early spring in 1974.

Finally, it is important that the Congress pass the simple one-year extension of the FHA mortgage insurance programs which will expire October 1. Last week the House of Representatives took constructive action by refusing to act on an extension bill which contained several undesirable "Christmas tree" amendments. The Congress should now act swiftly and responsibly in order to prevent a repeat of the month-long gap in FHA insurance activity which occurred early this summer.

RAILROADS

There can be no doubt that the plight of the rail lines in the 17 States of the Northeast and Midwest presents an immediate and far-reaching transportation problem. Six major railroad lines in this area are now bankrupt and shutdowns are threatened. The danger extends across the country because railroads in other parts of the Nation still use the bankrupt lines. A failure of any significant part of our Nation's railroad system would impair our ability to move freight efficiently to all parts of our Nation.

The solution proposed by the Administration would provide for the restructuring of the railroad system so that new, privately-owned and economically viable rail systems could be developed from those now in bankruptcy. The Federal

Government would provide some $125 million over an 18-month period to assist in this process. While we are always open to suggestions for improvement in our proposal, I feel that some of the alternatives which have been aired in the Congress—especially those which would merely postpone action or would saddle the Federal Government with a heavy financial burden, or could lead to quasi-nationalization—are beyond the pale of acceptability. Present bankruptcy proceedings and the possibility of liquidation make it imperative that the Congress act promptly to meet the emerging crisis.

I will soon submit to the Congress my Transportation Improvement Act of 1973. This legislation is designed to address some of the outmoded and excessively restrictive regulatory procedures which affect the entire railroad industry. The steps recommended are critical to creating a healthy system of railroads for our Nation—a matter of increased urgency as we face environmental and energy problems. I urge prompt Congressional action on this important legislation.

DISASTER PREPAREDNESS AND RELIEF

This Administration has had ample opportunity to test our Federal programs for dealing with natural disasters. Since taking office in 1969, I have had to declare 147 major disasters in 42 States and 3 Territories. The year 1972—punctuated by Hurricane Agnes—proved to be a record-setting year in this respect: there were 48 major disasters, accounting in part for the food shortages we have had in 1973.

As a result of these experiences, I am convinced that we can do a better job in preparing for disasters and in providing assistance to those who are hardest hit. I have proposed two major pieces of legislation designed to insure that 1973 will mark a turning point in the story of our disaster programs.

The first of these measures is the proposed Disaster Preparedness and Assistance Act. This bill is based upon a major recent study of all disaster relief activities of the Federal Government. It is designed to provide badly needed emphasis upon preventive measures and to encourage the use of insurance before disasters strike. It would increase the role of State and local officials in determining how Federal money would be spent in assisting disaster-stricken communities—and it would provide for automatic release of Federal funds in the case of major disasters. Red tape, bureaucratic delays, and Federal interference would be substantially reduced, while Federal assistance would be provided more rapidly. The bill also includes generous grant features for those disaster victims unable to repay Government loans while continuing grants to help communities restore their public facilities.

To date, this legislation, so vital to our efforts to mitigate disaster damage, has received only one perfunctory hearing in the Congress. It deserves more serious consideration.

The second major Administration initiative in this area is the proposed Flood Disaster Protection Act. Flood insurance is a key part of any disaster assistance program. This bill would expand the flood insurance program by increasing insurance coverage from $6 to $10 billion. It would also require participation in the flood insurance program by communities that are known to be flood prone, so that residents of these communities would have more adequate protection and would help to bear a reasonable share of the cost.

The Congress has moved rapidly on this bill; but unfortunately, in floor action this past week, the House added a number of amendments that would seriously hamstring the administration of the program and would badly erode its effectiveness. I hope that we can iron out our differences on these crippling amendments in a spirit of constructive compromise that preserves the effectiveness of the bill for those who need it so badly.

SELF-GOVERNMENT FOR THE DISTRICT OF COLUMBIA

In 1969 I first proposed a series of actions intended to bring about an orderly transfer of political power to the people of the District of Columbia. I called for a Constitutional Amendment giving the District at least one representative in the House and such other additional representation as the Congress may approve. I proposed, and Congress enacted, legislation providing for an interim non-voting Congressional delegate and for the creation of a Commission on the Organization of the Government of the District of Columbia, the so-called Nelsen Commission.

The Nelsen Commission's recommendations deserve careful consideration. If enacted, these proposals would greatly strengthen the capability and expand the authority of the City's government and moderate the Federal constraints over its operation. Once again, I urge rapid action by the Congress.

As the American Bicentennial dawns, I pledge the Administration to work receptively and cooperatively in this area to achieve true and effective self-government for the District of Columbia.

FIGHTING CRIME AND DRUG ABUSE

In recent years, America's peace officers, with the assistance and encouragement of Federal law enforcement agencies and with the support of far-sighted legislation passed by the Congress, have made commendable inroads against crime. After 17 years of continuous and sometimes shocking increases in the rate of crime, the nationwide rate of serious crime went down in 1972.

But this progress must not be taken as evidence that we can now relent in this struggle. Rather, we must redouble our efforts to restore law and order to America, whether it be in the boardrooms of our corporations, in the halls of our government, or on our city streets. We must do all we can to make the present moment a decisive turning point so that our communities will once again be safe. Three of my legislative proposals are designed to do just that: a bill to modernize and reform the Federal Criminal Code; a heroin trafficking bill to crack down on drug pushers; and a bill to restore the death penalty for certain of the most serious Federal offenses.

CRIMINAL CODE REFORM

There is a compelling need for greater clarity and consistency in our criminal laws, especially in those which fall within the Federal ambit. The Federal Criminal Code, which dates back to 1790, has never been thoroughly revised. It is no longer a fully effective instrument for the administration of criminal justice—just as the national transport systems of 1790 would no longer be adequate to the demands of 20th century America.

Since 1966, a number of public and private studies have been directed to the development of necessary reforms in the Federal Criminal Code. It is time that such reforms be undertaken. I have submitted a sweeping proposal for reform, based upon a five-year study by a bipartisan national commission. This measure would eliminate a number of inadequate, obsolete, or frivolous statutes from the Code and would re-order other statutes into a rational, integrated Code responsive to the needs of our modern society.

Although extensive consideration has already been given to this matter by public and private commissioners, I realize that a prudent Congress will still wish to study this matter carefully. Senator McClellan has also introduced his own proposals for comprehensive Code reform. Certainly the best parts of each set of proposals can be joined as the legislative process goes forward. Fortunately, hearings have already begun in the Senate and I trust that both Houses will move with appropriate dispatch on this complex but vital endeavor.

HEROIN TRAFFICKING ACT

In spite of our encouraging progress in eliminating the scourge of drug abuse in America, we still have a long way to go in this vital work.

The center of gravity for America's drug problem rests in the area of "hard drugs"—with heroin at the top of the list. Heroin trafficking is involved with the entire spectrum of criminality, ranging from international organized crime to muggings on the street. It is one of the most remunerative areas of criminal activity and we will never be able to cope with it effectively until the sanctions we can bring to bear against it are as severe as its profits are attractive.

Recent studies have shown that tens of thousands of those arrested on narcotics charges are put right back on the street for periods ranging up to a year and more as they successfully play for time against the courts. More alarming still is the fact that many thousands of those convicted on narcotics charges are never sent to jail. Such facts mean that the penalties for hard drug trafficking are an ineffective deterrent when compared with the potential gains from this multibillion dollar criminal activity.

The conclusion is simple. We must have laws that will enable us to take heroin traffickers off the streets. I have submitted a proposal which would do precisely that. It would provide tough new penalties for heroin traffickers including minimum mandatory prison sentences. It would also allow a judge to consider the danger to the community before releasing arrested heroin traffickers on bail.

Heroin traffic is a clear and present danger, the pernicious effects of which all reasonable men can agree upon. While many of the proposals which I have placed before the Congress may require extended consideration, the need for cracking down on the heroin traffic cannot reasonably be supposed to be among them. I ask therefore that the immediate attention of the Congress be given to legislation which would help us eliminate this market for misery.

CAPITAL PUNISHMENT

The death penalty is not a sanction to be employed loosely or considered lightly, but neither is it to be ignored as a fitting penalty, in exceptional circumstances, for the purpose of preventing or deterring crime. I wish to reaffirm my conviction that the death penalty should be restored for treason, assassination, acts of sabotage and espionage, which are particularly serious, and for violations of selected Federal laws in which death results.

I am deeply troubled by the fact that our courts are often now deprived of a credible sanction in their efforts against violent crime while prospective criminals are provided with the comfort and encouragement of knowing that they will often suffer only limited and mitigable consequences to themselves. I ask that the Congress continue its efforts to correct this discrepancy.

REFORM OF CAMPAIGN PRACTICES

No subject over the last few months has so stirred public comment and reflection as the question of campaign practices.

For nearly four months now, the Congress has had before it my proposal to establish a Non-Partisan Commission on Federal Election Reform so that we could overhaul our campaign practices in a comprehensive, sound and expeditious manner. In light of the great interest of the public and the Congress in such reform, I am at a loss to understand why only the Senate has acted on this request.

In order to have made any reform effective for the 1974 elections, the Commission should have been established and prepared to submit a report by December 1, as I initially proposed. Unfortunately, this opportunity appears to be slipping by and the American public might well ask whether the interest in reform is restricted to calling for changes rather than making changes.

While the passage of time has already made it unlikely that reforms which spring from the Commission's study could be made effective prior to the 1974 Congressional elections, it is not too late for the Congress to move forward to establish the Commission.

PREPARING FOR THE BICENTENNIAL

America is virtually on the eve of its Bicentennial anniversary. Yet a great deal of preparation remains to be accomplished in a relatively short time if our celebration of two hundred years of liberty is to be equal to the importance of the occasion. To this end, I have proposed the creation of an American Revolution Bicentennial Administration to continue and expand upon the work of the present American Revolution Bicentennial Commission. The House has passed a bill in this area and the Senate is moving toward final consideration of its version of the bill.

We are moving rapidly toward a fixed point in time, and we must act swiftly if all agencies of the Federal Government, along with State, local, and private institutions, are to be given the maximum opportunity to prepare properly for the Bicentennial year.

Since the expanded resources of the Arts and Humanities Endowments would be designed in part to aid in these preparations, I am also confident that the House and Senate conferees will soon complete needed action on the authorization bill for these two institutions. It is now widely recognized that both of the endowments are playing an effective role in enriching our cultural and intellectual life, and they continue to deserve our strong support.

METRIC CONVERSION

Americans cherish tradition and our own way of doing things. Having been acculturated from childhood to the concepts of an inch, a mile, or a pound, we are understandably nonplussed when we consider the notion of a centimeter, a kilometer, a gram or a kilo. However, when we realize that the rest of the world is equally confused by our system of measurement, we must conclude, however sadly, that we are the ones who are out of step.

In a world of integrated commerce and increasing personal exchange, it is only prudent for us to adjust our own conceptions and devices for measuring and delineating quantity.

I have recommended to the Congress that it pass legislation to convert America to the metric system. This can be done in a reasonable manner, one which is not abrupt or disconcerting. I am pleased to note that the Administration's proposal is presently before the appropriate House subcommittee. I ask that the Senate give equally expeditious consideration to effecting this necessary change.

REORGANIZATION AUTHORITY

The authority of the President to submit Reorganization Plans to the Congress lapsed in April of this year and has not yet been renewed.

This authority permits the President to organize programs and agencies in order to achieve the most effective and efficient performance. It is, therefore, an important executive management tool which provides flexibility and increased capacity to respond to changing needs.

This authority has been made available to every President for more than 25 years. It is essential that it be renewed with great dispatch.

KEEPING THE PEACE

For the first time in more than a decade, America is at peace. Now we must learn how to keep that peace—a task that is at least as demanding and in many ways even more subtle than the struggle to end a war.

There is always a temptation after war to enter into a period of withdrawal and isolation. But surely we have learned from past lessons of precipitate disarmament that this temptation must be resisted. And surely we have also learned that our progress in securing peace is due in large measure to our continued military strength and to the steadfast, responsible role we have played in the affairs of our world.

DEFENSE SPENDING

In recent years, it has been fashionable to suggest that whatever we want in the way of extra programs at home could be painlessly financed by lopping 5 or 10 or 20 billion dollars off the defense budget. This approach is worse than foolhardy; it is suicidal. We could have the finest array of domestic programs in the world, and they would mean nothing if we lost our freedom or if, because of our weakness, we were plunged into the abyss of nuclear war.

The world's hope for peace depends on America's strength—it depends absolutely on our never falling into the position of being the world's second strongest nation in the world.

For years now we have been engaged in a long, painstaking process of negotiating mutual limits on strategic nuclear arms. Historic agreements have already been reached and others are in prospect. Talks are also going forward this year aimed at a mutual and balanced reduction of forces in Europe. But the point of all these negotiations is this: if peace is to be preserved the limitations and the reductions must be mutual. What one side is willing to give up for free, the other side will not bargain for.

If America's peace and America's freedom are worth preserving, then they are worth the cost of whatever level of military strength it takes to preserve them. We must not yield to the folly of breaching that level and so undermining our hopes and the world's hopes for a peaceful future.

Although my military budget—measured in constant dollars—is down by almost one-third since 1968, the Congress is now threatening further defense cuts which would be the largest since 1949. To take such unilateral action—without exacting similar concessions from our adversaries—could undermine the chances for further mutual arms limitations or reductions. I will therefore actively oppose these cuts.

The arms limitations agreement signed with the Soviet Union last year has at last halted the rapid growth in the numbers of strategic weapons. Despite this concrete achievement, much needs to be done to ensure continued stability and to support our negotiation of a permanent strategic arms agreement. A vigorous research and development program is essential to provide vital insurance that no adversary will ever gain a decisive advantage through technological breakthrough and that massive deployment expenditures will therefore not become necessary. Yet the Congress is in the process of slashing research and development funding below minimum prudent levels, including elimination of our cruise missile and air defense programs. The Trident and B-1 programs, which are critical to maintaining a reliable deterrent into the next decade, are also facing proposals to cut them to the bone.

On top of this, the Senate has approved a staggering and unacceptable cut of 156,000 men in our military manpower. Such action would force us to reduce the number of ships in our Navy while the Soviet Union continues an un-

precedented naval buildup and to reduce the size of our Army and Air Force while the Soviet Union and the Chinese continue to maintain far larger forces.

In addition to these cuts, there is also a major Senate proposal requiring substantial unilateral troop withdrawals from Europe, a mistake that could begin a serious unraveling of the NATO alliance. Negotiations for mutual and balanced force reductions begin on October 30. On the very eve of negotiations, the troop cuts in Europe and the reduction in military manpower would destroy our chances of reaching an agreement with the Warsaw Pact countries to reduce troop levels in Europe on a mutual basis. If the Congress were to succeed in making these proposed cuts, the United States would be making far-reaching concessions even before the talks begin.

Cuts in other defense programs are equally unacceptable. It is illogical to cut America's capabilities at the very time the Soviet Union increases hers. And it would be difficult to stabilize delicate situations in the Middle East and Asia if the Congress removes the influential tools which have made stability possible.

FOREIGN ASSISTANCE ACT

Another matter of prime concern to me is our commitment to a sound program of bilateral and multilateral foreign aid. Last spring I sent to the Congress reasonable requests for our economic and military assistance programs. These programs represent a central element in America's ability to work with her allies to maintain peace and stability in the world. Unfortunately, the Congress has not treated these requests favorably.

The House has already cut about 25 percent from the military aid program and the Senate has cut it by one-half. Not only have extraordinary cuts been made in the funding, but restrictive amendments have been added in committee and others may be suggested on the floor. I cannot stand by while these crucial programs are gutted in haste and reaction.

Current foreign aid programs are being funded through a continuing resolution which ends on September 30. This approach is unsatisfactory, especially in light of demands resulting from North Vietnamese truce violations in Cambodia. Yet the Congress continues not only to provide smaller dollar amounts but also to make unreasonable requests for access to sensitive information and impose counterproductive conditions on specific programs. Such demands are unacceptable; they would badly compromise our ability to maintain security around the world.

I intend to make every effort to increase the funding for fiscal year 1974 security assistance requirements. I shall also strongly resist efforts by the Congress to impose unreasonable demands upon necessary foreign policy prerogatives of the executive branch. A spirit of bipartisan cooperation provided the steel which saw America through the Cold War and then through Vietnam. We must not jeopardize the great potential for peaceful progress in the post-Vietnam era by losing that strong bipartisan spirit.

To build a truly durable structure of peace, our progress in reforming the world's trade and monetary systems must be accompanied by efforts to help the poorer countries share more equitably in the world's growing prosperity. To this end, I ask the Congress to support our fair share of contributions to the multilateral development banks—both the proposed contributions now pending in the Congress and other proposals about which I am currently consulting with the Congress and which will be formally submitted in the near future. Our bilateral assistance programs are also an essential part of our effort to stimulate world development and I urge the Congress to give them full support.

All these efforts represent short-range investments in peace and progress which are of enormous long-range importance. To try to save a few dollars on these programs today could cost us far more tomorrow.

CONCLUSION

With the Congress, the Administration and the people working together during the coming weeks, we can achieve many of the goals described in this message. And we will work together most effectively if we remember that our ultimate responsibility is not to one political party, nor to one philosophical position, nor even to one branch of the Government. Our ultimate responsibility is to the people—and our deliberations must always be guided by their best interests.

Inevitably, we will have different opinions about what those interests demand. But if we proceed in a spirit of constructive partnership, our varying perspectives can be a source of greater creativity rather than a cause of deadlock.

We already know that the year 1973 will be recalled in history books as the year in which we ended the longest war in American history. Let us conduct ourselves in the next four months so that 1973 will also be remembered as the time in which we began to turn the blessings of peace into a better life for all.

RICHARD NIXON.

THE WHITE HOUSE, *September 10, 1973.*

PROCEEDINGS AGAINST GEORGE GORDON LIDDY

Mr. NEDZI. Mr. Speaker, I rise to a question of the privilege of the House, and, by direction of the Committee on Armed Services, I submit a privileged report (H. Rept. No. 93-453).

The Clerk read as follows:

REPORT CITING GEORGE GORDON LIDDY

INTRODUCTION

On Friday, July 20, 1973, during an executive session of the Special Subcommittee on Intelligence of the House Committee on Armed Services, Mr. George Gordon Liddy, who was called as a witness, pursuant to a Writ of Habeas Corpus, refused to be sworn prior to offering any testimony or claiming his privilege under the Fifth Amendment. A quorum being present, the subcommittee voted to report the matter to the full House Committee on Armed Services with a recommendation for reference to the House of Representatives under procedures which could ultimately result in Mr. Liddy being cited for contempt of Congress. [See Appendix 1.] On July 26, 1973 the House Committee on Armed Services met to receive the report of the Special Subcommittee on Intelligence with regard to the refusal of Mr. Liddy to be sworn. On July 31, 1973, the full committee, a quorum being present, on a record vote of 33-0, recommended the adoption of a resolution as follows:

"RESOLUTION

"*Resolved,* That the Speaker of the House of Representatives certify the report of the Committee on Armed Services of the House of Representatives as to the refusal of George Gordon Liddy to be sworn or to take affirmation to testify before a duly authorized subcommittee of the said Committee on Armed Services on July 20, 1973, together with all the facts in connection therewith, under the seal of the House of Representatives, to the United States Attorney for the District of Columbia, to the end that the said George Gordon Liddy may be proceeded against in the manner and form provided by law."

[See Appendix 2.]

BACKGROUND

At the time of the subcommittee hearings, Mr. Liddy was in confinement in the District of Columbia Jail as the result of his conviction on the Watergate breakin. Accordingly, the subcommittee petitioned Chief Judge John J. Sirica of the United States District Court for the District of Columbia for a Writ of Habeas Corpus Ad Testificandum as the only means of obtaining Mr. Liddy's presence before the subcommittee. In his discretion Judge Sirica signed that petition and an order was delivered to the United States Marshal for Mr. Liddy's appearance before the subcommittee on July 20, 1973. [See Appendix 1, pp. 16-17.] Mr. Liddy appeared as ordered.

In his appearance Mr. Liddy was asked to rise and take the oath. He refused to take the oath as a witness. Subsequently, his counsel presented an extensive brief after which Mr. Liddy again refused to take the oath. The witness claimed he had the absolute right under the Fifth Amendment to remain completely silent with regard to any offering before the subcommittee. He sought to establish that contention based upon his current conviction on the Watergate breakin which is under appeal, and the possibility of future indictments being brought against him. He further argued a Sixth Amendment right to avoid what he claims to be prejudicial publicity in the media should he claim his Fifth Amendment rights. Mr. Liddy agreed that his refusal to be sworn was not based on any religious grounds.

AUTHORITY

The Special Subcommittee on Intelligence is a duly constituted subcommittee of the House Committee on Armed Services pursuant to House Resolution 185, 93d Congress, and the appointment made during the organization meeting of the Committee on Armed Services on February 27, 1973. [See Appendix 1, pp. 11-16.] In addition, the chairmen of the subcommittee was given an order directing an inquiry into any CIA involvement in Watergate-Ellsberg matters. The subcommittee recommended those hearings on May 11, 1973, and in sixteen sessions since that date has had before it some twenty-four witnesses bearing on the subject of the inquiry. Prior to his appearance on July 20, 1973. Mr. Liddy, through his attorney, was advised by telephone of the purpose of the investigation and was asked to acknowledge that information by letter. That was done by Mr. Liddy's attorney on June 20, 1973. [See Appendix 1, pp. 17-18.] As indicated above, Mr. Liddy was properly before the subcommittee on a valid, duly executed Writ of Habeas Corpus Ad Testificandum [See Appendix 1, p. 16.]

CONCLUSION

The position of the committee is that all substantive and procedural legal prerequisites have been satisfied to date and that the House of Representatives should adopt the resolution to refer the matter to the appropriate U.S. Attorney. Title 2, United States Code, Sections 192 and 194 provide the neces-

sary vehicles for taking this action. Section 192 provides the basis for indictment should a witness before either House of Congress refuse to answer any question pertinent to the inquiry. Section 194 provides the vehicle for certifying such a result to the appropriate U.S. Attorney. The central question is whether failure to take the oath constitutes a refusal to give testimony. We believe it does.

Accordingly, it is the position of the committee that the proceedings to date are in order and we recommend that the House adopt the resolution to report the fact of the refusal of George Gordon Liddy to be sworn to testify at a meeting of the Special Subcommittee on Intelligence on July 20, 1973 together with all the facts in connection therewith to the end that he may be proceeded against as provided by law.

A memorandum of law is contained in Appendix 3.

APPENDIX I—SPECIAL SUBCOMMITTEE ON INTELLIGENCE HEARINGS, ON JULY 20, 1973, IN CONNECTION WITH THE CIA-WATERGATE-ELLSBERG MATTER. WITNESS: GEORGE GORDON LIDDY

HOUSE OF REPRESENTATIVES,
COMMITTEE ON ARMED SERVICES,
SUBCOMMITTEE ON INTELLIGENCE,
Washington, D.C., Friday, July 20, 1973.

The subcommittee met, pursuant to recess, at 10:35 a.m., in room 2337, Rayburn House Office Building, Hon. Lucien N. Nedzi, chairman of the subcommittee, presiding. Also present were Mr. Hébert (chairman of the House Committee on Armed Services), Mr. Bray, Mr. Price, and Mr. Arends, members of the subcommittee; and Mr. Slatinshek and Mr. Hogan, counsel to the committee.

Mr. NEDZI. The subcommittee will please come to order.

This morning we are continuing our hearings on the CIA-Watergate-Ellsberg matter, and we have called as a witness Mr. George Gordon Liddy, formerly associated with the White House and the Committee for the Re-Election of the President.

With Mr. Liddy is his attorney, Mr. Peter L. Maroulis.

Mr. Liddy, will you rise and take the oath?

Do you solemnly swear that the testimony you are about to give in this hearing shall be the truth, the whole truth, and nothing but the truth, so help you God?

Mr. LIDDY. Mr. Chairman, with all due respect to you personally and to the body of the Congress, for reasons which will be explained by my counsel I respectfully decline to take the oath as a witness.

Mr. NEDZI. The committee will hear your counsel.

Mr. MAROULIS. Mr. Chairman, I am Peter L. Maroulis. I am an attorney. My office is 11 Cannon Street, Poughkeepsie, N.Y.

I have an argument on behalf of my client that deals primarily with the fifth amendment; and the best way I can explain my position is to capsulize it by saying that my client was indicted, tried, convicted, and has an appeal pending.

At his trial he had a right not to take the stand. At retrial he will have that same right, if we are successful in our appeal.

The basis for my position regarding Mr. Liddy's refusal to take the oath is historical. With the indulgence of the subcommittee, it will take me a few minutes to explain it. May I proceed?

Mr. NEDZI. Please proceed.

Mr. MAROULIS. When the Constitution-makers drew up the fifth amendment, they were not articulating, a privilege bestowed on the individual by the State; rather, they were stating a right of the individual which was founded in a thousand years of common law history, and which would thenceforth be formally protected and guaranteed in this Nation by the Constitution.

The first clause of the fifth amendment states: "No person shall be held to answer for a capital, or otherwise infamous, crime, unless on a presentment or indictment of a Grand Jury * * *" In this clause is seated that very basis of our legal system, which is accusatorial rather than inquisitorial. No man is bound to accuse himself.

Initially, England followed the ancient Germanic adversary procedure for determining innocence or guilt. Upon accusation proof of innocence would be established three ways: (1) Ordeal, wherein the accused would be miraculously untouched if innocent; (2) compurgation, wherein friends or kindred of the accused and the accused himself would swear to his innocence; (3) trial by battle, wherein the accused would be victorious if innocent. These irrational methods came to be replaced in the 800's and thereafter by an accusational system on the part of the state, and an inquisitorial system on the part of the church.

From the 13th century to the end of the 17th century there was continual opposition to the inquisitional method. It was a struggle between common law and Romish procedure, the common law being basically accusatorial and the Roman law being inquisitorial.

In the 12th century Henry II extended the old Frankish system of inquiry by neighbors, which is the beginning of our grand and petit juries. At this time the accused had the Germanic right to the oath of purgation, or the oath of innocence, whereby he showed his innocence with compurgators.

In 1215 King John signed the Magna Charta, articles 38 and 39 of which say:

"No. 38. No bailiff from henceforth shall put any man to his law upon his own bare saying, without credible witnesses to prove it.

"No. 39. No freeman shall be taken or imprisoned, or disseised, or outlawed, or banished, or any ways destroyed, nor will we pass upon him, nor will we send upon him unless by the lawful judgement of his peers, or by the law of the land."

It would appear that these two articles articulate in writing for the first time the requirement of presentment which appears in almost every statute pertaining to legal case procedure during the next three centuries, and which finally evolved into the first clause of the fifth amendment. Circuit Justice Wisdom, speaking for the majority, in *De Luna* v. *United States* (308 Federal Second 140, 144—*5) allows that the germ of the fifth amendment might appear in article 38 of the Magna Carta.

While these changes were taking place in the civil law there were also innovations in the canon law. From 1198 to 1216 Innocent III instituted the inquisitional system through a series of decretals outlining the ex officio oath procedure in which the church official had the power, by virtue of his office, to require a person to answer truthfully upon his oath all questions put to him. The official was not to proceed against a person without reason, either common report or notorious suspicion. Cardinal Otto introduced this procedure into England in a constitution resulting from the Pan-Anglican Council of London in 1236. My citation for this information is Wigmore, pages 270–276.

The civil courts begin to abandon the old method of oath by compurgation or oath of innocence in favor of the more efficient method of the canon oath ex officio. At the same time, the safeguards that Innocent intended were ignored in both the canon and civil courts, resulting in widespread opposition to the procedure.

Throughout the following 500 years of struggle against the ex officio oath the grounds were essentially the same:

(1) People were opposed to judgment by an official rather than their own grand jury of neighbors and peers;

(2) They were opposed to the interrogatory fishing expeditions which resulted when parties were questioned without proper presentment, that being contrary to the Magna Carta and the common law.

(3) They were opposed to a procedure which required a man to accuse himself, his family or his friends.

During the 14th century there were repeated petitions to the King to prohibit the use of the oath. As a result Edward III issued several important statutes. Relating to civil courts, 42 Edward III, chapter 3, states:

"No man shall be put to answer without presentment before justices, or matter of record, or by due process and writ original, according to the old law of the land."

Again citing Wigmore, page 268. Edward III's De Articuli Cleri incorporates a previous prohibition by Henry III, limiting the use of the oath by ecclesiastical courts to matrimonial and testamentary causes:

"And they suffer not that any Laymen within their Bailiwick, come together in any Places to make such Recognitions by their Oaths, except in Causes of Matrimony and Testamentary."

In 1382 the prelates had an alleged act of Parliament put on the statute books which was supposedly enacted during the second session of Parliament in the 5th year of the reign of Richard II. The act, entitled "Statuts of the Realm 25–26," gave the church the power it wanted against heretics—enforced imprisonment of suspects until they confessed. But at their next session Commons said they had never assented to the enactment, and asked the King to declare the act void; he did so.

De Articulus Cleri was made ineffectual by Henry IV, who gave the canon courts the right to "determine" heresy according to the canonical decrees." That is 2 Henry IV, chapter 15.

In 1487 the statute which sanctioned the Star Chamber—that is 3 Henry VII 1—expressly gave it the power to examine the accused on oath in criminal cases, with no mention of the restrictions named in the ecclesiastical rulings, such as necessary presentment. This was the first formal statement acknowledging power to use the ex officio oath in civil cases; though, as above mentioned, it was not the first use of it. The authority behind this power was purely statutory, and not in keeping with the common law. The Star Chamber survived almost 200 years under this statute.

To abate protest against the ex officio oath Henry VIII enacted a statute providing that:

"Every person and persons being presented or indicted of [heresye] or duly accused or detected thereof by two lawful wytnesses at the leest to any Ordinaries of this Realmn havying power to examyne heresyes, accusacion or presentment and none otherwyse nor by other meanes by cited convented arrested [or] taken * * *"

That is 25 Henry VIII, chapter 14.

The grievance relieved by this statute is clearly against the ex officio oath and the negligence on the part of the courts in not requiring due presentment.

Edward VI took away the church's jurisdiction over heresy. Mary repealed the statutes of Henry VIII and revived those of Henry IV and the repudiated statute of Richard II. In the first year of the reign of Elizabeth she consolidated all power, ecclesiastical and civil, under the auspices of the crown, thus giving her complete jurisdiction in all matters. She had the Star Chamber with its carte blanche statutory powers to investigate and decide civil matter; and she had the Court of High Commission with equally undefined power in ecclesiastical cases.

The opposition this time was led by the Puritans. The basis of their dissent was that the inquisitional technique of forcing a man to accuse himself or inform on his family and friends on oath was contrary to the common law tradition and to the dignity of man. The Puritans had good legal counsel and the

sympathy of Commons throughout the battle. During this time the common law courts nullified punishments imposed by the High Commission for refusing to take the oath.

During this time the courts, speaking for the Queen, made many erroneous historical arguments refuting the accurate historical arguments made by the Puritans; thus it is sometimes difficult to separate fact from half-truth and fiction. But as Puritan opposition grew cases arose in which man flatly refused to take the oath; their statements and the decisions in these cases are irrefutable.

In 1584 an alliance was formed between the Puritan and Commons; and there was public support in the form of letters to the Queen for the Puritan cause, signed by many prominent members of Lords. Also in this year Commons drew up a series of complaints one of which was:

"* * * to forbear * * * examination *ex officio mero* of godly and learned preachers not detected [accused] unto them * * * and only to deal with them for such matters as shall be detected in them * * *"

The legal issue centered on a matter of procedure. The Star Chamber and High Commission were requiring men to answer on oath to crimes for which there was no presentment, and sometimes to answer on oath to questions designed to ferret out a chargeable crime.

In 1590 the preacher Udall before the High Commission refused to answer, on the ground that there was no indictment against him. However, a few months later, before a common law jury with proper presentment, he could not make that claim.

Udall's argument against answering on oath was a new one in the Puritan struggle. It was an appeal to freedom of conscience, and claimed that the oath was contrary to common law tradition. This reliance on the history of the common law tradition was the turning point in the Puritan struggle against royal prerogative.

The same circumstances held in the Jesuit Garnet's trial of 1606, which is reported in 2 How, State Trials, page 218:

"Garnet: 'When one is asked a question before a magistrate, he is not bound to answer before some witnesses be produced against him, "quia nemo tenetur prodere seipsum".'"

As Wigmore notes, this is not a flat refusal to answer, only an acknowledgement of the right to proper presentment. And John Lilburne, which is quoted, or cited, in 3 How, State Trials 1315, says "If I had been proceeded against by a bill I would have answered."

In his appeal to the House of Lords in 1646 Lilborne's lawyers argued:

"The ground whereof being that Mr. Lilburne refused to take an oath to answer all such questions as should be demanded of him, it being contrary to the laws of God, nature, and the kingdom, for any man to be his own accuser."

The Lords vacated his sentence, saying it was "illegal, and most unjust, against the liberty of the subject and the law of the land and Magna Charta."

It should be noted that the Star Chamber and High Commission had been abolished in 1641: so that the *ex officio* oath was prohibited. At the time they were abolished England was in a state of upheaval: Commons was in open revolt; Charles had given up his royal prerogative. Thus ended in England the inquisitional practice for forcing a man to accuse himself.

Thereafter it began to be accepted that no man is bound to incriminate himself on any charge, no matter how instituted, in any court. The jurisdictional distinction of proper presentment became unnecessary. Acceptance came first in the criminal trials and afterwards in civil cases. By the end of Charles II's reign the privilege to remain silent was extended to ordinary witnesses, not just the accused. However, this was in reality not much more than a rule that judges would recognize only on demand. "The old habit of questioning and arguing the accused died hard—did not disappear, indeed, until the 1700's had begun."

In the light of earlier grievances and their resulting statutes, it is clear that Wigmore's appraisal of the development of the right to silence as an outgrowth of jurisdictional jealousy between church and state in the 16th and 17th centuries is not an adequate explanation. The accusatorial system goes as far back as the Germanic adversry procedure, which began to change around 800 toward a more rational judicial process.

The oath of the ancient common law was an oath of innocence, not an inquisitional oath. With the introduction of the Romish inquisitional procedure, the English people fought against the power that system affords the state, as being contrary to common law and the dignity and autonomy of the individual.

As a result, the fifth amendment to the U.S. Constitution was adopted, and the fifth amendment reads:

"No person shall be held to answer for a capital or otherwise infamous crime, unless on a presentment or indictment of a Grand Jury, nor shall be compelled in any criminal case to be a witness against himself nor be deprived of life, liberty or property without due process of law."

I am urging, Mr. Chairman, that the fifth amendment contains two separate provisions: One, that there be an indictment, namely, that "no person shall be held to answer * * * unless upon presentment or indictment of a Grand Jury;" and the second portion being that which is generally recognized and understood as being the invocation of the fifth amendment, namely, "* * * nor shall be compelled in any criminal case to be a witness against himself * * *"

The essence of the distinction urged on behalf of Mr. Liddy is that the fifth amendment privilege affords a defendant greater safeguards than it does an ordinary witness. In support of this contention I refer to the basic interpretations of the fifth amendment and suggest they be interpreted in support of his contention. Quoting from Wigmore:

"The privilege is a prerogative of a defendant not to take the standing in his own prosecution * * *; it is also an option of a witness not to disclose a self-incriminating knowledge in a criminal case, and in a civil case, and before grand jury and legislative committee and administrative tribunal."

Mr. NEDZI. Would you please repeat that?

Mr. MAROULIS. Yes, sir.

"The privilege is a prerogative of a defendant not to take the stand in his own prosecution * * *; it is also an option of a witness not to disclose self-incriminating knowledge in a criminal case, and in a civil case, and before a grand jury and legislative committee and administrative tribunal."

Citing 8 Wigmore, evidence, section 2251. That is the McNaughton revision of 1961.

Again citing Wigmore,

"The accused in a criminal case, therefore, is exempt from all answers whatever, for, at least on the prosecution's assumption, they are incriminating." (8 Wigmore, evidence, section 2260 [McNaughton revision 1961]).

"For the party defendant in a criminal case, the privilege has been construed to permit him to refuse to answer any question whatever in the cause. (Section 2268 supra)

"(a) This being so, the prosecution could nevertheless on principle have a right at least to call him to be sworn because, as with an ordinary witness, it could not be known before hand whether he would exercise his privilege. But no court has sanctioned this application of the principle. The contrary is universally held." (Section 2268 supra)

"The accused has a privilege not to take the stand." (*Cephus* v. *United States*, 324 Federal second 893), which is a District of Columbia circuit opinion, and *United States* v. *Aguci*, 301 Federal second, a Federal second circuit case.

In *Frank* v. *United States*, 347 Federal second 486, the District of Columbia circuit set forth the principle as follows:

"To repeat, the Government may not convict a person and then, pending his appeal, compel him to give self-accusatory testimony relating to the matters involved in the conviction. Any other construction of the statute would lead to such potential abuse as to preclude such construction if it may reasonably be avoided consistently with the congressional purpose. Our construction and application of the statute we think coincides with that purpose * * *" (*Frank* v. *United States*, supra, at 491)

The U.S. Court of Appeals for the District of Columbia circuit considers a position of a defendant called before a grand jury to be analogous to that of a defendant on trial. In *Jones* v. *United States*, 342 Federal second, 863, the court states:

"At a trial, putting the accused on the witness stand without his consent and asking him anything at all would violate his constitutional privilege against self-incrimination. We think taking him before the grand jury without his consent and asking him anything violates his privilege."

May I have a moment sir?

In conclusion I would add that it is common knowledge that my client not only has been indicted, convicted, and has an appeal pending, but that he is the target of several grand jury investigations relating to the very subject matter under inquiry by this subcommittee.

I therefore urge this subcommittee to accept the position that my client has taken, and not to consider it to be in anyway frivolous or in any way intended to be arrogant.

Mr. NEDZI. Did you wish to make any statement, Mr. Liddy?

Mr. LIDDY. No, Mr. Chairman, I do not. Thank you, sir.

Mr. NEDZI. The Chair will state that the subcommittee was duly created pursuant to procedures of the Congress, was granted authority to issue subpenas. Pursuant to that authority, the witness before us today was called.

It is the judgment of the subcommittee that the proceeding is taking place pursuant to the law as passed by the 93d Congress.

At this point, without objection, the Chair will place in the record House Resolution 185, 93d Congress, first session, as well as a letter from the chairman of the full Armed Services Committee to me as chairman of the Special Subcommittee on Intelligence.

[H. Res. 185, 93d Cong., 1st sess.]

RESOLUTION

Resolved, That, effective January 3, 1973, the Committee on Armed Services, acting as a whole or by subcommittee, is authorized to conduct full and complete studies and investigations and make inquiries within its jurisdiction as set forth in clause 3 of rule XI of the Rules of the House of Representatives. However, the committee shall not undertake any investigation of any subject which is being investigated for the same purpose by any other committee of the House.

SEC. 2. (a) For the purpose of making such investigations and studies, the committee or any subcommittee thereof is authorized to sit and act, subject to clause 31 of rule XI of the Rules of the House of Representatives, during the present Congress at such times and places within or without the United States, whether the House is meeting, has recessed, or has adjourned, and to hold such hearings and require, by subpena or otherwise, the attendance and testimony of such witnesses and the production of such books, records, correspondence, memoran-

dums, papers, and documents, as it deems necessary. Subpenas may be issued over the signature of the chairman of the committee or any member designated by him and may be served by any person designated by such chairman or member. The chairman of the committee, or any member designated by him, may administer oaths to any witness.

(b) Pursuant to clause 28 of rule XI of the Rules of the House of Representatives, the committee shall submit to the House, not later than January 2, 1975, a report on the activities of that committee during the Congress ending at noon on January 3, 1975.

SEC. 3. (a) Funds authorized are for expenses incurred in the committee's activities within the United States; however, local currencies owned by the United States shall be made available to the Committee on Armed Services of the House of Representatives and employees engaged in carrying out their official duties for the purposes of carrying out the committee's authority, as set forth in this resolution, to travel outside the United States. In addition to any other condition that may be applicable with respect to the use of local currencies owned by the United States by members and employees of the committee, the following conditions shall apply with respect to their use of such currencies:

(1) No member or employee of such committee shall receive or expend local currencies for subsistence in any country at a rate in excess of the maximum per diem rate set forth in section 502(b) of the Mutual Security Act of 1954 (22 U.S.C. 1754).

(2) No member or employee of such committee shall receive or expend an amount of local currencies for transportation in excess of actual transportation costs.

(3) No appropriated funds shall be expended for the purpose of defraying expenses of members of such committee or its employees in any country where local currencies are available for this purpose.

(4) Each member or employee of such committee shall make to the chairman of such committee an itemized report showing the number of days visited in each country whose local currencies were spent, the amount of per diem furnished, and the cost of transportation if furnished by public carrier, or, if such transportation is furnished by an agency of the United States Government, the cost of such transportation, and the identification of the agency. All such individual reports shall be filed by the chairman with the Committee on House Administration and shall be open to public inspection.

(b) Amounts of per diem shall not be furnished for a period of time in any country if per diem has been furnished for the same period of time in any other country, irrespective of differences in time zones.

[H.A.S.C. No. 93-3]

ORGANIZATION MEETING OF HOUSE COMMITTEE ON ARMED SERVICES, 93D CONGRESS

HOUSE OF REPRESENTATIVES,
COMMITTEE ON ARMED SERVICES,
Washington, D.C., Tuesday, February 27, 1973.

The committee met, pursuant to notice, at 10:25 a.m., in room 2118, Rayburn House Office Building, the Honorable F. Edward Hébert (chairman) presiding.

The CHAIRMAN. The committee will be in order.

Members of the committee, this is our first formal meeting, the organization meeting for the first session of the 93d Congress. Since last year, the committee has been enlarged from 41 to 43 members, and I am sorry that members in the front row are a little crowded, but that is not a thing of my doing.

* * * * *

The CHAIRMAN. Members of the committee, we will proceed to the regular business. I will recognize Mr. Price, who will offer Committee Resolution No. 1: the proposed rules governing the procedure of the committee.

Mr. MELVIN PRICE. Mr. Chairman, I offer the resolution and ask for its immediate consideration.

Mr. SLATINSHEK. The resolution offered by Mr. Price reads as follows:

"*Resolved*, That the Committee on Armed Services, House of Representatives, adopt the following rules governing the procedure for the committee during the 93d Congress:".

* * * * *

Mr. SLATINSHEK. "1. The Committee on Armed Services will meet every Tuesday at 10 a.m., and at such other time as may be fixed by the chairman, or by the written request of a majority of the members of the committee.

* * * * *

"6. (a) The Committee on Armed Services of the House of Representatives shall be organized to consist of five standing legislative subcommittees, to be designated 'Subcommittee No. 1, 'Subcommittee No. 2,' 'Subcommittee No. 3,' 'Subcommittee No. 4,' and 'Subcommittee No. 5.'

* * * * *

"(c) The chairman of the full committee, at such time and for such purposes as he may deem advisable in the interest of committee business, is authorized to appoint additional special subcommittees for the purpose of investigating specific subjects or considering specific legislation.

"(d) The chairman shall have authority to refer all bills, resolutions, or other matters to any and all subcommittees or to the full committee. A subcommittee to which a bill, resolution, or other matter has been referred shall proceed with all possible diligence, if a majority of a quorum so directs, with appropriate inquiry and report its findings and recommendations to the full committee, but the chairman of the full committee shall have authority to discharge a subcommittee from consideration of any bill, resolution, or other matter referred thereto and have such measure or matter considered by the full committee. A majority vote of a quorum of a subcommittee will be required to report a bill, resolution, or other matter to the full committee or to table any such measure or matter in the subcommittee.

* * * * *

Mr. MELVIN PRICE. I move the adoption of the resolution.

The CHAIRMAN. A motion has been made.

* * * * *

The CHAIRMAN. Those in favor of adopting the rules as amended will signify by saying aye when you name is called.

Those opposed, no.

Mr. Slatinshek, call the roll.

(A rollcall was taken.)

Mr. SLATINSHEK. Mr. Chairman, all 43 members voting in the affirmative, the rules are adopted by the committee.

The CHAIRMAN. The rules are adopted. We will proceed from there.

* * * * *

The CHAIRMAN.

* * * * *

Now, members of the committee, under the authority of the rules just adopted unanimously by the committee, the Chair will ask that Mr. Slatinshek read out the subcommittees authorized by those rules, and the members as selected by the chairman on the Democratic side, and the members selected on the Republican side by Mr. Bray.

* * * * *

The CHAIRMAN. Thank you, very much.

Now, members of the committee, in accordance with the rules as adopted, we have two special subcommittees to appoint at this time, in addition to the five committees.

Members of the committee, in addition to the establishment of the standing legislative subcommittees, under the rules of the committee, I am empowered to establish additional special subcommittees to properly discharge committee business.

In accordance with this authority, I am today establishing two special subcommittees. The first is the Subcommittee on Intelligence.

As the members of the committee will recall, this subcommittee functioned during the 92d Congress during which time it was directed to make periodic inquiries into all phases of intelligence activities within the Department of Defense and within the agencies established under the National Security Act, and to make legislative recommendations when appropriate.

That subcommittee, under the chairmanship of our colleague, Mr. Nedzi, discharged its responsibilities in a very excellent fashion, and, therefore, I am reestablishing that subcommittee.

I pause now to pay tribute to the manner in which Mr. Nedzi conducted that committee. It is a very sensitive committee; extremely sensitive. It is a committee that takes the greatest amount of tact and understanding to chair. Mr. Nedzi never faltered or never failed in any area.

Of particular significance is the fact that, as everybody knows, certainly he and I disagree in many political philosophies, and the fact I chose him is an added tribute in my implicit belief in his integrity and honesty, and as an effort to make the committee a whole committee and not a sectional or individual committee with individual people doing individual things for whatever purpose they want.

I pay Mr. Nedzi the highest tribute I can, and I know that he will carry on in this Congress.

The committee will be composed of Mr. Nedzi as chairman, Mr. Hébert, Mr. Melvin Price, Mr. Fisher, Mr. Bray, Mr. Arends, and Mr. Bob Wilson.

* * * * *

The CHAIRMAN. The committee adjourned until 10 a.m. tomorrow.

(Whereupon, at 11:50 a.m. the committee adjourned, to reconvene at 10 a.m., Wednesday, February 28, 1973.)

POWERS AND DUTIES, COMMITTEE ON ARMED SERVICES, NINETY-THIRD CONGRESS

The House Committee on Armed Services was established January 2, 1947, as a part of the Legislative Reorganization Act of 1946 (60 Stat. 812), and combined the Committees on Military Affairs and on Naval Affairs which were created in 1822. Rule XI(3), U.S. House of Representatives, provides that all proposed legislation, messages, petitions, memorials, and other matters relating to the following listed subjects shall be referred to the Committee on Armed Services:

(a) Common defense generally.

(b) The Department of Defense generally, including the Departments of the Army, Navy, and Air Force generally.

(c) Ammunition depots; forts; arsenals; Army, Navy, and Air Force reservations and establishments.

(d) Conservation, development, and use of naval petroleum and oil shale reserves.

(e) Pay, promotion, retirement and other benefits and privileges of members of the Armed Forces.

(f) Scientific research and development in support of the armed services.

(g) Selective service.

(h) Size and composition of the Army, Navy, and Air Force.

(i) Soldiers' and sailors' homes.

(j) Strategic and critical materials necessary for the common defense.

INVESTIGATIVE AUTHORITY

House Resolution 185, adopted by the House of Representatives on Feb. 21, 1973, provides as follows:

"That, effective Jan. 3, 1973, the Committee on Armed Services, acting as a whole or by subcommittee, is authorized to conduct full and complete studies and investigations and make inquiries within its jurisdiction as set forth in clause 3 of rule XI of the Rules of the House of Representatives. However, the committee shall not undertake any investigation of any subject which is being investigated for the same purpose by any other committee of the House.

"SEC. 2. (a) For the purpose of making such investigations and studies, the committee or any subcommittee thereof is authorized to sit and act, subject to clause 31 of rule XI of the Rules of the House of Representatives, during the present Congress at such times and places within or without the United States, whether the House is meeting, has recessed, or has adjourned, and to hold such hearings and require, by subpena or otherwise, the attendance and testimony of such witnesses and the production of such books, records, correspondence, memorandums, papers and documents, as it deems necessary. Subpenas may be issued over the signature of the chairman of the committtee or any member designated by him and may be served by any person designated by such chairman or member. The chairman of the committee, or any member designated by him, may administer oaths to any witness.

"(b) Pursuant to clause 28 of rule XI of the Rules of the House of Representatives, the committee shall submit to the House, not later than Jan. 2, 1973, a report on the activities of that committee during the Congress ending at noon on Jan. 3, 1975.

"SEC. 3. (a) Funds authorized are for expenses incurred in the committee's activities within the United States; however, local currencies owned by the United States shall be made available to the Committee on Armed Services of the House of Representatives and employees engaged in carrying out their official duties for the purposes of carrying out the committee's authority, as set forth in this resolution, to travel outside the United States. In addition to any other condition that may be applicable with respect to the use of local currencies owned by the United States by members and employees of the committee, the following conditions shall apply with respect to their use of such currencies:

"(1) No member or employee of such committee shall receive or expend local currencies for subsistence in any country at a rate in excess of the maximum per diem rate set forth in sec. 502(b) of the Mutual Security Act of 1954 (22 United States Code 1754).

"(2) No member or employee of such committee shall receive or expend an amount of local currencies for transportation in excess of actual transportation costs.

"(3) No appropriated funds shall be expended for the purpose of defraying expenses of members of such committee or its employees in any country where local currencies are available for this purpose.

"(4) Each member or employee of such committee shall make to the chairman of such committee an itemized report showing the number of days visited in each country whose local currencies were spent, the amount of per diem furnished, and the cost of transportation if furnished by public carrier, or, if such transportation is furnished by an agency of the United States Government, the cost of such transportation, and the identification of the agency. All such individual reports filed by the chairman with the Committee on House Administration and shall be open to public inspection.

"(b) Amounts of per diem shall not be furnished for a period of time in any country if per diem has been furnished for the same period of time, in any other country, irrespective of differences in time zones."

Funds to support House Resolution 185 are contained in House Resolution 264, approved by the House of Representatives on Mar. 20, 1973.

MAY 21, 1973.

Hon. LUCIEN N. NEDZI,
Chairman, Subcommittee on Intelligence, House Committee on Armed Services, Washington, D.C.

DEAR MR. CHAIRMAN: For the purpose of fully discharging its responsibilities, the Subcommittee on Intelligence is vested with the authority granted and conferred in House Resolution 185, 93d Congress.

The Subcommittee may, therefore, require by subpoena or otherwise, the attendance and testimony of such witnesses and production of such books, records, correspondence, memoranda, papers, and documents as it deems necessary. Subpoenas may be issued by you, as Chairman of the Subcommittee, with the approval of a majority of the members of the Subcommittee. Witnesses testifying before the Subcommittee may be sworn at the discretion of the Chairman and with the concurrence of the majority of the Submittee members present.

Sincerely,

F. EDW. HÉBERT,
Chairman.

MINUTES—SPECIAL SUBCOMMITTEE IN INTELLIGENCE, HOUSE ARMED SERVICES COMMITTEE—JUNE 12, 1973

The Special Subcommittee on Intelligence met in Executive Session at 10:00 a.m., Room 2337 Rayburn Building, to consider subcommittee business and agreed to defer to the Senate Select Committee on Presidential Campaign Activities' request that Mr. Dean's appearance before the subcommittee be delayed.

The subcommittee also concurred in the subpoena of Mr. E. Howard Hunt, Mr. Gordon Liddy, Mr. James McCord, Jr. and Mr. Huston, and Mr. Egil Grogh.

Members President: Mr. Nedzi, chairman; Mr. Hébert, Mr. Price, Mr. Bray, Mr. Arends. and Mr. Bob Wilson.

At approximately 10:35 a.m., the subcommittee began receiving testimony from the following witness on the Watergate-CIA matter: Mr. John D. Ehrlichman, former White House staff member.

The subcommittee recessed at 3:50 p.m. to meet at the call of the Chair.

WILLIAM H. HOGAN, Jr.,
Assistant Counsel.

Mr. NEDZI. The Chair will not pretend to indicate to those in the subcommittee room that he fully understands all the legal niceties presented by counsel. It is the Chair's judgment that counsel's brief is extremely profound and presents a novel legal argument with which the Chair is not familiar.

It is the subcommittee's contention that this proceeding is not a trial, that the witness before us is not a defendant, and that proper questions can be raised as to the appropriateness of the analogies drawn in the historical recitations presented by counsel.

The subcommittee takes the position that Congress in the exercise of its authority has a longstanding right, recognized by the courts of the United States, to compel testimony before it.

Similarly, the subcommittee recognizes that witnesses before congressional investigating committees or subcommittees have a longstanding right to invoke the privileges of the fifth amendment; and if the witness elects not to disclose any information to us, we recognize that if in fact his testimony might tend to incriminate him, he is privileged to assert the privileges of the fifth amendment.

However, the subcommittee takes the position that the proceedings to this point have been proper and in accordance with the law, and wishes to state to counsel and to the witness that should he fail to take the oath, the subcommittee has no reasonable recourse but to proceed in accordance with the law as the subcommittee understands it, which, of course, includes a contempt proceeding through the House of Representatives, and all the consequences that flow therefrom.

At this point, we would like to incorporate also in our record the petition for writ of habeas corpus made to the U.S. District Court for the District of Columbia, and a copy of the order issued by the U.S. district judge.

U.S. DISTRICT COURT FOR THE DISTRICT OF COLUMBIA

In Re: Hearings of the Special Subcommittee on Intelligence, Committee on Armed Services, House of Representatives; Misc. No. 94–73.

PETITION FOR WRIT OF HABEAS CORPUS AD TESTIFICANDUM

The Special Subcommittee on Intelligence, Committee on Armed Services, House of Representatives, by its Chairman, respectfully represents to the Court as follows:

(1) One George Gordon Liddy is a necessary witness at hearings before said Subcommittee.

(2) The said George Gordon Liddy is currently in the custody of the United States Marshal, District of Columbia, and the Superintendent, District of Columbia Jail.

Wherefore, the petitioner moves that this Court issue a Writ of Habeas Corpus Ad Testificandum, directed to the United States Marshal, District of Columbia; and the Superintendent, District of Columbia Jail, ordering the release of the said George Gordon Liddy into the custody of the said United States Marshal for the District of Columbia, or into the custody of one of his authorized deputies, to testify before the Intelligence Subcommittee relative to the above-captioned matter.

LUCIEN N. NEDZI,
Chairman, Special Subcommittee on Intelligence.

Let this Writ of Habeas Corpus Ad Testificandum issue as of this 16 day of July 1973.

JOHN J. SIRICA,
Chief Judge.

U.S. DISTRICT COURT FOR THE DISTRICT OF COLUMBIA

In Re: Hearings of the Special Subcommittee on Intelligence, Committee on Armed Services, House of Representatives; Misc. No. 94–73.

To: United States Marshal, District of Columbia; Superintendent, District of Columbia Jail.

You are hereby commanded to produce the body of George Gordon Liddy, by you imprisoned and detained, on Friday, July 20, 1973, at 10:00 a.m., under safe and secure conduct before the Special Subcommittee on Intelligence, Committee on Armed Services, House of Representatives, Room 2337 Rayburn Office Building, Washington, D.C., for the purpose of giving testimony before said Subcommittee, and after said prisoner shall have given his testimony on the above matter, that he be returned by the said United States Marshal for the District of Columbia, or one of his deputies to the custody from whence he came.

Witness the Honorable Chief Judge of said Court on 16th day of July, 1973.

JAMES F. DAVEY, *Clerk,*
By JAMES P. CAPITANIO,
Deputy Clerk.

Mr. MAROULIS. Mr. Chairman, if I may I would ask that my letter of June 20, 1973, addressed to W. H. Hogan, counsel to the House Armed Services Committee, also be made part of the record.

Mr. NEDZI. Would you care to read the letter?

Mr. MAROULIS. I would be happy to provide a copy. I will read it, also, if you would like, sir.

Mr. NEDZI. Please read it, so the subcommittee has an indication of what is in it.

Mr. MAROULIS. It is dated June 20, 1973, addressed to W. H. Hogan, counsel, Committee on Armed Services, 2120 Rayburn Building, Washington, D.C. 20515.

"Re Special Intelligence Committee hearings into alleged CIA–Watergate matter.

"Dear Mr. Hogan:

"I am writing on behalf of my client, G. Gordon Liddy, to request the Special Intelligence Subcommittee to defer further proceedings into the alleged CIA-Watergate matter. The committee is presently holding hearings at which I am told Mr. Liddy is to be called as a witness, notwithstanding that he is a defendant in a criminal case on appeal, a defendant in a pending civil case, and a target witness of a grand jury reconvened to investigate further alleged criminal activities, all of which are the subject of your hearings.

"Presumably testimony is being given at the hearings by witneses who have been called in the civil case, the criminal case and before the grand jury. Those witnesses will be called at a trial subsequent to forthcoming indictments and at a retrial, should Mr. Liddy's conviction be reversed.

"It is my judgment that the record on appeal contains several errors of constitutional dimension which will require reversal. In view of the great public interest engendered in the Watergate matter by media coverage and the national television broadcasting of the Senate Select Committee hearings, where in this country are unbiased juries for these trials to be found?

"It is my contention that additional investigation and publicity by the subcommittee at this time further deprives Mr. Liddy of his fifth amendment rights not to answer to a criminal charge except on indictment, not to be compelled to give evidence against himself and to enjoy due process, and his sixth amendment rights to a fair trial and an impartial jury.

"I have informed you that my client will, on advice of counsel, invoke his fifth amendment rights, if called to testify. I, therefore, request that Mr. Liddy not be required to appear before the subcommittee. I believe such an appearance would result in additional publicity prejudicial to my client's constitutional rights (*Delaney* v. *United States* 199 Federal second 107, first circuit 1952).

"Very truly yours,

"PETER L. MAROULIS."

Mr. Chairman, I would also add one more item to what I have said.

In the past few days it appears that there have been several witnesses before this subcommitee. I understand that Mr. Krogh is alleged by the newspaper accounts to have come before this committee and pleaded the fifth amendment some 50 times. The witness who followed Mr. Krogh, whose name escapes me at the moment—Mr. Young, as I am informed by my client—is alleged, according to the press, to have invoked the fifth amendment 40 times.

This morning I heard on the radio that Mr. Dean is alleged to have invoked the fifth amendment 67 times.

This is the very type of publicity that I am seeking to avoid on behalf of my client, to preserve his sixth amendment rights, in addition to the argument that I made on behalf of his fifth amendment rights.

Mr. NEDZI. The letter which you read to the subcommittee is dated today, is it not?

Mr. MAROULIS. No, sir. It is dated June 20, 1973.

Mr. NEDZI. June 20?

Mr. MAROULIS. Yes, sir.

Mr. NEDZI. Mr. Maroulis, you having given the subcommittee the benefit of your judgment of the law, it is, as I stated earlier, the opinion of the Chair that the Chair is not qualified at this time to issue any legal rulings on the very technical, and indeed profound, legal argument which you have made.

But the Chair will overrule your arguments and proceed with the hearing, with the admonition that you as counsel, and the witness, Mr. Liddy, should be prepared to suffer whatever consequences flow from this kind of position.

Let the record show that at the time the hearing was convened—present as subcommittee members were Mr. Hébert, Mr. Bray, Mr. Price, Mr. Arends, and the chairman of the subcommittee, a quorum.

Mr. HOGAN. And may I suggest, Mr. Chairman, at the present time?

Mr. NEDZI. And present throughout the proceedings to this point. That is right.

[Also present were Mr. Slatinshek and Mr. Hogan, counsel to the committee.]

Mr. NEDZI. Mr. Liddy, will you please rise and take the the oath?

Do you solemnly swear that the testimony you are about to give in this hearing be the truth, the whole truth, and nothing but the truth, so help you God?

Mr. LIDDY. Mr. Chairman, I hope you personally, and each of the members of this subcommittee and the members of the Congress, would not take it as in any way a manifestation of disrespect of any of you personally or of this body, for me to rely upon the advice of my counsel. And in reliance upon the advice of my counsel which has just been articulated to you, with all due respect I decline to take the oath as a witness.

Mr. NEDZI. Mr. Chairman, do you have any statement to make?

Mr. HÉBERT. The one emphasis I would make, Mr. Chairman, is the one which you have already made: Mr. Liddy is not on trial here, with deference to counsel's representation in his letter of June 20 in reference to a trial prejudicial to his client.

I well understand counsel's eagerness to protect a client. This is not a trial. We do not intend, nor have we the responsibility, to find anybody either guilty or innocent.

We are proceeding under the legislative fiat of finding out facts in order to propose or not propose future legislation as relates to the Central Intelligence Agency. Our concern and responsibility is limited to only the Central Intelligence Agency, not to any other matters. It is our duty and our responsibility to establish that.

But this is not a trial, in any sense of that word. It is a legislative inquiry directed by the Congress of the United States under law.

I think Mr. Liddy, as well as his lawyer, should be advised, too, that there is precedent for an individual refusing to take an oath before a subcommittee of the Congress, and the courts, as I understand it—I am not a lawyer, Mr. Nedzi is—have upheld the right of the subcommittee to ask the witness to take an oath under these conditions.

Mr. NEDZI. Mr. Bray.

Mr. BRAY. The counsel's statement was very interesting. It brought up many things in which I am interested. But I would have to agree with the chairman that, in my opinion, it does not apply to the matter of taking of the oath.

I believe taking the oath does not affect in any way the rights of the defendant to later invoke the fifth amendment to any and all questions asked.

Mr. NEDZI. Mr. Price.

Mr. PRICE. Mr Chairman, I, of course, am not a member of the legal profession. I have had experience in court-work, as a newspaperman years ago, and through my years of service in the Congress.

I do not see how taking of the oath would itself cause any problem to the witness. We do not deprive him of the right to invoke the fifth amendment following taking of the oath, if he so chooses to do.

As a nonlawyer, I think it might compound the witness' problem, just by the mere failure of taking the oath, because of the responsibility of this subcommittee to follow precedents already set by congresssional committees.

I would think if I were in counsel's place I would advise my client to take the oath, and then proceed in any way he chooses, as a witness. Certainly we would not expect him to make any statements or give any responses that he or the counsel himself felt would in any way incriminate him, further incriminate him.

Mr. NEDZI. Mr. Arends.

Mr. ARENDS. I have no comments.

Mr. NEDZI. Mr. Slatinshek.

Mr SLATINSHEK. I have one question I would like to direct to Mr. Liddy.

I presume your basis for refusal to take the oath is predicated entirely on the arguments presented by your counsel?

Mr. LIDDY. That is correct, sir. I am relying on the advice of counsel in the position I am taking here.

Mr. SLATINSHEK. Your position is based entirely on his argument presented today?

Mr. LIDDY. I adopt his argument. Yes, sir.

Mr. SLATINSHEK. You are not refusing to take the oath for religious grounds or for any other reason?

Mr. LIDDY. That is correct, sir.

Mr. NEDZI. Mr. Hogan.

Mr. HOGAN. Thank you, Mr. Chairman. I would like to direct a question or two to counsel.

Counsel, do you have any citations, in State or Federal courts, supporting your position on the oath?

Mr. MAROULIS. Not beyond what I have stated. I have not come across any.

Mr. HOGAN. Do you have a citation from a U.S. state or Federal court, even though it is repetition, do you have a citation supporting your position that your client is protected against taking an oath?

Mr. MAROULIS. Not beyond what I have stated. I do not mean to duck your question, Mr. Hogan.

Mr. HOGAN. If it is a U.S. State or Federal court, would you restate the citation that protects your client from taking on oath before this subcommittee?

Mr. MAROULIS. I would say this, sir, that I have cited whatever authority I have. I have drawn some analogies, also, with the District of Columbia circuit cases that I cited.

I believe I cited *Frank* v. *United States* and *Jones* v. *United States*.

Mr. HOGAN. Do *Frank* v. *United States* and *Jones* v. *United States* go to protect your client from taking an oath before this subcommittee?

Mr. MAROULIS. Excuse me, sir.

[Mr. Maroulis and Mr. Liddy confer.]

Mr. NEDZI. Off the record.

Mr. MAROULIS. Mr. Hogan, with regard to those particular cases to which you have just referred, both *Frank* and *Jones*, they deal with court. The analogy that I am drawing from those cases is that pending an appeal, that a man cannot be compelled to appear before a body, namely, a grand jury, which occurred in those cases, because he has an absolute right not to take the stand at his own trial. And I would argue by analogy that the same thing applies before a legislative committee.

Mr. NEDZI. The Chair will state that he has some views on the subject, but under the circumstances does not feel that it is neces-

sary for the legal arguments to be gone into in depth at this time.

The position of the subcommittee is that it is proceeding in accordance with the law, the statutes, the rules of the House of Representatives, and that the witness' refusal to take the oath at this time is a violation of law, and at an appropriate time the subcommittee will take whatever action it deems necessary.

Mr. Maroulis, as a final word, do you insist on your position with respect to your client taking the oath, as described by you in the hearing this morning?

Mr. MAROULIS. Mr. Chairman, that is the advice that I feel in good conscience I must give my client, after a research of the law and the authorities that I have presented to you; and that is the advice that I have given him.

Mr. SLATINSHEK. Mr. Chairman.

Mr. NEDZI. Mr. Slatinshek.

Mr. SLATINSHEK. May I ask one question of counsel.

I gather you do not challenge the legislative purpose of the subcommittee, or the legislative objectives?

Mr. MAROULIS. I have not, I must say in candor, read the resolution. I really don't know. Thus far I have not raised that point.

Mr. SLATINSHEK. You recognize, as a number of members have stated, as well as the chairman, that the purpose of this hearing is to ascertain whether or not legislative action should be taken by the Congress in respect to the CIA, the Ceneral Intelligence Agency? And in order to make a judgment on that this committee is forced to inquire into the alleged involvement of the CIA into matters extending to the Watergate. As a consequence, this committee has received testimony from numerous witnesses who at one time or another have mentioned Mr. Liddy's name.

It is a necessary function of this committee, it is necessary for the record, to examine Mr. Liddy in respect to the CIA involvement in the Watergate. And this is the purpose of this particular hearing. This is why Mr. Liddy was called before this subcommittee.

I wanted counsel to understand that, since his argument seemed predicated on the premise that in some manner this was a trial. It is not a trial.

Mr. MAROULIS. I did not intend that—I did not intend to be understood in that fashion.

What I am concerned about is that my client is under indictment, has been convicted, has an appeal pending, and may have a retrial. He may also be the subject of separate and additional indictments and separate and different trials. And I am protecting his fifth and sixth amendment rights in those proceedings.

That is why I raise those arguments before this committee, because I can perceive that by taking the action that is requested by this committee my client would be abridging his fifth and sixth amendment rights. This is my understanding based upon the entire memorandum that I read to you and my research and understanding of those materials.

I feel that in good conscience I must so advise my client. I have advised him of that, and he has elected to follow my advice.

Mr. NEDZI. Is there any further statement either of you wishes to make for the record?

Mr. MAROULIS. May I confer with my client for a moment?

Mr. NEDZI. Yes.

Mr. HOGAN Mr. Chairman, may I have permission to attach to the record any other documents pertaining to the appointment of this subcommittee?

Mr. NEDZI. That permission is granted.

Mr. LIDDY. Mr. Chairman, with your permission I would like to make one point:

One of the gentleman who is a member of the subcommittee in speaking to Mr. Maroulis ask him if he "insisted"—I believe was the word used by the member—on my taking the position I am taking.

I should like to make it clear that Mr. Maroulis as my counsel is advising me. He has not insisted that I accept his advice. My actions here this morning are done on Mr. Maroulis' advice but upon my responsibility.

Inasmuch as I detected in the language of the chairman the possibility of consideration by this body of punitive action, I should like to point out that any such punitive action should properly be directed toward me and not toward my client—I beg your pardon—my counsel. I am afraid I am lapsing back to the old days.

Second, I would like to say with respect to the argument on my behalf made by counsel—very articulately, in my judgment—I rely on it as a whole, and on no portion of it more or less than any other portion of it.

Thank you, Mr. Chairman. I appreciate the courtesy.

Mr. NEDZI. The Chair will state that he regrets very much any misunderstanding which may have flowed from his use of the word "insist," and the suggestion of punitive action.

Certainly he had no intention of suggesting that Mr. Maroulis was insisting on any particular defense to someone who himself is trained in the law, nor that he should be punished for asserting a very sophisticated, novel and, as I said, a profound, legal argument.

At any rate, it is the judgment of the Chair that the record is clear as to the respective positions of the witness, his counsel, and the members of the subcommittee.

At this point the Chair will excuse the witness, with the understanding that we reserve the right to pursue whatever legal steps we deem appropriate.

Mr. LIDDY. Mr. Chairman, I understand that. I appreciate it. And I would like just to thank the Chair and every member of this subcommittee for the number of courtesies which have been extended to me and to my counsel in connection with my apprearance before this body today. I am grateful to you all, sir. Thank you.

Mr. HÉBERT. I would like the record to show one thing. We are making a record to be used in the future. I am sure glad you did not mean by use of the word "punitive," in my appreciation of the word "punitive," that we would take punitive action. We will only take action under the law, which I do not consider "punitive" in the definition of the word.

It is a loose word. I don't like it hanging that we are going to take punitive action against anybody.

Mr. LIDDY. Mr. Congressman, I think you have articulated the fact that all language is subject to construction, and reasonable men can differ.

Mr. HÉBERT. I just wanted to get this side in.

Mr. LIDDY. I understand, sir. I appreciate your concern.

Thank you very much, sir.

Mr. NEDZI. Mr. Price.

Mr. PRICE. I wonder if the counsel could explain to me as simply as possible why he feels that the mere taking of the oath, leaving aside all the other constitutional prerogatives the witness can follow, without any pressure of the subcommittee to try to force him to go beyond his constitutional privileges, leaving those aside, why that would be incriminatory.

Mr. MAROULIS. Mr. Price, in an abundance of caution I will preface my answer by stating that my position is based on the entire memorandum that I read to the subcommittee. But in an effort to focus some attention to some of the underlying cases for the position that I have recommended to my client, the basic item is that at a criminal trial my client would have the absolute right not to take the stand.

It is apparent to me that he faces criminal trials; not before this tribunal, certainly, not before this committee. But that day has come for him, and I believe it will come again.

If the fifth amendment to the Constitution gives him the right not to take the stand at a trial, then according to my reasoning, and based on the historical precedents that I have set forth, I believe he also has the right, as long as he stands in that posture, to refuse to take the oath before any duly constituted committee or tribunal.

The second portion of my concern is based upon the publicity that other witnesses before this particular subcommittee have received, namely, they allegedly have invoked the fifth amendment, and it has been reported to the press. That is the type of item that I feel can be very damaging to my client in terms of his ability to have a fair trial at a subsequent date, either on the indictment for which he has been convicted and on which he presently has an appeal, or upon indictments which may come down from the grand juries that are presently investigating this case.

I hope that helps.

Mr. PRICE. If he were not in the posture that he is in, would you then, would you still suggest that he not take the oath?

Mr. MAROULIS. No, my position at that point would be different.

I have only, of course, considered his position and my advice to him based upon the posture that he finds himself in.

Mr. PRICE. In other words, your thinking is that the mere taking of the oath puts him on the stand, and until he takes that oath he is actually not on the stand?

Mr. LIDDY. Excuse me, Mr. Price.

[Mr. Liddy and Mr. Maroulis confer.]

Mr. MAROULIS. Mr. Price, it may be that if he were in different circumstances my advice would be different.

Again, just in an abundance of caution, since it is apparent to me that we are making a record for review, I am reluctant to give you a definitive answer on that, because I have not researched it. But certainly if his position were different it would affect the application of this historical precedent in law as I perceive it.

I believe that if he were not subject to indictment, if he were not presently under indictment, on appeal, or subject to further indictments, my advice might well be different, yes, sir.

Mr. PRICE. I have listened intently, and I enjoyed your historical review of the background for the later adoption of the fifth amendment. But I do not really read into it any prohibition against the administration of the oath.

Mr. MAROULIS. Mr. Price, again addressing myself to that inquiry, I can only state that if we could remove ourselves from this room and put ourselves into a courtroom my client then, I believe all would recognize and agree, has an absolute right not to even be called to give his name.

Now, I am not suggesting that that should be the case before other tribunals.

Mr. NEDZI. Yes, you are.

Mr. MAROULIS. I mean to the point of not even giving his name. I am not thinking in terms of not frivolously invoking a fifth amendment right when in fact a person is properly and lawfully required to give testimony and he then elects not to answer questions.

Mr. NEDZI. But you are electing to have him not give any testimony before this subcommittee.

Mr. MAROULIS. No, sir. I am electing—I am advising him that he may be curtailing his fifth amendment right as it would apply at some subsequent date before a court. And I have advised him that by taking the oath he

then might be curtailing a right which he presently has and has up until this point protected.

Mr. NEDZI. The Chair appreciates your argument, but disagrees, respectfully.

Mr. ARENDS. Mr. Chairman, may I ask one question?

Mr. NEDZI. Mr. Arends.

Mr. ARENDS. I am not a lawyer, Mr. Maroulis, but putting this in the parlance of the street, is this a case that you feel should the witness be sworn he is giving up a right, period?

Mr. MAROULIS. Under these circumstances, yes, sir.

Mr. LIDDY. Excuse me, Mr. Chairman.

[Mr. Liddy and Mr. Maroulis confer.]

Mr. LIDDY. Mr. Chairman, if I may, with your indulgence, for the purpose of the record, advise you that the election is mine rather than that of my counsel, that I have relied upon his advice, that advice being that which was articulated to you in his preliminary statement before you and in response to the inquiry by Congressman Price.

Certainly my choice of action before this subcommittee this morning is based upon a combination of the facts, and all of the facts, as I understand them to be, and the law as given to me in his advice by my counsel, Mr. Maroulis.

Certainly as a reasonable man, sir, should the facts in the future change I would, of course, review the new facts. I would, of course, review whatever different—if there is different—legal advice might be provided by my counsel. And I might change, or I might not change, my position. That is a judgment that I have not made, with which I am not as yet faced. When and if I ever am, I shall make whatever decision I believe to be appropriate at that time.

Thank you, sir.

Mr. NEDZI. Mr. Arends?

Mr. ARENDS. Nothing further.

Mr. NEDZI. Are there any further questions?

Mr. HOGAN. Just one.

Let the record show, Mr. Chairman, that the House resolution and the documents appointing this subcommittee to its work are available to counsel here during this session, in the event he cares to look at them; because he said he was not aware of those documents.

We have them here for your perusal, Mr. Maroulis and Mr. Liddy, if you care to look at them.

Mr. MAROULIS. Thank you. I would like to receive a copy.

Mr. NEDZI. The Chair at this time will excuse counsel and the witness, and we will proceed with the executive session.

[Counsel Maroulis and Mr. Liddy left the room.]

The Chair will observe that throughout the entire proceeding a quorum was present, and that the subcommittee has reaffirmed its earlier decision to hold the hearing in executive session, with unanimous consent.

[Discussion off the record.]

Mr. NEDZI. On the record.

Mr. HÉBERT. I will make the motion that Mr. Liddy be cited for contempt.

Mr. NEDZI. Mr. Hébert moves that the subcommittee take all necessary action for the House of Representatives to cite the witness, G. Gordon Liddy, for contempt of the subcommittee.

All those in favor signify by saying "Aye."

[Calls of "Aye."]

Mr. NEDZI. Those opposed, "No."

[No response.]

Mr. NEDZI. Let the record show that all members present voted in favor of the motion. [Mr. Nedzi, Mr. Hébert, Mr. Bray, Mr. Price, Mr. Arends.]

The subcommittee will stand in recess until further call of the Chair.

[Whereupon, at 11:40 a.m., the subcommittee recessed, to reconvene at the call of the Chair.]

APPENDIX 2—MINUTES—COMMITTEE ON ARMED SERVICES, HOUSE OF REPRESENTATIVES

MEETING NO. 43, JULY 26, 1973

The full committee met in open session in the Carl Vinson Room, at 10:22 a.m., to consider the report of the Intelligence Subcommittee with regard to the failure and refusal of G. Gordon Liddy to be sworn or to take affirmation to testify at the meeting of the subcommittee on Friday, July 20, in connection with the subcommittee's inquiry into the alleged CIA-Watergate-Ellsberg matters, the following members of the committee and staff being present:

Mr. Hébert, Chairman, Mr. Bray, Mr. Bob Wilson, Mr. Bennett, Mr. Stratton, Mr. Pike, Mr. Dickinson, Mr. Ichord, Mr. Hunt.

Mr. Nedzi, Mr. Whitehurst, Mr. Randall, Mr. Young, Mr. Charles Wilson, Mr. Spence, Mr. Leggett, Mr. Powell, Mr. Hicks, Mr. Robert Price.

Mr. White, Mr. Treen, Mr. Nichols, Mr. Armstrong, Mr. Brinkley, Mr. O'Brien, Mr. Mollohan, Mr. Beard, Mr. Dan Daniel.

Mr. Mitchell, Mr. Montgomery, Mrs. Holt, Mr. Runnels, Mr. Bob Daniel, Mr. Aspin, Mr. Dellums, Mr. Davis, Mrs. Schroeder.

Members absent:

Mr. Arends, Mr. Melvin Price, Mr. Fisher, Mr. Gubser, Mr. King, Mr. Jones.

Staff members present: Mr. Slatinshek, chief counsel; Mr. Morgan, professional staff member; Mr. Cook, counsel; Mr. Ford, professional staff member; Mr. Marshall, professional staff member; Mr. Norris, counsel; Mr. Shumate, counsel; Mr. Hogan, counsel; Mr. Cantus, professional staff member; Mr. Reddan, counsel, Armed Services Investigating Subcommittee; Mr. Ransom, professional staff member, Armed Services Investigating Subcommittee; Mrs. Stockstill, executive secretary; Mr. Short, clerical staff assistant.

The chairman made opening remarks stating that the purpose of the meeting was to consider the report of the Intelligence Subcommittee with regard to the failure and refusal of G. Gordon Liddy to be sworn or to take affirmation to testify at the meeting of the Intelligence Subcommittee on Friday, July 20, 1973, in connection with the subcommittee's inquiry into the alleged CIA-Watergate-Ellsberg matters.

The chairman recognized Mr. Nedzi, Chairman of the Intelligence Subcommittee to submit his report, in behalf of the Subcommittee, on Mr. Liddy's appearance before the subcommittee on July 20. Mr. Nedzi read a prepared statement and invited the attention of the members of the committee to the transcript of the subcommittee's proceedings on July 20, which was before each Member. At the conclusion of the reading of his statement, Mr. Nedzi read the resolution he proposed to bring before the House of Representatives citing Mr. Liddy for contempt of the Congress.

Considerable discussion ensued by members and counsel. During the course of the discussion, Mr. Treen offered a motion that action be postponed on the resolution proposed by Mr. Nedzi until a date next week to be designated by the Chairman, thereby giving the Members more time to examine pertinent facts bearing on the resolution. Following discussion of the motion, Mr. Treen stated it would be acceptable to him to amend his motion by postponing further consideration of the resolution until 2:00 p.m. today. This proposal was objected to by Mr. Bob Wilson.

Mr. Randall then moved the previous question, which was consideration of Mr. Treen's motion to postpone action on the proposed resolution until a time to be decided by the Chairman. The motion was agreed to by a show of hands vote of 23 Yeas and 9 Nays.

The committee recessed at 11:39 a.m., subject to the call of the Chair.

During the meeting the committee was recessed from 10:45 a.m. until 10:59 a.m. in order that the members could respond to a quorum call.

FRANK M. SLATINSHEK,
Chief Counsel.

MINUTES—COMMITTEE ON ARMED SERVICES, HOUSE OF REPRESENTATIVES

MEETING NO. 44, JULY 31, 1973

The full committee met in open session, in the Carl Vinson Room, at 10:13 a.m., to resume consideration of the report of the Intelligence Subcommittee with regard to the failure and refusal of G. Gordon Liddy to be sworn or to take affirmation to testify at the meeting of the Subcommittee on Friday, July 20, in connection with the subcommittee's inquiry into the alleged CIA-Watergate-Ellsberg matters, the following members of the committee and staff being present:

Mr. Hébert, Chairman, Mr. Bray, Mr. Arends, Mr. Bob Wilson, Mr. Stratton, Mr. King, Mr. Pike.

Mr. Dickinson, Mr. Hunt, Mr. Nedzi, Mr. Whitehurst, Mr. Young, Mr. Charles Wilson, Mr. Spence, Mr. Robert Price.

Mr. White, Mr Treen, Mr. Nichols, Mr. Armstrong, Mr. Brinkley, Mr. O'Brien, Mr. Mollohan.

Mr. Beard, Mr. Dan Daniel, Mr. Montgomery, Mr. Bob Daniel, Mr. Davis, Mr. Jones, Mrs. Schroeder.

Members absent:

Mr. Melvin Price, Mr. Fisher, Mr. Bennett, Mr. Gubser, Mr. Ichord, Mr. Randall, Mr. Leggett.

Mr. Powell, Mr. Hicks, Mr. Mitchell, Mr. Holt, Mr. Runnels, Mr. Aspin, Mr. Dellums.

Staff members present: Mr. Slatinshek, chief counsel; Mr. Hogan, counsel; Mr. Shumate, counsel; Mr. Marshall, professional staff member; Mr. Norris, counsel; Mrs. Stockstill, executive secretary; Mr. Short, clerical staff assistant

The Chairman made a brief opening statement setting forth the purpose of the meeting.

The Chairman recognized Mr. Treen, who made a statement regarding his study of the action recommended by the Intelligence Subcommittee.

The Chairman recognized Mr. Nedzi, who renewed his motion that the committee approve his proposal to bring before the House of Representatives a resolution citing Mr. G. Gordon Liddy for contempt of the Congress. The Chairman asked Mr. Hogan, counsel, to read the proposed resolution.

Mr. Pike moved the previous question, which motion was approved by a voice vote.

The Chairman ordered a roll call vote on Mr. Nedzi's proposal. The results of the roll call vote follow:

YEAS—33

Mr. Hébert, Mr. Bray, Mr. Melvin Price (proxy), Mr. Arends, Mr. Fisher (proxy), Mr. Bob Wilson, Mr. Stratton, Mr. King.

Mr. Pike, Mr. Dickinson, Mr. Hunt, Mr. Nedzi, Mr. Whitehurst, Mr. Young, Mr. Charles Wilson, Mr. Spence, Mr. Leggett (proxy).

Mr. Robert Price, Mr. White, Mr. Treen, Mr. Nichols, Mr. Armstrong, Mr. Brinkley, Mr. O'Brien, Mr. Mollohan.

Mr. Beard, Mr. Dan Daniel, Mr. Montgomery, Mr. Bob Daniel, Mr. Dellums (proxy), Mr. Davis, Mr. Jones, Mrs. Schroeder.

NAYS—0

There being 33 Yeas and no Nays, Mr. Nedzi's proposal to bring a resolution before the House of Representatives citing Mr. G. Gordon Liddy for contempt of the Congress was approved.

The committee recessed at 10:22 a.m., subject to the call of the Chair.

FRANK M. SLATINSHEK,
Chief Counsel.

APPENDIX 3—LEGAL MEMORANDUM RE REFUSAL OF GEORGE GORDON LIDDY TO BE SWORN AS A WITNESS BEFORE THE SPECIAL SUBCOMMITTEE ON INTELLIGENCE, JULY 20, 1973

On Friday, July 20, 1973, during an executive session of the Special Subcommittee on Intelligence, Mr. George Gordon Liddy, who was duly called as a witness pursuant to a Writ of Habeas Corpus, refused to be sworn prior to offering any testimony or claiming his privilege under the Fifth Amendment. A quorum being present, the subcommittee voted to report the matter to the full committee with a recommendation for reference to the House of Representatives under procedures which could ultimately result in Mr. Liddy being cited for contempt of Congress.

In his appearance before the subcomittee on July 20th Mr. Liddy and counsel, through an extensive brief and exchange with the members of the subcommittee, claimed in essence that the Fifth Amendment incorporates the right of a witness before a congressional subcommittee not to take the stand and therefore not to be sworn. In sum, Mr. Liddy claimed he had the absolute right under the Fifth Amendment to remain completely silent with regard to any offering before the subcommittee. He sought to reinforce his position based on his current conviction on the Watergate breakin which is under appeal, and the possibility of future indictments being brought against him. He further argued a Sixth-Amendment right to avoid what he claims would be prejudicial publicity in the media should he claim his Fifth Amendment rights.

The bulk of the witness' brief is an extended historical survey of the development of the accusatorial system, the privilege against self-incrimination, and related matters. It is established, without any necessity for an historical treatment, that a defendant in a criminal case may not be compelled to give evidence against himself and indeed that he may not be called to the stand and made to take the oath at all if he chooses. With regard to compelling the appearance of the subject of an investigation, a possible future defendant, or an already indicted defendant before a grand jury, the rule varies in federal and state courts. The federal courts have generally refused to hold that the subject of the investigation, a prospective defendant, may decline to appear but they have indicated that there may be limits with respect to who may be called and under what circumstances the inquiry may proceed. Note, "The Rights of a Witness Before a Grand Jury," 1967 *Duke L. J.* 97, 105 nn. 31, 32. In support of his position, Mr. Liddy quoted, *inter alia*, from *Jones* v. *United States*, 342 F. 2d 863, 868 purporting to state the rule in the District of Columbia:

"At a trial, putting the accused on the witness stand without his consent and asking him anything at all would violate his constitutional privilege against self-incrimination. We think taking him before the grand jury without his consent and asking him anything violates his privilege."

That was not concurred in by a majority of the Court and was therefore *not* a holding. *Id.*, at 864. [Emphasis added.]

Whatever the rule prevailing with regard to grand juries, there is no support in the decided cases for any proposition that a defendant—prospective, past, or present—may decline to appear or refuse to take the oath before a congressional committee and Mr. Liddy does not offer a single citation to the contrary. A witness may of course assert his privilege against self-incrimination in regard to questions asked of him but he may not refuse to take the witness chair at all. The reason plainly is that a *congressional committee is not a court, it has no power to try, convict,* and *sentence one,* and its function is to carry on inquiries to determine the necessity for legislation and to review the implementation of legislation that has been enacted.

McGrain v. *Daugherty*, 273 U.S. 135 (1927), and the other prevailing case law, clearly establishes that a committee of one House of Congress may compel a private individual to appear before it and to give testimony provided that the inquiry is part of an exercise of the legislative function conveyed to Congress by the Constitution and that the process is being employed to obtain testimony for that purpose. The power of inquiry, the Court said, is "a necessary and appropriate attribute of the power to legislate" and is in fact to be treated "as inhering in it" for purposes of legislating and oversight with regard to enacted laws.

In the case at hand Mr. Liddy, who is in confinement, was properly before the subcommittee pursuant to a valid Writ of Habeas Corpus Ad Testificandum issued by Chief Judge John J. Sirica of the United States District Court for the District of Columbia on July 16, 1973. See *Gilmore* v. *United States*, 129 Feb. 2nd 199 (1942). The authority and legislative purpose of the subcommittee has been established. H. Res. 185, 93d Congress; organization meeting of the House Committee on Armed Services, 93d Congress, February 27, 1973.

Title 2, United States Code Sections 192 and 194 as follows:

"Sec. 193. Refusal of witness to testify or produce papers

"Every person who, having been summoned as a witness by the authority of either House of Congress to give testimony or to produce papers upon any matter under inquiry before either House, or any joint committee established by a joint or concurrent resolution of the two Houses of Congress, or any committee of either House of Congress, willfully makes default, or who, having appeared, refuses to answer any questions pertinent to the question under inquiry, shall be deemed guilty of a misdemeanor, punishable by a fine of not more than $1,000 nor less than $100 and imprisonment in a common jail for not less than one month nor more than twelve months. As amended June 22, 1937, c. 594, 52 Stat. 942.

"Sec. 194. Certification of failure to testify; grand jury action failing to testify or produce records

"Whenever a witness summoned as mentioned in section 192 fails to appear to testify or fails to produce any books, papers, records, or documents, as required, or whenever any witness so summoned refuses to answer any question pertinent to the subject under inquiry before either House, or any joint committee established by a joint or concurrent resolution of the two Houses of Congress, or any committee or subcommittee of either House of Congress, and the fact of such failure or failures is reported to either House while Congress is in session, or when Congress is not in session, a statement of fact constituting such failure is reported to and filed with the President of the Senate or the Speaker of the House, it shall be the duty of the said President of the Senate or Speaker of the House, as the case may be, to certify, and he shall so certify, the statement of facts aforesaid under the seal of the Senate or House, as the case may be, to the appropriate United States attorney, whose duty it shall be to bring the matter before the grand jury for its actions. As amended July 13, 1936, c. 884, 49 Stat. 2041; June 22, 1938, c. 594, 52 Stat. 942."

A refusal to take the oath and be sworn, it is established in the few cases dealing with this fact situation, constitutes under 2 U.S.C. Sec. 192 both a willful default and a refusal to answer. *Eisler* v. *United States*, 170 F. 2d 273, 279–281 (C.A.D.C. 1948); *United States* v. *Hintz*, 193 F. Supp. 325, 327–328 (D.C.N.D. Ill. 1961).[1]

In *Eisler* it was held that a deliberate and intentional refusal to be sworn is sufficient to constitute a violation of 2 U.S.C. 192. Also, said the court in *Eisler*, having been summoned by lawful authority, the witness was bound to conform to the procedures of the committee.

In *Hintz* the court stated that the mere charge of refusing to be sworn violated the so-called second branch of the statute. There is no question more pertinent to a subject under investigation than whether the witness will answer truthfully.

Any witness, of course, has the constitutional right to invoke his privilege against self-incrimination and refuse to answer when indeed he would be incriminated. But he must appear, he must take the stand, he must be sworn, and he must assert the privilege as to each incriminating question which is asked of him. "If the Committee was to be at all effective in bringing to Congress' attention certain practices * * * which should be subject to federal prohibitions, it necessarily had to ask some witnesses questions which, if truthfully answered, might place them in jeopardy of state prosecution. Unless interrogation is met with a valid constitutional objection 'the scope of the power of (congressional) inquiry * * * is as penetrating and far-reaching as the potential power to enact and appropriate under the Constitution.' (Quoting *Barenblatt* v. *United States*, 360 U.S. 109, 111 (1960)). And it is not until the question is asked that the interrogator can know whether it will be answered or will be met with some constitutional objection. To deny the Committee the right to ask the question would be to turn an 'option of refusal' into a 'prohibition of inquiry' * * *" *Hutcheson* v. *United States*, 369 United States 599, 619.

Any suggestion that Congress cannot inquire into matters which were the subject of judicial proceedings necessarily applies to future judicial proceedings as well as pending. "If such were the reach of 'due process' it would turn a witness' privilege against self-incrimination into a self-operating restraint on congressional inquiry * * * and would in effect *pro tanto* obliterate the need for that constitutional protection." *Hutcheson* v. *United States*, (supra) 613 n. 16 (1962). See also, *Sinclair* v. *United States*, 279 United States 263 (1929). Accordingly, it appears that Mr. Liddy's position as a convicted defendant and a possible future defendant would not suffice to excuse his conduct at the hearing.

It is submitted that a justiciable case against Mr. Liddy under the provisions of 2 U.S.C. 192 has developed by virtue of his refusal to take an oath before a duly constituted subcommittee of the House with a duly established legislative purpose. Accordingly, the provisions of 2 U.S.C. 194 should be invoked for appropriate consideration within the processes established by law. Put another way, the Special Subcommittee is of the opinion that Mr. Liddy has been in contempt of Congress, and under the statutes, the issue of guilt or innocence should be resolved in the appropriate federal court.

Mr. NEDZI (during the reading). Mr. Speaker, since this report has been distributed to the membership as a committee print over the weekend, I ask unanimous consent that the further reading of the report and the appendixes be dispensed with, and that it be printed in full in the RECORD with the appendixes.

[1] See also Proceedings Against Arnold S. Johnson, H. Rept. No. 91–1461; Committee On Internal Security Annual Report, 1972, H. Rept. No. 93–301.

The SPEAKER. Is there objection to the request of the gentleman from Michigan?

There was no objection.

Mr. NEDZI. Mr. Speaker, by direction of the Committee on Armed Services, I offer a privileged resolution (H. Res. 536) and ask for its immediate consideration.

The Clerk read the resolution as follows:

H. RES. 536

Resolved, That the Speaker of the House of Representatives certify the report of the Committee on Armed Services of the House of Representatives as to the refusal of George Gordon Liddy to be sworn or to take affirmation to testify before a duly authorized subcommittee of the said Committee on Armed Services on July 20, 1973, together with all the facts in connection therewith, under the seal of the House of Representatives, to the United States Attorney for the District of Columbia, to the end that the said George Gordon Liddy may be proceeded against in the manner and form provided by law.

The SPEAKER. The gentleman from Michigan (Mr. NEDZI) is recognized for 1 hour.

Mr. NEDZI. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, on Friday, July 20, 1973, during an executive session of the Special Subcommittee on Intelligence of which I am chairman, Mr. George Gordon Liddy, who was duly called as a witness pursuant to a writ of habeas corpus, refused to be sworn prior to offering any testimony or claiming his privileges under the fifth amendment. A quorum being present, the subcommittee voted to report the matter to the full committee with a recommendation for reference to the House of Representatives under procedures which could ultimately result in Mr. Liddy being cited for contempt of Congress. Since Mr. Liddy was in confinement in the District of Columbia Jail, as the result of his conviction on the Watergate break-in, the subcommittee petitioned Chief Judge John J. Sirica for a writ of habeas corpus ad testificandum as the only means of obtaining Mr. Liddy's presence before the subcommittee. In his discretion Judge Sirica signed that petition on July 16, 1973, and an order was delivered to the U.S. marshal for Liddy's presence before the subcommittee on July 20, 1973.

Mr. Speaker, the Special Subcommittee on Intelligence is a duly constituted subcommittee of the House Armed Services Committee pursuant to House Resolution 185, 93d Congress, and the appointment made during the organization meeting of the Committee on Armed Services on February 27, 1973. In addition, an order was given to me as chairman of that subcommittee directing that we conduct an inquiry regarding CIA involvement in Watergate-Ellsberg matters. The subcommittee commenced its hearings on May 11, 1973, and in 16 sessions since that date has had before it some 24 witnesses bearing on the subject of our inquiry. Although three witnesses before the subcommitte claimed their fifth amendment privilege throughout their appearance, Mr. Liddy was the sole witness who refused to be sworn.

In his appearance before the subcommittee on July 20, Mr. Liddy and counsel, through an extensive brief and exchange with the members of the subcommittee, claimed in essence that the fifth amendment incorporates the right of a witness before a congressional subcommittee not to take the stand and therefore not to be sworn. In sum, Mr. Liddy claimed he had the absolute right under the fifth amendment to remain completely silent with regard to any offering before the subcommittee. He further argued a sixth amendment right to avoid what he claims would be prejudicial publicity in the media should he claim his fifth amendment rights.

All of the details concerning committee and subcommittee jurisdiction, the actual proceedings and committee actions on the case are contained in the committee print which was circulated to the House membership by letter dated August 29, 1973, and is presently before the House as a privileged report.

On July 26 and on July 31, 1973, the House Armed Services Committee met to consider the resolution before you today. After extensive discussion and consideration of the legal matters involved, the committee voted 33 to 0 to adopt the resolution.

Mr. Speaker, the position of the committee is that all substantive and procedural legal prerequisites have been satisfied for the hearing of Mr. Liddy as a witness and that the House should report a resolution which would refer the matter to the U.S. Attorney. Title 2, United States Code, sections 192 and 194 provide the necessary vehicles for taking this action. Section 192 provides the basis for indictment should a witness before either House of Congress refuse to answer any question pertinent to the inquiry. Section 194 provides the vehicle for certifying such a result to the appropriate U.S. Attorney. The central question is whether failure to take the oath constitutes a refusal to give testimony. We believe it does. Of course, the ultimate answer rests with the courts. While there may be merit to Mr. Liddy's argument as it pertains to testimony of a defendant in a court of law, we do not believe that it applies to a duly constituted congressional hearing without procedural deficiencies.

We have examined some of the basic case law on the subject and are of the opinion that we are in compliance with the basic substantive and procedural requirements in the onward reporting of the case. Accordingly, it is the position of the committee that the proceedings to date are in order and we recommend that the House approve going forward with a resolution that the Speaker certify to the U.S. Attorney the report as to the refusal of George Gordon Liddy to be sworn to testify at a meeting of the Special Subcommittee on Intelligence on July 20, 1973, together with all the facts in connection therewith to the end that he may be proceeded against as provided by law.

Mr. ARENDS. Mr. Speaker, I rise in support of this Resolution and urge my colleagues to do likewise.

It has been a long-time tradition well-supported in law that when witnesses called before congressional committees are required to be sworn prior to offering testimony it is their duty to rise and be sworn or make affirmation. Following that, it certainly is the right of every witness to claim the privilege against self-incrimination under the fifth amendment if, indeed, that be the case. However, the Congress and its committees has every right to put the question to the witness in our investigative and legislative functions. Then and only then should there be a decision as to whether a reply must be made. Certainly to condone a refusal to be sworn would stifle the entire congressional investigative process and that cannot be tolerated if we are to fulfill our legislative responsibilities. During the course of the subcommittee hearings, of which I am priviledged to be a member, no other witness refused to be sworn although others did claim a privilege under the fifth amendment and in no case did the subcommittee question that right.

Although contempt proceedings could be conducted in the halls of Congress, the membership in their wisdom felt the better course was to refer all such cases to the appropriate U.S. Attorney for action after approval by the House concerned. That is what we ask you to do today in what I consider to be a clear cut violation of the statutory provision contained in section 192 of title 2, United States Code.

The integrity of the legislative process requires that we do nothing less than to pass this resolution. We believe Mr. Liddy should be cited for contempt of Congress for his failure to take the oath or make affirmation before a duly constituted subcommittee of the House Armed Services Committee, while in pursuit of a proper investigation of alleged Central Intelligence Agency involvement in the Watergate-Daniel Ellsberg matters.

Mr. NEDZI. Mr. Speaker, I yield to the gentleman from Iowa.

Mr. GROSS. Mr. Speaker, I believe that the gentleman stated that G. Gordon Liddy was the only one of numerous witnesses to be called before the subcommittee who refused to be sworn as a witness.

Is that correct?

Mr. NEDZI. That is correct.

Mr. GROSS. Was he not the only person to come before the committee who had been indicted, tried, and convicted, and had a case on appeal in the courts? Was he not the only witness in that status?

Mr. NEDZI. In the status which the gentleman describes, I believe he was. However, Mr. McCord was also found guilty, and Mr. Hunt was found guilty also. That is correct. So he was not the only one in that status.

Mr. GROSS. Did they have appeals pending?

Mr. NEDZI. My understanding is that they do have appeals pending.

Mr. GROSS. I am talking about the other two.

Mr. NEDZI. That is my understanding, yes.

Mr. GROSS. They were in the same status as Mr. Liddy?

Mr. NEDZI. With the exception of Mr. McCord who is not in confinement, as the gentleman knows, whereas Mr. Liddy was.

Mr. HUNT. Mr. Speaker, will the gentleman yield?

Mr. NEDZI. I yield to the gentleman from New Jersey.

Mr. HUNT. I ask the distinguished chairman to clarify that statement that referred to "Mr. Hunt." I am a member of the Armed Services Committee and I want it distinctly understood the gentleman is not talking about me. Will the gentleman be so good as to do that?

Mr. NEDZI. I will be glad to. The Mr. Hunt to whom I refer is E. Howard Hunt of Watergate fame.

Mr. HUNT. I thank the gentleman.

Mr. HUNGATE. Mr. Speaker, will the gentleman yield?

Mr. NEDZI. I yield to the gentleman from Missouri.

Mr. HUNGATE. Mr. Speaker, may I inquire, if we vote the citation, this gentleman is now doing time, is that correct?

Mr. NEDZI. That is correct.

Mr. HUNGATE. What is his sentence approximately? Is it 30 days or years?

Mr. NEDZI. It is years. I regret I cannot give the gentleman a specific answer.

Mr. HUNGATE. What would be the remedy if he were ordered found in contempt and still declined to answer?

Mr. NEDZI. I assume the remedy would be to tack onto his sentence whatever the court would deem appropriate.

Mr. DRINAN. Mr. Speaker, will the gentleman yield?

Mr. NEDZI. I yield to the gentleman from Massachusetts.

Mr. DRINAN. Mr. Speaker, I commend the gentleman for the excellent report he has issued but I raise this question. It is my understanding that some 2 weeks prior to the actual appearance of Mr. Liddy, the committee had in writing a letter from Mr. Liddy's lawyer indicating that Mr. Liddy would not in fact furnish any information and that he would take the fifth amendment, as would be his right. I wondered if the chairman of the subcommittee would answer what precise information or what areas were to be explored by the committee with Mr. Liddy when it was known ahead of time that Mr. Liddy would in fact invoke the fifth amendment.

Mr. NEDZI. My response to the gentleman in the first instance is that counsel for Mr. Liddy did not indicate he would not be sworn. He said Mr. Liddy would take the fifth amendment. Of course the intention of the committee in calling Mr. Liddy was an effort to endeavor to elicit such information as Mr. Liddy possessed with reference to the involvement of the CIA in the whole Watergate affair.

Mr. DRINAN. I wonder if the chairman could tell me this. Is there any precedent in the annals of the House for citing for contempt a person simply because he has refused to take the oath?

Mr. NEDZI. Yes, there is precedent. There is the case which goes back to 1947 involving Gerhardt Eisler, who refused to be sworn before the House Un-American Activities Committee at that time.

Mr. DRINAN. But in the Eisler case were there not other circumstances that are not present here, or rather, in the Liddy case there are circumstances present that were not present in the Eisler case.

Mr. Liddy is now in jail; he is being investigated by a grand jury; he is a defendant in a civil case, and he felt that this might tend to incriminate him?

Mr. NEDZI. There are certain differences of course. On the other hand in the Eisler matter he was also in confinement at the time that he appeared and there were charges being pursued against him, so to that extent the two cases are very similar.

Mr. DRINAN. One further thing is not entirely clear to me from reading the documents. Mr. G. Gordon Liddy through his attorney said this would tend to defame him and degrade him and possibly incriminate him, but my understanding is that all this was in executive session, so how could his attorney say in fact that this would tend to implicate him since the proceeding would not be public?

Mr. NEDZI. Mr. Speaker, I cannot really respond to the gentleman's question.

Mr. DRINAN. Could he feel, though, that the fact would emerge that Mr. G. Gordon Liddy had invoked the fifth amendment and had thereby created prejudice against himself?

Mr. NEDZI. Mr. Speaker, I think that was a reasonable assumption on his part, certainly.

Mr. DRINAN. Mr. Speaker, I thank the gentleman for responding.

Mr. ROUSSELOT. Mr. Speaker, will the gentleman yield?

Mr. NEDZI. I yield to the gentleman from California.

Mr. ROUSSELOT. Mr. Speaker, on page 28 of the report before us, at the bottom of the page, it says:

> There being 33 Yeas and no Nays, Mr. NEDZI's proposal to bring a resolution before the House of Representatives citing Mr. G. Gordon Liddy for contempt of Congress was approved.

Do we have a printed copy of this resolution?

Mr. NEDZI. The resolution was read before the House.

Mr. ROUSSELOT. The normal procedure is that we have a printed copy.

Mr. NEDZI. It is on the front page.

Mr. ROUSSELOT. Is there some great hurry that we cannot read the resolution?

Mr. NEDZI. It is on the front page of this report. This has been in the hands of the Members.

Mr. ROUSSELOT. The reason I asked is that we had some difficulty last Thursday, my office, when we were informed that the resolution would come up, in getting a copy. I just wondered if there was some great reason as to why everyone was denied a copy prior to this time.

Mr. NEDZI. Nobody was denied a copy. This was sent out to all the Members August 29.

Mr. ROUSSELOT. What is the number of it?

Mr. NEDZI. There is no number. It is a committee print.

Mr. ROUSSELOT. Could the gentleman tell me the difference between this citation on Mr. Liddy and the citation against the president of CBS, and how he voted on that?

Mr. NEDZI. I frankly cannot remember how I voted on that.

Mr. ROUSSELOT. Mr. Speaker, I am going to be interested to see how the votes go in comparison with protection of civil rights. I am inclined to vote for this resolution, but as it relates to the one for the president of CBS, who of course is in a much better position to protect himself than this gentleman, who is now in jail and obviously salted away.

I am really somewhat disturbed, although the gentleman assures me that everybody was given adequate notification; yet, he cannot even tell me the number of the resolution we have before us.

Mr. NEDZI. The record is going to have to speak for itself on that score. I am advised there is no number until afterward.

Mr. HUNGATE. Mr. Speaker, will the gentleman yield?

Mr. NEDZI. I yield to the gentleman from Missouri.

Mr. HUNGATE. Mr. Speaker, I rise to support the committee's position based on the research report of the Library of Congress which follows:

> This is in response to your request for an evaluation of the grounds of refusal of Mr. G. Gordon Liddy to take the oath as witness before the Special Intelligence Subcommittee. Basically, Mr. Liddy's argument seems to be that since he is a defendant in pending criminal actions—as a convicted defendant on appeal in one case and as a possible future defendant in the light of ongoing grand jury action—he is entitled under the Fifth Amendment's self-incrimination clause to refuse to take the stand as a witness at all. The argument with regard to this point is fused with an argument directed to the claim of prejudice in future trials which will be occasioned by his appearance, which may be a due process claim or which may simply be gloss on the self-incrimination clause.
>
> The bulk of the Maroulis memorandum, which you forwarded for our consideration, is an extended historical survey of the development of the accusatorial system, the privileges against self-incrimination, and related matters.
>
> It is established, without any necessity for an historical treatment, that a defendant in a criminal case may not be compelled to give evidence against himself and indeed that he may not be called to the stand and made to take the oath at all if he chooses. With regard to compelling the appearance of the subject of an investigation, a possible future defendant, or an already indicted defendant before a grand jury, the rule varies in federal and state courts. The federal courts have generally refused to hold that the subject of the investigation, a prospective defendant, may decline to appear but they have indicated that there may be limits with respect to who may be called and under what circumstances the inquiry may proceed. Note, "The Rights of a Witness Before a Grand Jury", 1967 *Duke L. J.* 97, 105 nn. 31, 32. The language from *Jones* v. *United States*, 342 F. 2d 863, 868 (C.A.D.C. 1964), purporting to state the rule in the District of Columbia was not concurred in by a majority of the

Court and was therefore not a holding. *Id.*, at 864.

Whatever the rule prevailing with regard to grand juries, there is no support in the decided cases for any proposition that a defendant—prospective, past, or present—may decline to appear or refuse to take the oath before a congressional committee. He may of course assert his privilege against self-incrimination in regard to questions asked of him but he may not refuse to take the witness chair at all. The reason plainly is that a congressional committee is not a court, it has no power to try, convict, and sentence one, and its function is not to discover evidence for such purposes. Its function is to carry on inquiries to determine the necessity of legislation and to review the carrying-out of enacted legislation.

McGrain v. *Daugherty*, 273 U.S. 135 (1926), clearly establishes that a committee of one House of Congress may compel a private individual to appear before it and to give testimony provided that the inquiry is part of an exercise of the legislative function conveyed to Congress by the Constitution and that the process is being employed to obtain testimony for that purpose. The power of inquiry, the Court said, is "a necessary and appropriate attribute of the power to legislate" and is in fact to be treated "as inhering in it" for purposes of legislating and oversight with regard to enacted law. *Id.*, at 175. Specifically, the Court observed, the legislative function of the inquiry was clearly manifested because "the subject to be investigated was the administration of the Department of Justice—whether its functions were being properly discharged or were being neglected or misdirected, and particularly whether the Attorney General and his assistants were performing or neglecting their duties in respect of the institution and prosecution of proceedings to punish crimes and enforce appropriate remedies against the wrongdoers—specific instances of alleged neglect being recited. Plainly the subject was one on which legislation could be had and would be materially aided by the information which the investigation was calculated to elicit. This becomes manifest when it is reflected that the functions of the Department of Justice, the powers and duties of the Attorney General and the duties of his assistants, are all subject to regulation by congressional legislation, and that the department is maintained and its activities are carried on under such appropriations as in the judgment of Congress are needed from year to year." *Id.*, 177–178.

The same language could be used in connection with the CIA and Congress and the responsibilities of the Subcommittee.

Daugherty it should be noted, who was convicted of contempt for refusing to appear before the committee pursuant to a subpoena, was a private citizen, the brother of the Attorney General and his actions were at the same time subject to other investigations preparatory to the bringing of criminal charges which were in fact brought. Any suggestion that Congress could not inquire into matters which were the subject of judicial proceedings would have to apply to future judicial proceedings as well as pending. "If such were the reach of 'due process' it would turn a witness' privilege against self-incrimination into a self-operating restraint on congressional inquiry . . . and would in effect *pro tanto* obliterate the need for that constitutional protection." *Hutcheson* v. *United States*, 369 U.S. 599, 613 n. 16 (1962).

But we need not pursue that principle from the *Daugherty* opinion inasmuch as any argument that the pendency of judicial proceedings undercuts the congressional power of inquiry is entirely negatived by *Sinclair* v. *United States* 279 U.S. 263 (1929), and *Hutcheson* v. *United States, supra*. *Sinclair* concerned an investigation into the circumstances of the execution of oil leases from the United States while there was pending a civil suit seeking to cancel the leases on allegations of fraud. The Court rejected the argument that the pendency of the suit prevented the congressional inquiry. "It may be conceded that Congress is without authority to compel disclosures for the purpose of aiding the prosecution of pending suits; but the authority of that body directly or through its committees, to require pertinent disclosures in aid of its own constitutional power, is not abridged because the information sought to be elicited may also be of use in such suits." 279 U.S., 295. *Sinclair* was applied in a pending criminal proceeding context in *Hutcheson*, where indictments were pending in state court and the committee inquiry was directed to some of the same issues. 369 U.S., 613.

Justice Harlan observed in *Hutcheson* that petitioner's claims of prejudice in the conduct of the state trial possibly arising out of his appearance before the congressional committee was no defense to the charge of contempt for refusing to cooperate with the committee. If his appearance should result in prejudice, the time to raise that issue and for the courts to review it would be upon appeal of the state criminal conviction, inasmuch as it could not be known at the time of the contempt before the committee whether in fact he would be prejudiced. *Id.* 612–613. It may be that no prejudice would result. If it did, the conviction could be set aside on that ground, as was the case in the much cited *Delaney* v. *United States*, 199 F. 2d 107 (C.A. 1 1952).

It therefore appears that Mr. Liddy's position as a convicted defendant and a possible future defendant would not suffice to excuse his appearance. A refusal to take the oath and be sworn, it is established in the few cases dealing with this fact situation, constitutes under 2 U.S.C. sec. 192 both a willful default and a refusal to answer. *Eisler* v. *United States*, 170 F. 2d 273, 279–281 (C.A.D.C. 1948); *United States* v. *Hintz*, 193 F. Supp. 325, 327–328 (D.C.H.D. Ill. 1961). Any witness, of course, has the constitutional right to invoke his privilege against self-incrimination and refuse to answer when indeed he would be incriminated. But he must appear, he must take the stand, he must be sworn, and he must assert the privilege as to each incriminating question which is asked of him. "If the Committee was to be at all effective in bringing to Congress' attention certain practices in the labor-management field which should be subject to federal prohibitions, it necessarily had to ask some witnesses questions which, if truthfully answered, might place them in jeopardy of state prosecution. Unless interrogation is met with a valid constitutional objection 'the scope of the power of (congressional) inquiry . . . is as penetrating and far-reaching as the potential power to enact and appropriate under the Constitution.' [Quoting *Barenblatt* v. *United States*, 360 U.S. 109, 111 (1960)]. And it is not until the question is asked that the interrogator can know whether it will be answered or will be met with some constitutional objection. To deny the Committee the right to ask the question would be to turn an 'option of refusal' into a 'prohibition of inquiry', . . . and to limit congressional inquiry to those areas in which there is not the slightest possibility of state prosecution for information that may be divulged." *Hutcheson* v. *United States, supra*, 619. It is clear from the entire opinion that the references to "state prosecution" resulted solely from the fact that the pending indictments were in state court and that no federal law apparently reach the subjects of the state indictments. The language evinces no intention to make a distinction between state and federal incrimination with regard to pending proceedings.

Mr. NEDZI. Mr. Speaker, I move the previous question on the resolution.

The previous question was ordered.

The SPEAKER. The question is on the resolution.

The question was taken; and the Speaker announced that the ayes appeared to have it.

Mr. NEDZI. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 334, nays 11, answered "present" 1, not voting 88, as follows:

[Roll No. 442]

YEAS—334

Abdnor	Dent	Jones, Tenn.
Abzug	Derwinski	Jordan
Adams	Devine	Kastenmeier
Alexander	Dickinson	Kazen
Anderson, Calif.	Downing	Kemp
Anderson, Ill.	Drinan	Ketchum
Andrews, N. Dak.	du Pont	King
Annunzio	Eckhardt	Koch
Archer	Edwards, Calif.	Kuykendall
Arends	Eilberg	Kyros
Armstrong	Erlenborn	Latta
Ashley	Esch	Leggett
Aspin	Evans, Colo.	Lent
Bafalis	Evins, Tenn.	Long, La.
Baker	Fascell	Long, Md.
Bauman	Findley	Lott
Beard	Fish	Lujan
Bennett	Fisher	McClory
Bergland	Flood	McCloskey
Bevill	Flowers	McCollister
Biester	Ford, Gerald R.	McCormack
Bingham	Ford, William D.	McDade
Boggs	Forsythe	McFall
Boland	Fountain	McKay
Brademas	Frenzel	Macdonald
Breaux	Frey	Madden
Breckinridge	Froehlich	Madigan
Brinkley	Fulton	Mahon
Brooks	Gaydos	Mallary
Broomfield	Gettys	Mann
Brown, Calif.	Giaimo	Martin, Nebr.
Brown, Mich.	Gibbons	Martin, N.C.
Broyhill, N.C.	Gilman	Mathias, Calif.
Broyhill, Va.	Ginn	Matsunaga
Buchanan	Goldwater	Mazzoli
Burgener	Gonzalez	Meeds
Burke, Fla.	Goodling	Melcher
Burke, Mass.	Grasso	Metcalfe
Burleson, Tex.	Green, Pa.	Mezvinsky
Burlison, Mo.	Griffiths	Milford
Butler	Gross	Miller
Byron	Grover	Minish
Camp	Gude	Mink
Carey, N.Y.	Gunter	Mitchell, Md.
Carney, Ohio	Guyer	Mitchell, N.Y.
Casey, Tex.	Haley	Mizell
Cederberg	Hamilton	Mollohan
Chamberlain	Hammer-schmidt	Montgomery
Clancy	Hanley	Moorhead, Calif.
Clark	Hansen, Wash.	Morgan
Clausen, Don H.	Harvey	Mosher
Clay	Hastings	Moss
Cleveland	Hawkins	Murphy, N.Y.
Cochran	Hays	Myers
Cohen	Hébert	Natcher
Collier	Hechler, W. Va.	Nedzi
Collins, Ill.	Heckler, Mass.	Nelsen
Collins, Tex.	Heinz	Nichols
Conable	Helstoski	Obey
Conlan	Henderson	O'Brien
Conte	Hicks	O'Hara
Corman	Hillis	O'Neill
Cotter	Hinshaw	Owens
Coughlin	Hogan	Parris
Cronin	Holtzman	Passman
Daniel, Dan	Hosmer	Patten
Daniel, Robert W., Jr.	Howard	Perkins
Daniels, Dominick V.	Huber	Pettis
Danielson	Hungate	Peyser
Davis, Wis.	Hunt	Pickle
de la Garza	Hutchinson	Poage
Dellenback	Ichord	Powell, Ohio
Dellums	Jarman	Preyer
Denholm	Johnson, Calif.	Price, Ill.
Dennis	Johnson, Pa.	Price, Tex.
	Jones, Ala.	Pritchard
	Jones, N.C.	Quie
	Jones, Okla.	Railsback
		Randall

Rangel	Shipley	Vander Jagt
Rarick	Shoup	Vanik
Rees	Shriver	Vigorito
Regula	Shuster	Waggonner
Reuss	Sikes	Waldie
Rhodes	Skubitz	Wampler
Riegle	Smith, N.Y.	Ware
Rinaldo	Snyder	Whalen
Roberts	Spence	White
Robinson, Va.	Staggers	Whitehurst
Robison, N.Y.	Stanton, J. William	Whitten
Rodino	Stanton, James V.	Widnall
Roe	Stark	Wiggins
Rogers	Steed	Williams
Roncalio, Wyo.	Steelman	Wilson, Bob
Roncalio, N.Y.	Steiger, Wis.	Wilson, Charles H., Calif.
Rooney, Pa.	Stokes	Wilson, Charles, Tex.
Rose	Stubblefield	Winn
Rosenthal	Stuckey	Wright
Roush	Studds	Wyatt
Rousselot	Sullivan	Wylie
Roy	Symington	Wyman
Roybal	Taylor, Mo.	Yates
Ruppe	Taylor, N.C.	Young, Alaska
Ruth	Teague, Calif.	Young, Fla.
Ryan	Thompson, N.J.	Young, Ga.
Sandman	Thomson, Wis.	Young, Ill.
Sarasin	Thone	Young, S.C.
Sarbanes	Thornton	Young, Tex.
Satterfield	Tiernan	Zablocki
Saylor	Towell, Nev.	Zion
Scherle	Treen	Zwach
Schneebeli	Ullman	
Schroeder	Van Deerlin	
Sebelius		
Seiberling		

NAYS—11

Blackburn	Edwards, Ala.	Quillen
Burton	Flynt	Steiger, Ariz.
Carter	Johnson, Colo.	Symms
Duncan	Landgrebe	

ANSWERED "PRESENT"—1

Ashbrook

NOT VOTING—88

Addabbo	Fraser	Minshall, Ohio
Andrews, N.C.	Frelinghuysen	Moakley
Badillo	Fuqua	Moorhead, Pa.
Barrett	Gray	Murphy, Ill.
Bell	Green, Oreg.	Nix
Biaggi	Gubser	Patman
Blatnik	Hanna	Pepper
Bolling	Hanrahan	Pike
Bowen	Hansen, Idaho	Podell
Brasco	Harrington	Reid
Bray	Harsha	Rooney, N.Y.
Brotzman	Holifield	Rostenkowski
Brown, Ohio	Holt	Runnels
Burke, Calif.	Horton	St Germain
Chappell	Hudnut	Sisk
Chisholm	Karth	Slack
Clawson, Del	Keating	Smith, Iowa
Conyers	Kluczynski	Steele
Crane	Landrum	Stephens
Culver	Lehman	Stratton
Davis, Ga.	Litton	Talcott
Davis, S.C.	McEwen	Teague, Tex.
Delaney	McKinney	Udall
Diggs	McSpadden	Veysey
Dingell	Mailliard	Walsh
Donohue	Maraziti	Wolff
Dorn	Mathis, Ga.	Wydler
Dulski	Mayne	Yatron
Eshleman	Michel	
Foley	Mills, Ark.	

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. NEDZI. Mr. Speaker, I ask unanimous consent that all Members who wish to do so may have 5 legislative days in which to revise and extend their remarks on the resolution just agreed to.

The SPEAKER. Is there objection to the request of the gentleman from Michigan?

There was no objection.

LITTLE CIGAR ACT OF 1973

Mr. LONG of Louisiana. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 503 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 503

Resolved, That upon the adoption of this resolution it shall be in order to move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 7482) to amend the Federal Cigarette Labeling and Advertising Act of 1965 amended by the Public Health Cigarette Smoking Act of 1969 to define the term "little cigar", and for other purposes. After general debate, which shall be confined to the bill and shall continue not to exceed one hour, to be equally divided and controlled by the chairman and ranking minority member of the Committee on Interstate and Foreign Commerce, the bill shall be read for amendment under the five-minute rule. At the conclusion of the consideration of the bill for amendment, the Committee shall rise and report the bill to the House with such amendments as may have been adopted, and the previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit. After passage of H.R. 7482, the Committee on Interstate and Foreign Commerce shall be discharged from the further consideration of the bill S. 1165, and it shall then be in order to consider the said Senate bill in the House.

The SPEAKER. The gentleman from Louisiana (Mr. LONG) is recognized for 1 hour.

Mr. LONG of Louisiana. Mr. Speaker, I yield the usual 30 minutes to the minority member, the distinguished gentleman from Ohio (Mr. LATTA) pending which I yield myself such time as I may consume.

Mr. Speaker, House Resolution 503 provides for an open rule with 1 hour of general debate on H.R. 7482, a bill to amend the Federal Cigarette Labeling and Advertising Act of 1965 amended by the Public Health Cigarette Smoking Act of 1969 by defining the term "little cigar."

House Resolution 503 provides that after the passage of H.R. 7482 the Committee on Interstate and Foreign Commerce shall be discharged from the further consideration of the bill S. 1165, and it shall be in order to consider S. 1165 in the House.

The Federal Cigarette Labeling and Advertising Act prohibits broadcast advertisements for cigarettes. However, the act does not ban advertisements for little cigars. The purpose of H.R. 7482 is to amend the act to prohibit the advertising of little cigars on television, radio and cable television. The bill defines the term "little cigar" to mean any roll of tobacco, other than a cigarette, wrapped in leaf tobacco or any substance containing tobacco of which 1,000 weigh not more than 3 pounds.

Mr. Speaker, the 1973 report by the Department of Health, Education, and Welfare makes a finding that smoking little cigars may result in health defects similar to those associated with smoking cigarettes. I urge adoption of House Resolution 503 in order that we may discuss and debate H.R. 7482.

Mr. LATTA. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, today we are considering House Resolution 503 which provides for the consideration of H.R. 7492, the Little Cigar Act, under an open rule with 1 hour of general debate. This rule also makes it in order to insert the House-passed language in the Senate bill, S. 1165.

The primary purpose of H.R. 7482 is to amend the Federal Cigarette Labeling and Advertising Act in such a way as to prohibit the advertising of little cigars on television, radio, and cable TV.

The labeling requirements and ban on broadcast advertising which are applicable to cigarettes under the Federal Cigarette Labeling and Advertising Act do not apply to the little cigars.

The bill contains a definition of a "little cigar." It is defined to mean any roll of tobacco, other than a cigarette, wrapped in leaf tobacco or any substance containing tobacco of which 1,000 weigh not more than 3 pounds.

The committee report states that—

> To permit the continued advertising of little cigars on the electronic mass media would promote the impression that it is safer to smoke little cigars than cigarettes.

Little cigars do not require a warning label and their use has steadily increased.

The committee report states there will be no cost involved in this legislation.

Mr. Speaker, I urge the adoption of this rule in order that the House may debate H.R. 7482.

Mr. Speaker, I have no requests for time, and reserve the balance of my time.

Mr. LONG of Louisiana. Mr. Speaker, I have no requests for time, and I move the previous question on the resolution.

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

Mr. STAGGERS. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 7482) to amend the Federal Cigarette Labeling and Advertising Act of 1965 amended by the Public Health Cigarette Smoking Act of 1969 to define the term "little cigar," and for other purposes.

The SPEAKER. The question is on the motion offered by the gentleman from West Virginia (Mr. STAGGERS).

The motion was agreed to.

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill H.R. 7482, with Mr. HAMILTON in the chair.

The Clerk read the title of the bill.

By unanimous consent, the first reading of the bill was dispensed with.

The CHAIRMAN. Under the rule, the gentleman from West Virginia (Mr. STAGGERS) will be recognized for 30 minutes, and the gentleman from Tennessee (Mr. KUYKENDALL), will be recognized for 30 minutes.

The Chair recognizes the gentleman from West Virginia.

Mr. STAGGERS. Mr. Chairman, I will be very brief. I thought that the gentleman on the Committee on Rules explained the bill very well. It is a very brief bill. It just prohibits the advertising on radio and television of little cigars the way we prohibited the advertising of

cigarettes. The reason for that is that some of the tobacco companies developed little cigars which are the same size and shape as cigarettes and began advertising them on TV and radio and cable. This advertising makes them really appealing to the youth of this land. As we all know, they watch TV and listen to the radio.

Three Senators on the other side called in all of the tobacco companies making little cigars and asked them to voluntarily stop this advertising. All of them but one said they would. That one had not begun advertising at the time. That has been some 4 or 5 months ago. They have been on radio and TV now for about 2 or 3 months, so they are caught up on their advertising. Anybody who has watched TV recently has seen the advertisements for these little cigars.

Mr. Chairman, it is recognized that little cigars have the same potential for harm that the cigarette does. They are about half the price of cigarettes. The tax on cigarettes is $4 per thousand, and I believe for little cigars it is 75 cents per thousand. This also makes it more attractive, in that they do not cost nearly as much. There is no additional cost to the Federal Government in any way on this bill.

I believe this explains the bill.

Mr. GROSS. Mr. Chairman, will the gentleman yield?

Mr. STAGGERS. I yield to the gentleman from Iowa.

Mr. GROSS. I thank the gentleman for yielding. Does the Committee on Interstate and Foreign Commerce have any other legislation stored up over there to save some of us from ourselves?

Mr. STAGGERS. I will say to the gentleman from Iowa that is a theoretical question, and I do not know how I would answer it. I do not know what the gentleman is afraid of or what he is trying to get away from.

Mr. GROSS. I am not trying to get away from anything. I am just trying to find some people in this Government in Congress, and the executive branch of Government, who will let me live within the law and let me live the way I want to live. If I elect to die from smoking cigarettes, or whatever, or should become a basket case of one kind or another from smoking cigarettes, little cigars or big cigars, why do not they let me do it?

Mr. STAGGERS. The gentleman can do it. We are not stopping him from it. We are trying to help the children of America.

Mr. GROSS. This is interfering with my life.

Mr. STAGGERS. We are not interfering with the gentleman's life one bit. We are not interfering one bit with his life nor are we interfering with the life of any adult in this Nation. We are trying to help the youth of America. The gentleman can do as he pleases. We are not trying to harm him or stop him in any way. This is for the benefit of the children the advertising of these little cigars would otherwise reach.

Mr. KUYKENDALL. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I generally approve of the thrust of this legislation because I do applaud the idea of the elements of the industry getting together and taking action voluntarily, which I wish could have prevented this legislation entirely.

However, if the amendment which is to be offered by the gentleman from New York (Mr. MURPHY) is accepted, I shall and I know other people who feel the same way as I do shall support this legislation. However, without the said amendment I see no way that I can support the legislation.

The amendment will be this. The reason the understanding in the industry was not 100 percent, and the reason the legislation ended up in our lap instead of the situation begin taken care of in a voluntary regulation, as is true in so many other instances, is because the large elements of the tobacco industry had completed the introduction of their little cigars. There was one large cigar company involved. The other little cigars were all introduced by cigarette companies, but the one cigar company involved is not yet through with its introduction, so we are urging, the gentleman from New York and others, that we simply make this 30 days from enactment provided in the legislation to be 90 days from enactment so that all the different elements of the tobacco industry will be starting on pretty much a break-even basis.

Certainly the Congress and the courts have decided that we have a place in the controlling of advertising of tobacco on television. I for one do not think we have any such place, but I think we have to accept that the law says we do.

The inexcusable thing for us in Congress is to be caught in a situation where we are taking part in an intraindustry competitive situation, and that is where one element of the industry is through with their introduction and they want to cut it off on a voluntary basis before another element of the same industry gets through with their introduction.

So upon the introduction and acceptance of the amendment to be offered by the gentleman from New York, I urge the adoption of this legislation. Without the acceptance of the amendment to be offered by the gentleman from New York (Mr. MURPHY) I shall oppose this legislation as putting us unwisely in an intraindustry squabble which we should not be in.

Mr. STAGGERS. I yield to the gentleman from Massachusetts (Mr. MACDONALD) such time as he may consume.

Mr. MACDONALD. Mr. Chairman, I thank the gentleman for yielding.

Mr. Chairman, I would like to point out to my colleague, the gentleman from Tennessee as well as to my colleague, the gentleman from New York that the company to which the gentlemen have reference, namely the Continental Cigar Corp., is not involved in any squabble with any other segment of the industry at this time.

As the author of the bill here in the House I have been informed by their president and their general manager that they support the legislation, that they have no need to be protected, and indeed they have had nothing to do with the sponsorship of this legislation either in a positive or a negative sense.

What the bill was intended to do, what it does do, is to treat all little cigars in the same way, whether they be called little cigars or regular cigarettes. The Public Health Department, the Surgeon General, has put it out that these little cigars are indeed deleterious to the health of the citizens of the United States; that when used, and if habit forming to the youth of the country, will in the long run be just as injurious to the health of the United States as were cigarettes which were banned from advertising on radio and TV.

So, if the intention of the gentlemen is to protect that company, the company, I repeat, has already indicated to me definitively that they sponsor this legislation and therefore oppose the amendment.

Mr. Chairman, I rise in support of H.R. 7482, a bill to amend the Federal Cigarette Labeling and Advertising Act so as to prohibit the advertising of so-called little cigars on television, radio, and cable television.

The history of little cigars is relatively brief. Just 2 years ago, the R. J. Reynolds Tobacco Co. began test marketing a little cigar called Winchester, using television as its primary marketing tool. Winchesters were packaged like cigarettes, 20 to a box, they looked like cigarettes except that they had brown wrappers instead of white, they were sold at cigarette counters, they needed no warnings printed on their packages about dangers to the users' health, and they were cheaper than cigarettes. The conclusion was unmistakeable, that smokers who felt apprehensive about smoking cigarettes could now switch to these little cigars, feel reassured about dangers to their health, and save money besides.

The Federal Trade Commission recommended that little cigars be treated as cigarettes for purposes of the Federal Cigarette Labeling and Advertising Act. The Department of Health, Education, and Welfare reported that tar and nicotine levels in little cigars are similar to levels found in cigarettes. Despite the absence of definitive medical studies, which it is estimated could take 10 to 15 years, there was strong evidence presented to the committee that if these little cigars were advertised on television and radio, the end result would be to subvert the intent of Congress as expressed in the Public Health Cigarette Smoking Act of 1969.

Several Members of the other body—Senators MAGNUSON, MOSS, and COOK—undertook to persuade the manufacturers of little cigars to refrain from advertising them on television and radio. All but one manufacturer agreed to stop such advertising. The lone holdout, Consolidated Cigar Corp., maker of a little cigar called Dutch Treat, had not at that time introduced its product on radio and TV, and desired to become fully competitive with those companies who had gotten a head start. As a result, in the period between June 19 when the Interstate and Foreign Commerce Committee reported H.R. 7482 and today, Consolidated Cigar has flooded the commercial TV channels with ads for Dutch Treat little cigars.

So unless this legislation is enacted, the door for Dutch Treats and for new brands of little cigars will be left open, and we will see a return to television of

all kinds of romantic ads aimed at young people and urging them to take up smoking little cigars. If cigarette advertising should be barred from television and radio, so should these so-called little cigars. The sooner the House acts, the sooner this unintended loophole can be closed.

Mr. KUYKENDALL. Mr. Chairman, will the gentleman yield?

Mr. STAGGERS. Mr. Chairman, I yield to the gentleman from Massachusetts.

Mr. MACDONALD. Mr. Chairman, I yield to the gentleman from Tennessee.

Mr. KUYKENDALL. Mr. Chairman, let me agree with the gentleman that under the law—which I do not happen to agree with—the separation of this little cigar from the rest of the cigarettes is something that I believe the purpose of the bill is to prevent. As I said, I am for that legislation, but I have a message on my desk from the parent company of the little cigar company as recently as yesterday afternoon urging me not only to support this amendment, but to vote against the bill, period.

I told these people when they took this position many months ago, that as far as I was concerned, I could not support a separation of this small cigar from cigarettes, but I would try to see that justice was done at the marketplace.

This is the only point here. All in the world we are asking be done is that this committee not be used, because I, in my colloquy in committee with a Member of the other body who was part and parcel of the agreement that was reached prior to the necessity of the legislation, asked him this question: "Do you think if this other company had not been through with its introduction, that they would have joined in any agreement?"

He said, "No, they would not have."

So, all I am asking is that we avoid now and in the future being used by industry in squabbles inside the industry. I join with the gentleman from Massachusetts in supporting the basic idea of this legislation, but let us not get ourselves caught in the position where we have a growth of movement from one part of an industry using us to compete against the growth of some other part of the industry.

Mr. MACDONALD. Mr. Chairman, I agree with the gentleman that this body should not be used by any industry. I repeat, as sponsor of this bill, that I feel that I am not being used by any segment of the industry. Indeed, if I thought I was, I would not oppose the Murphy amendment and I would oppose this bill because no one here in the Congress wants to be used by any segment of any industry.

I repeat, I have been told by the company the gentleman has reference to that they support the legislation and have no objection to its passage.

Mr. KUYKENDALL. Mr. Chairman, I yield 1 minute to the gentleman from Ohio (Mr. DEVINE).

Mr. DEVINE. Mr. Chairman, a few years ago the Surgeon General came to a momentous conclusion that heavy smoking of cigarettes was bad for the health. This came as no great surprise. Most athletic coaches had tried to impress this upon athletes. Most heavy smokers readily admitted that they were doing themselves no good.

Regardless of an almost universal recognition that cigarettes were a bad deal, most people took a whirl at using them for at least a while. The cigarette companies kept up a drum fire of advertising over the years. Before television you would see some brand of smoke leap out at you from a billboard. Just in case our troops overseas were not in enough trouble, the Red Cross and other organizations made sure they had enough cigarettes.

Once the tablets had been sent down from HEW and the pronouncement was official, it could be expected that Congress would react in some fashion. What did we do? Did we ban tobacco? Did we ban subsidies? Did we ban even cigarettes? Did we deny these products the right to engage in interstate commerce? No, none of these. We ducked the issue by requiring that a package of cigarettes carry a warning which no one would either read or heed.

As pressure continued from the anticigarette forces and more action seemed necessary, we ducked again. Cigarettes were banned from advertising on TV or radio. This would not and did not stop all other forms of advertising. Magazines and newspapers were replete with cigarette ads. Panels on trucks and in the buses children ride to school—at least in the District—still urged you to try a Lark or whatever.

All this time cigars went along without interference. They had been spared by the Surgeon General because he was convinced for some reason that cigar smokers generally did not inhale the smoke. So when cigarettes could no longer be seen on TV, it followed that the tobacco companies came forth with something that looked like a sunburned cigarette, was packaged like a cigarette and would be smoked like a cigarette only it was to be called a little cigar. Surprisingly enough the Internal Revenue Service treated them as cigars for tax purposes. And maybe that should settle it. TV assumed they were cigars because it would hardly have been to broadcasters' advantage to assume otherwise.

Now a whole new battle erupted. The anticigarette forces claimed that these things were really cigarettes dressed up to fool people. And even if they were not really cigarettes, they were so constructed that the poor misguided public would inhale them and consequently succumb in the same manner as true cigarette smokers.

What did the Surgeon General, who started all this fuss in the first place have to say? Well, he said that cigar tobacco really is just as bad as cigarette tobacco and if a person were to smoke cigars in the same manner as cigarettes—meaning, I guess, inhaling several packs a day—they would indeed do him harm. FTC, which is always ready to get into the act, decided that whether these short brown smokes were cigarettes or not they would define them to make them so.

Most of the tobacco companies agreed to get off the TV tube. No wonder—they had enjoyed the benefits of a massive, market-building exposure. To leave at that point would only save them money as it had done in the case of the cigarette ads. One company, however, was just starting its campaign to popularize a little cigar called Dutch Treats. This company felt it was been hampered by these developments and declined to play the game. Because Consolidated would not be bulldozed into compliance by unofficial congressional pressure, the other body approved a bill to get at this one company.

Now our committee brings to you a similar bill to ban TV and radio advertising of the things whatever they may be.

This latest chapter in the long and useless history of cigarette legislation should teach us something. We in Congress have wasted countless hours going back as far as 1964 trying to decide just what we should do or not do about smoking. None of this effort has had any influence whatsoever upon the habits of the population. If cigarettes are bad, why is it that they are only bad on TV but not in a magazine? If the TV influence is as all-pervasive as we have been told, why is it that without TV advertising the use of cigarettes has risen—not diminished? Should we ban cigarettes entirely? Should we ban tobacco products, entirely? Should we decide that subsidies for growing the stuff are inconsistent with everything else we are doing about tobacco?

Certainly the action on this bill today will not answer all the questions which I have suggested. It will be one more disconnected piece in a jigsaw puzzle that could just as well be left in the box. I recommend that the House reject H.R. 7482.

Mr. KUYKENDALL. Mr. Chairman, will the gentleman yield?

Mr. DEVINE. I yield to the gentleman from Tennessee.

Mr. KUYKENDALL. I should like to have the attention of the gentleman from Massachusetts (Mr. MACDONALD). I in no way doubt his sincerity here. In this case he and I have an honest difference of opinion as to what is going on in this particular industry.

As I say, I have a note on my desk asking that I go against the entire legislation, which I shall not do, with this amendment.

It so happens I have been in discussions with both sides on this particular problem. I want to go on record, as I say, urging the adoption of the amendment that will be offered by the gentleman from Massachusetts.

It may be that in working out these industry agreements in the future this particular colloquy and this particular incident will cause them to do a little more thorough job in working out their disagreements. I hope they will do that in the future.

We have a difference of opinion. I feel this is a case where this amendment is necessary.

Mr. STAGGERS. Mr. Chairman, I yield 3 minutes to the gentleman from California (Mr. VAN DEERLIN), a member of the committee.

Mr. VAN DEERLIN. Mr. Chairman, the gentleman from Iowa (Mr. GROSS) asked how much more legislation was

being stored up in our committee to protect him from himself.

I have no objection to participating in legislation to protect Mr. GROSS from himself. If I thought this legislation would genuinely achieve that end, then I would support it more heartily than I do.

On the basis of what we have accomplished under the ban on cigarette advertising, the best thing we could do for little cigars would be to lump them in with the general legislation. It happens that when we passed the ban on cigarette advertising back in 1969, the average yearly per capita consumption of cigarettes in this country was 3,985. Today it is 4,040.

The only conclusion to be drawn from this is that by banning the advertising of the product on television and on radio, we have whetted even further the appetite of Americans for cigarettes.

One reason for this may well be that in knocking cigarette advertising off the air, we also put a ban on what was becoming a very effective counter influence on Americans—the very smart anticigarette advertising program sponsored by the American Cancer Society.

In 1969 the broadcast stations of America were giving to the Cancer Society the equivalent of about $50 million in advertising a year, on a ratio of about one anticigarette commercial for every four paid commercials. With the abandonment of that counter advertising requirement, the free time accorded to the Cancer Society dwindled from $50 million per year to about $4 million per year. This is the estimate of the Cancer Society itself.

There is another aspect of this legislation which has bothered me. Recently we had on the floor legislation for the Agriculture Department, which included about $160,000 a year for promoting American cigarette sales overseas—promotion for cigarettes which, of course, do not contain a label warning about health. I raised the point that this was rather a cynical adventure in the use of public funds.

We see the use of money out of the Treasury to promote cigarette sales overseas, when we have taken steps in this country to prevent Americans from smoking. As long as we continue to practice this double standard, I shall oppose the ban on cigarette sales.

However, if we are going to keep cigarettes off the air, I believe we ought also to ban little cigars, which unfortunately have been promoted by the industry as a sort of a substitute for cigarettes. Therefore, I shall join in supporting the legislation which, although it does not fully protect the gentleman from Iowa from himself, takes at least a short step in that direction.

Mr. STAGGERS. Mr. Chairman, I yield 2 minutes to the gentleman from North Carolina (Mr. PREYER).

Mr. PREYER. Mr. Chairman, the Little Cigar Act of 1973 will be reported in the newspapers as another example of the Congress taking action against tobacco. And yet, the truth of the matter is that the tobacco industry actively supported this measure. The irony of this apparent contradiction between the legislation and its support is easily explained in one word—responsibility.

Too many people leap too easily to the foregone conclusion that people who grow tobacco and people who manufacture it are unrelenting opponents of any measure involving the smoking and health issue. The facts are otherwise.

The Little Cigar Act of 1973 calls for Congress to close an obvious loophole in the law and prohibit the advertising of little cigars on the broadcast media. In 1969 Congress passed similar legislation to ban the broadcast advertising of cigarettes. It may come as a surprise to many of the general public that the industry volunteered to go off the air waves but because of antitrust laws was not permitted to do this freely. Instead, Congress had to prohibit advertising by law.

In a similar fashion, when criticism developed to the broadcast advertising of little cigars the two cigarette companies who were manufacturing them, R. J. Reynolds and P. Lorillard, the latter of which operates a large plant in my district, agreed to drop broadcast advertising of the product and the rest of the little cigar industry, with one exception, agreed to subscribe to this form of voluntary self-regulation. The solitary holdout I now understand has also announced that it has come back to the fold and will join the rest of the member companies but that decision was too late to preclude congressional action. The other body acted to prohibit little cigars being advertised on the broadcast media and the House took similar action. Once again, what could have been self-regulation had to be handled by congressional regulation.

I might also point out, Mr. Chairman, that the record of responsibility displayed by the tobacco community in both instances stems from a fundamental policy which also may be considered to be more responsible than the dedicated foes of tobacco will admit and it is this: Smoking of tobacco is an adult practice, not for children and young people. This fundamental belief has motivated the industry over the years to avoid advertising and promotion to the youth market. That is the reason for the voluntary attempt to remove cigarette advertising from radio and television and that is the motivation for the current effort to voluntarily remove little cigar advertising from the same media.

Mr. Chairman, I wish to agree with the gentleman from California (Mr. VAN DEERLIN) that the real point involved in this bill is a simple point. It is not the question of whether little cigars are less harmful to one's health than cigarettes. It is simply that the little cigar looks like a cigarette, it is packaged like it, and it has relatively the same volume. The weight limitation is identical to that prescribed by the Internal Revenue Service for cigarettes. It is often merchandised in a machine, just as a cigarette. In every way it violates the spirit of the Cigarette Labeling Act, that is, that it would encourage smoking by young people. Therefore, if the cigarette is going to be banned under the Cigarette Labeling Act, I agree with the gentleman that little cigars ought to be banned also. There is no question that the little cigar is designed to compete with the cigarette.

As to the point of whether one company has not had a fair chance at the market on this, I believe we should note that the other body passed the bill on April 30. We held hearings in the Committee on Commerce on May 22, through May 24, and we voted the bill out of the Committee on Commerce on June 19. So it has been 130 days since the other body acted, more than 100 days since the hearings, and almost 90 days since the Committee on Commerce acted, and the Dutch Master little cigar has been advertised on TV throughout that entire period of time.

So I believe any inequity that may have occurred has certainly been eliminated by that period of time and they have had the opportunity to launch their advertising campaign and get on an even footing with other cigar companies.

Mr. STAGGERS. Mr. Chairman, I yield myself such time as I may consume. I will only take a minute or less.

Mr. Chairman, I would just like to say that the other body passed this bill unanimously. This bill is identical to the Senate bill.

Mr. Chairman, I hope we do not have any amendments, and if there is any amendment, I hope it will be defeated so that this can go to the President to be signed right away. With that, Mr. Chairman, I have no further requests for time, and I suggest the reading of the bill.

Mr. KUYKENDALL. Mr. Chairman, I yield such time as he may use to the gentleman from North Carolina (Mr. BROYHILL).

Mr. BROYHILL of North Carolina. Mr. Chairman, I rise today to speak in support of H.R. 7482, the Little Cigar Act.

I am sure you are all familiar with previous congressional action in this area to prohibit the advertising of cigarettes on the broadcast media. At the time we first considered such a ban, I held strong reservations about the appropriateness of such action, and I still question this decision.

However, today we are faced with the consideration of legislation necessitated by the refusal of one company to join with the manufacturers of other little cigar products in abstaining from the advertisement of such products on the broadcast media.

In 1971, as the result of growing public interest and in response to recommendations by the FTC and HEW, R. J. Reynolds and P. Lorillard voluntarily agreed to withdraw their little cigars, Winchesters and Omegas, from the broadcast media. Other companies followed suit and the necessity for legislative action was diffused.

At the time of this decision, both Members of the Congress and consumer groups applauded the decision of the tobacco industry in its responsible action in the public interest.

However, the refusal of one company to withdraw its product forced the Congress to take action.

During hearings before the House Committee on Interstate and Foreign Commerce, representatives of the tobacco industry testified in support of this leg-

islation. They recognized that the voluntary agreements were jeopardized by the refusal of one company and placed the industry's efforts in question.

The tobacco industry has consistently demonstrated a willingness to comply with Federal guidelines in a recognition of its public responsibilities. The industry has proven its ability to live with the advertising ban on cigarettes and has highlighted the low tar and nicotine content of its products in the print media, again in response to public awareness of health interest.

I would strongly urge my colleagues to join with me in supporting this legislation so that an equitable market structure will be insured to all manufacturers of cigarette-type smoking products. With the passage of this bill, manufacturers of traditional cigars will be spared further injury to their business from the confusion and controversy surrounding the little cigars.

While I regret the necessity of this legislation, I do believe that it serves the best interests of both the consuming public and the tobacco industry. Congress passed the law in 1969 constraining the right of the cigarette manufacturers to advertise products on the electronic media. Congress expressed its intent forcefully in this action. The industry has shown themselves willing and able to live with that law. H.R. 7482 closes a loophole present in the law that has undermined the scope of Public Law 91–222, adversely affected the industry and posed problems for the consumers. Clearly, Congress can best serve the interests of its own legislation, the consumer and tobacco industry by passing H.R. 7482.

Mr. KUYKENDALL. I have no further requests for time, Mr. Chairman.

The CHAIRMAN. If there are no further requests for time, the Clerk will read.

The Clerk read as follows:

H.R. 7482

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 "Little Cigar Act of 1973."

SEC. 2. Section 3 of the Federal Cigarette Labeling and Advertising Act (15 U.S.C. 1331–1340) as amended by the Public Health Cigarette Smoking Act of 1969 is amended by inserting the following new subsection:

"(7) The term 'little cigar' means any roll of tobacco wrapped in leaf tobacco or any substance containing tobacco (other than any roll of tobacco which is a cigarette within the meaning of subsection (1)) and as to which one thousand units weigh not more than three pounds."

SEC. 3. Section 6 of the Federal Cigarette Labeling and Advertising Act (15 U.S.C. 1331–1340) as amended by the Public Health Cigarette Smoking Act of 1969 is amended by inserting the words "and little cigars" after the word "cigarettes".

SEC. 4. The amendment made by this Act shall become effective thirty days after the date of enactment.

Mr. STAGGERS (during the reading). Mr. Chairman, I ask unanimous consent that the bill be considered as read, printed in the RECORD, and open to amendment at any point.

The CHAIRMAN. Is there objection to the request of the gentleman from West Virginia?

There was no objection.

AMENDMENT OFFERED BY MR. MURPHY OF NEW YORK

Mr. MURPHY of New York. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. MURPHY of New York: on page 2, line 11, strikeout "thirty days" and insert "ninety days".

Mr. MURPHY of New York. Mr. Chairman, the earlier colloquy on this legislation brings out several points which have resulted in misconceptions to the House.

The Senate did pass this particular bill unanimously. But the Senate did so without holding hearings and without defining and getting an answer from the Public Health people in this country with respect to a very significant point. This point came up in the Surgeon General's report to the Congress and to the country when it was determined that cigarette smoking was injurious to your health.

I supported and voted for the previous legislation, both to put packaging labels on cigarette packages, and also to assist in taking advertising off the public airways for cigarettes.

But the point I want to make is that we found cigarette smoking was injurious to health, but we could not find that cigar smoking was injurious to health, and said so in our report. In fact, in some instances there were indications that cigar smokers had less cancer than nonsmokers.

Then came the legislation we are considering. It was triggered by the cigarette industry because of two things that happened. The cigarette industry was marketing on television a "little cigar" that was using cigarette tobacco, but they called it a "little cigar" and advertised it as such. The cigar industry was marketing a little cigar that used cigar tobacco. This was the primary technical difference between them and this was brought out during days and days of hearings by the cigar industry. Of course, certain arguments from the cigarette industry attempted to counter this difference.

The problem was simple. Was the cigarette industry marketing a little cigar or a little cigarette? The cigarette industry, in fact, was marketing a "little cigar" that had cigarette tobacco in it—in reality a cigarette—and consequently withdrew its advertising from the public airways.

My amendment would do one important thing. Instead of a 30-day cutoff, it asks for a 90-day cutoff. Ninety days is one-half the amount of time that this Congress gave the cigarette industry under similar circumstances. It seems to me we gave the cigarette people 6 months to go off the airways when we enacted the public law requiring that. I am just asking for a 90-day cutoff here, only half the time previously allowed, under similar circumstances.

The cigarette industry with their "little cigar" had many more months to advertise on television and capture the market. The cigar industry was late in coming in with their advertising campaign for a true little cigar made with cigar tobacco. This amendment does equity in granting the cigar people an additional 60 days time; at the end of that period of time, of course, there would be no more advertising.

I certainly hope the amendment will be favorably considered.

Mr. STAGGERS. Mr. Chairman, I move to strike the last word, and I rise to oppose the amendment offered by the gentleman from New York (Mr. MURPHY). I shall not take too long, hopefully.

Mr. Chairman, I want to say that the two gentlemen who have spoken for the amendment are two of the finest gentlemen in this Congress, and certainly most of the time we agree on most all of the propositions that are for the people and for the good of our Nation. I want to compliment both of these gentlemen for the work that they have done not only on this bill that is before us, but for their people.

So, Mr. Chairman, I rise reluctantly to oppose this amendment.

I do this because I think it is in the best interest of our country to do so.

I would point out that the hearings that were held by the Senate concerning the little cigars took place early in 1972, and most of the manufacturers of little cigars testified, and that was the basis for this large amount of testimony that was taken at that time. The other body acted early in 1973 on the testimony that was taken before their committee. And, as I say, there was a lot of testimony.

When this bill was first passed in the other body the cigar manufacturers came to my office, and we talked, and we asked them if they could not get this matter worked out voluntarily. One of them seemed to think that they had not been treated fairly.

That was back in April. Since then they have had a chance to advertise their product by means of the electronic media. And they have said that they are not against this bill.

I cannot see why we should go to 90 days from 30 days because it will just open up the whole argument again, and then the other manfacturers will be coming back in and saying that they want extra time, and that we are not being fair to them. So I think that 30 days is sufficient. It is for that reason that I think this amendment should not be agreed to.

Mr. VAN DEERLIN. Mr. Chairman, will the gentleman yield?

Mr. STAGGERS. I yield to the gentleman from California.

Mr. VAN DEERLIN. The 30 days that we prescribed we prescribed on June 22 so that very close to 90 days have passed since we reported the bill out of the committee. It seems to me in the interest of gathering support for the passage of this legislation that it would be in the interest of the committee to accept the amendment which is very heavily supported on the other side, and was offered by a venerated Member on this side.

Therefore, Mr. Chairman, I rise in support of the amendment.

Mr. STAGGERS. Mr. Chairman, I would say to the gentleman from California that he has a perfect right to his view. But the argument I make, and I

still make, is that they have had plenty of time to be heard on the electronic media.

I would agree with the gentleman from California about the gentleman who has offered the amendment that he is one of the best liked and one of the hardest working members of our committee.

Mr. VAN DEERLIN. And venerated.

Mr. STAGGERS. And a venerated Member. That is a good term.

But, nevertheless, I do hope that the amendment is voted down, and that we pass the bill as it is now because this bill is an identical bill with the Senate-passed bill.

Mr. MACDONALD. Mr. Chairman, will the gentleman yield?

Mr. STAGGERS. I yield to the gentleman from Massachusetts.

Mr. MACDONALD. Mr. Chairman, I would like to join the Chairman in pointing out that the two gentlemen who are supporting this amendment are fine members of the committee, but I also would point out to both of those gentlemen that the two companies that they are trying to protect have already agreed that they do not need any protection, and they are perfectly happy with the bill, and are in fact supporting the bill, and therefore they are opposed to the proposed amendment.

Mr. GROSS. Mr. Chairman, I move to strike the penultimate word.

Mr. Chairman, I carry no torch for the tobacco industry, any part of it. I am not interested in that. I am interested in being able to buy a pack of cigarettes whenever I want them, and I am afraid that right, with this kind of foolishness, is going to be denied sooner or later.

As a matter of fact, I had a letter from the Director of the Veterans' Administration hospital the other day which indicated a nationwide campaign to ban the sale of cigarettes in veterans' hospitals, and establishing severely restricted areas in which smoking is to be permitted.

They are apparently about to deny the right to veterans, who, like myself, acquired the habit in the military service, to even smoke cigarettes in a veterans' hospital. I do not know whether I will ever land in one of these hospitals, but I hope they will let me, should I come in a basket case, die in peace with a cigarette on my lips if that is my choice. I am getting tired of all of this do-good legislation denying the rights of individuals in matters of this kind.

The chairman of the committee talks about the inducement to youngsters to smoke. There are a lot of other inducements on television to do a lot of other things—to see certain types of sex movies, and there is still beer advertising. I suppose if one drank enough beer, it could be injurious to his or her health. Why not ban beer advertising?

Women complain constantly about how badly their feet hurt when they wear sandals long enough on the marble floors in the Capitol and other hard surfaces. Are they injurious to health?

What about contraceptives? When is Congress going to start labeling those? They could be injurious to health.

This business of labeling could be carried on ad infinitum.

They are advertising the chewing of snuff on television, depicting a cowboy sticking a nice wad of snuff under his upper lip. Then he vaults out of the chute on a steer. Some children might be misled by that, too.

Mr. KUYKENDALL. Mr. Chairman, will the gentleman from Iowa yield?

Mr. GROSS. I yield to the gentleman from Tennessee, but is the gentleman going to make a contribution to the foolishness that is coming out of this committee, including the slogan they caused to be put on every package?

Mr. KUYKENDALL. I assure the gentleman I will make a contribution. They can stop meddling now, because most of that snuff comes out of my district. Anybody who is crazy enough to ride a bull ought not to be exempted from putting snuff in his lip.

Mr. GROSS. I read a story the other day wherein certain so-called medical experts said that coffee may be productive of cancer. How long will it be before this committee brings out a bill to provide the labeling of every coffee container in the country as being injurious to one's health? You can carry this thing on as long as we want to, but I will vote against this bill and all similar bills.

Mr. SYMMS. Mr. Chairman, will the gentleman yield?

Mr. GROSS. I yield to my friends, the gentleman from Idaho.

Mr. SYMMS. I should like to commend the gentleman for his remarks, and I assume he will vote for the amendment that is now before the House.

Mr. GROSS. Vote for what?

Mr. SYMMS. Vote for the amendment that is now before the House.

Mr. GROSS. I am not voting for any part of it.

Mr. SYMMS. I have an amendment which I intended to offer sooner which would absolutely ban advertising from the media completely. Would the gentleman support that?

Mr. GROSS. I do not care whether it bans advertising. I object to this drive that is designed to stop the sale of every product that some jackanapes thinks is going to injure somebody's health.

Mr. SYMMS. I thank the gentleman for yielding.

The gentleman from Iowa will get a chance to vote to repeal this Government monkey business.

Mr. STAGGERS. Mr. Chairman, will the gentleman yield?

Mr. GROSS. I yield to the Chairman.

Mr. STAGGERS. I thank the gentleman for yielding.

I would say to the gentleman from Iowa that when we find anything that is causing cancer, we will help to stop it. I hope that I can stay here long enough to see the time when cancer has been eradicated in America, and heart disease and strokes. Those are the three things left. We have conquered nearly everything else.

Mr. GROSS. If the gentleman thinks labeling packages is going to stop that, he is mistaken.

Mr. STAGGERS. It might help. The doctors say that it can.

Mr. GROSS. Some day the Interstate and Foreign Commerce Committee may get around to labeling Lydia Pinkham's tonic for women as being injurious to someone's health. It will be a great day in the morning when Congress stops trying to regulate the habits, lives, and fortunes of every citizen of this country.

The CHAIRMAN. The question is on the amendment offered by the gentleman from New York (Mr. MURPHY).

The question was taken; and on a division (demanded by Mr. MURPHY of New York) there were—ayes 36, noes 40.

Mr. MURPHY of New York. Mr. Chairman, I demand tellers.

Tellers were refused.

So the amendment was rejected.

Mr. McCOLLISTER. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I speak in opposition to the bill H.R. 7482, the Little Cigar Act. I voted against the measure in committee and am deeply disturbed that it was approved. My objections are based on constitutional grounds. I do not have any strong feelings either for or against little cigars, but I do have strong feelings about first amendment rights. I believe this bill infringes on the first amendment rights of both broadcasters and advertisers.

I feel we are legislatively interfering with the constitutional rights of broadcasters by determining the content of their programing. We also are restricting the freedom of speech of advertisers by prohibiting the dissemination of material about a certain product, a product which is allowed to be manufactured and distributed in this country without restriction.

The bill is discriminatory because it bans advertising of little cigars from the broadcast media and no other media. It appears that because the Federal Government has its regulatory foot in broadcasting's door under the auspices of the Federal Communications Commission, there is no hesitancy to expand governmental authority to other, unrelated areas. We should not forget that the FCC was originally established to allocate broadcast frequencies. Not mandate programing. The Federal Government has no business determining the content of advertising on radio and television.

There seems to be a double standard that is being applied to the press in this country. Congress would not dare ban cigarette and little cigar advertising from newspapers. The cries of civil libertarians and the press would echo throughout the country. Why then is there this willingness to interfere with the operations of the broadcast media?

We seem to be attacking the problem—if there is one—of little cigar use from the wrong angle. If the hazard of little cigars—and cigarettes, for that matter—is so great, why do we not place a ban on the manufacture and distribution of these products?

Testimony before the committee has been inconclusive about the health hazard of little cigars, but based on scanty evidence, this bill was haphazardly approved. This bill also further extends the dangerous precedent set in 1969 when Congress passed a law abolishing cigarette advertising from radio and television. What is going to be the next target? Automobiles? Razors? Every time some self-appointed authority de-

termines that a product could be hazardous to one's health, will the wheels be set in motion to ban those products from being advertised on radio and television. All of this while newspapers, billboards, and magazines will be left free to disseminate all of the information they want—as they should be.

The purpose of the law banning cigarette advertising from radio and television was to help discourage the use of cigarettes. That has not happened. The purpose of this bill supposedly is to help discourage the use of little cigars. There is nothing to indicate the results will be any different. The only effect of the law will be to penalize the broadcast industry—both monetarily from the loss of advertising, and constitutionally.

The ban on the advertising of cigarettes on radio and television has done nothing to improve the health of the people of the United States. And there is absolutely nothing to indicate this bill will have any better results.

Mr. DINGELL. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I would call to the attention of the House the minority views submitted on this legislation by myself. I pointed out in those views that this is not a bill which serves the public interest but rather on the contrary it is a bill which is aimed at attacking a very small part of a rather larger problem. This is not the first time this question has been before the House. Indeed this question has been here before. In an earlier minority view on similar legislation I pointed out that what was really needed was the prohibition of all harmful advertising of tobacco.

This is a curious piece of legislation which comes before us for a very curious reason. It is not legislation which is really aimed at handling a broad problem. Rather it is a piece of spite legislation directed at a particular portion of a particular industry, a particular manufacturer or manufacturers of small cigars within a particular industry, the small cigar industry.

While there is some merit in the bill, the House should be aware of the fact that this legislation is not directed at correcting a real evil but rather it is directed at an imagined wrong toward a Member of the U.S. Congress, not necessarily a Member of this body. It is not even legislation directed toward disciplining an industry for having failed to come to an argument or for having failed to arm an agreement executed by other portions in that industry. It should not be viewed as being a piece of legislation in the public interest, nor should it be viewed as a piece of legislation directed at correcting an evil.

So if any Member thinks he is correcting any evil by voting for this legislation, he should summarily correct his views and realize this legislation will not do anything for the real public interest, except by humoring a Member of the Congress of the United States, not necessarily a Member of this body.

I can recognize the question before the committee and the subcommittee and I am not critical of any Members, I am not critical of my colleagues in the House of Representatives for voting for or supporting this piece of legislation.

They should, however, be very clear on the public record that this legislation is not particularly in the public interest. It should be equally clear on the public record that this legislation is going to accomplish nothing in the public interest. It should be equally clear on the public record that this is not the way we should legislate. We should not legislate against a particular producer or particular part of a particular industry to satisfy the pique or displeasure of Members of the Congress of the United States.

This legislation is bad legislation. It is not adequate legislation. It really does nothing which merits favorable consideration. Indeed, the whole consideration of this legislation by this body is a total waste of time.

Therefore, Mr. Chairman, I point out to my colleagues that they can vote against this legislation with a perfectly clear conscience. If they vote for it, I suspect they can probably have almost as clear a conscience, but I hope no Member of this body deceives himself into any idea that this legislation is going to in any fashion correct any wrong or redress any ill or do anything else.

Mr. LONG of Maryland. Mr. Chairman, will the gentleman yield?

Mr. DINGELL. I yield to the gentleman from Maryland.

Mr. LONG of Maryland. Mr. Chairman, I was going to vote for this bill, but after hearing what the gentleman says, I am beginning to have second thoughts.

The gentleman is contending something. Could he spell out in a little more detail what he is contending?

Mr. DINGELL. Mr. Chairman, I have expressed myself as much as I intend to express myself. I would be glad to sit down with the gentleman and discuss it in private.

Quite frankly, we are wasting the time of the House in considering this legislation.

Mr. LONG of Maryland. Mr. Chairman, what the gentleman tells me disturbs me. I am inclined to feel that I will vote against the bill.

Mr. DINGELL. Mr. Chairman, I thank the gentleman, and I intend to vote against the bill. I do not intend to be critical of any Member who is for the bill.

Mr. HILLIS. Mr. Chairman, will the gentleman yield?

Mr. DINGELL. Mr. Chairman, I yield to the gentleman from Indiana.

Mr. HILLIS. Mr. Chairman, I would like to associate myself with the views of Mr. DINGELL and the dissenting views of Messrs. MCCOLLISTER and FREY. Not only is this legislation discriminatory against broadcasters by depriving them of advertising revenue, but it fails to solve any problem adequately.

On the one hand, it involves a further intrusion of the Government into the first amendment rights of advertisers and broadcasters. It attempts to determine what is suitable material for broadcast advertising and what is not, yet makes no attempt at setting similar restrictions upon other media.

I believe it was a mistake to initially ban cigarette advertising from television—it has had the result of driving cigarette advertisers to bigger, better ads in newspapers and magazines, and has had no adverse impact on the use of cigarettes—which has increased.

To compound the error by extending this "broadcast blackout" to another product provides an even greater basis for the future continued and expanded regulation of broadcast advertising and programing through the Federal Communications Commission. Government censorship of programing is not so far a cry from Government censorship of advertising material.

If there is solid evidence that smoking little cigars is damaging to health, then if this Congress feels it must be the guardian of smokers' health, the answer is not to ban advertising of the product by electronic media, but take the product off the market entirely. This is the only honest thing for us to do.

In the case of cigarette smoking, the Surgeon General has been able to make some form of case that there is a direct link between cigarette smoking and cancer. In the case of little cigars, though, this evidence has never been found—hinted at, but the facts do not point to this conclusion.

If we can show such a damaging impact to health that the Congress feels compelled to take these products off the market, just as the FDA might ban a dangerous drug on the basis of solid evidence, then let us do it. But I cannot condone the infringement upon the advertising rights of the little cigar manufacturers until such evidence is put squarely before the American public and these products are declared by Congress or the appropriate governmental agency to be unsafe for use and banned.

To act in any other way is an insult to the intelligence of the American public and an infringement on constitutional guarantees.

The CHAIRMAN. Under the rule, the Committee rises.

Accordingly, the Committee rose; and the Speaker having resumed the chair, Mr. HAMILTON, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee having had under consideration the bill (H.R. 7482) to amend the Federal Cigarette Labeling and Advertising Act of 1965 amended by the Public Health Cigarette Smoking Act of 1969 to define the term "little cigar," and for other purposes, pursuant to House Resolution 503, he reported the bill back to the House.

The SPEAKER. Under the rule, the previous question is ordered.

The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER. The question is on the passage of the bill.

The question was taken; and the Speaker announced that the ayes appeared to have it.

Mr. HILLIS. Mr. Speaker, I object to the vote on the ground that a quorum

is not present and make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 287, nays 63, answered "present" 1, not voting 83, as follows:

[Roll No. 443]

YEAS—287

Abdnor
Abzug
Adams
Alexander
Anderson, Calif.
Anderson, Ill.
Andrews, N. Dak.
Annunzio
Archer
Arends
Aspin
Bafalis
Baker
Beard
Bennett
Bergland
Bevill
Biaggi
Biester
Bingham
Blackburn
Blatnik
Boggs
Boland
Bowen
Brademas
Breaux
Breckinridge
Brinkley
Broomfield
Brown, Calif.
Brown, Mich.
Broyhill, N.C.
Broyhill, Va.
Buchanan
Burgener
Burke, Fla.
Burke, Mass.
Burlison, Mo.
Butler
Byron
Carey, N.Y.
Carney, Ohio
Carter
Cederberg
Chamberlain
Chappell
Clancy
Clark
Clausen, Don H.
Clay
Cleveland
Cochran
Cohen
Collier
Collins, Ill.
Collins, Tex.
Conable
Conlan
Conte
Corman
Cotter
Coughlin
Daniel, Dan
Daniels, Dominick V.
Danielson
Davis, Ga.
Davis, Wis.
Dellenback
Dellums
Denholm
Dent
Derwinski
Dickinson
Downing
Drinan
Duncan
du Pont
Eckhardt
Edwards, Ala.
Edwards, Calif.
Eilberg
Erlenborn
Fascell
Findley
Fish
Fisher
Flowers
Ford, Gerald R.
Ford, William D.
Forsythe
Fountain
Frenzel
Fulton
Gaydos
Gettys
Giaimo
Gibbons
Gilman
Ginn
Gonzalez
Grasso
Green, Pa.
Griffiths
Grover
Gubser
Gude
Gunter
Guyer
Haley
Hamilton
Hanley
Harvey
Hastings
Hays
Hechler, W. Va.
Heckler, Mass.
Heinz
Helstoski
Henderson
Hicks
Hinshaw
Hogan
Holt
Holtzman
Hosmer
Howard
Huber
Hungate
Hutchinson
Ichord
Jarman
Johnson, Calif.
Johnson, Colo.
Johnson, Pa.
Jones, Ala.
Jones, N.C.
Jones, Okla.
Jones, Tenn.
Jordan
Kastenmeier
Kazen
Kluczynski
Koch
Kyros
Latta
Lent
Long, La.
Long, Md.
McClory
McCloskey
McCormack
McDade
McFall
McKay
Macdonald
Madden
Madigan
Mahon
Mallary
Mann
Martin, N.C.
Mathias, Calif.
Matsunaga
Mayne
Mazzoli
Meeds
Melcher
Metcalfe
Mezvinsky
Milford
Miller
Minish
Mink
Mitchell, Md.
Mitchell, N.Y.
Mizell
Mollohan
Morgan
Moss
Murphy, N.Y.
Natcher
Nedzi
Nelsen
Nichols
Obey
O'Brien
O'Hara
O'Neill
Owens
Passman
Patten
Perkins
Pettis
Peyser
Pickle
Poage
Preyer
Price, Ill.
Pritchard
Quie
Quillen
Railsback
Randall
Rangel
Rees
Regula
Reuss
Rhodes
Riegle
Rinaldo
Roberts
Robinson, Va.
Robison, N.Y.
Rodino
Roe
Rogers
Roncalio, Wyo.
Roncallo, N.Y.
Rooney, Pa.
Rose
Rosenthal
Roush
Roy
Roybal
Ruppe
Sandman
Sarasin
Sarbanes
Satterfield
Saylor
Scherle
Schneebeli
Schroeder
Sebelius
Seiberling
Shriver
Sikes
Skubitz
Slack
Snyder
Staggers
Stanton, J. William
Stanton, James V.
Stark
Steed
Steelman
Stokes
Stubblefield
Stuckey
Studds
Sullivan
Symington
Taylor, N.C.
Thompson, N.J.
Thomson, Wis.
Thone
Thornton
Tiernan
Ullman
Van Deerlin
Vander Jagt
Vanik
Vigorito
Waggonner
Wampler
Whalen
White
Whitehurst
Whitten
Widnall
Williams
Wilson, Bob
Wilson, Charles, Tex.
Winn
Wolff
Wright
Wyatt
Wylie
Yates
Young, Alaska
Young, Fla.
Young, Ga.
Young, Ill.
Young, Tex.
Zablocki
Zwach

NAYS—63

Ashbrook
Bauman
Burleson, Tex.
Burton
Camp
Casey, Tex.
Cronin
Daniel, Robert W., Jr.
de la Garza
Dennis
Devine
Dingell
Evans, Colo.
Evins, Tenn.
Flynt
Foley
Frey
Froehlich
Goldwater
Goodling
Gross
Hammer-schmidt
Hébert
Hillis
Hunt
Kemp
Ketchum
King
Kuykendall
Landgrebe
Lott
Lujan
McCollister
Martin, Nebr.
Montgomery
Moorhead, Calif.
Myers
Parris
Podell
Powell, Ohio
Price, Tex.
Rarick
Rousselot
Ruth
Ryan
Shoup
Shuster
Smith, N.Y.
Spence
Steiger, Ariz.
Steiger, Wis.
Symms
Taylor, Mo.
Teague, Calif.
Towell, Nev.
Treen
Waldie
Ware
Wiggins
Wilson, Charles H., Calif.
Wyman
Young, S.C.
Zion

ANSWERED "PRESENT"—1

Armstrong

NOT VOTING—83

Addabbo
Andrews, N.C.
Ashley
Badillo
Barrett
Bell
Bolling
Brasco
Bray
Brooks
Brotzman
Brown, Ohio
Burke, Calif.
Chisholm
Clawson, Del
Conyers
Crane
Culver
Davis, S.C.
Delaney
Diggs
Donohue
Dorn
Dulski
Esch
Eshleman
Flood
Fraser
Frelinghuysen
Fuqua
Gray
Green, Oreg.
Hanna
Hanrahan
Hansen, Idaho
Hansen, Wash.
Harrington
Harsha
Hawkins
Holifield
Horton
Hudnut
Karth
Keating
Landrum
Leggett
Lehman
Litton
McEwen
McKinney
McSpadden
Mailliard
Maraziti
Mathis, Ga.
Michel
Mills, Ark.
Minshall, Ohio
Moakley
Moorhead, Pa.
Mosher
Murphy, Ill.
Nix
Patman
Pepper
Pike
Reid
Rooney, N.Y.
Rostenkowski
Runnels
St Germain
Shipley
Sisk
Smith, Iowa
Steele
Stephens
Stratton
Talcott
Teague, Tex.
Udall
Veysey
Walsh
Wydler
Yatron

So the bill was passed.

The Clerk announced the following pairs:

Mr. Holifield with Mr. Bell.
Mr. Rooney of New York with Mr. Hanrahan.
Mr. Fuqua with Mr. Minshall of Ohio.
Mr. Addabbo with Mr. Steele.
Mr. Brasco with Mr. Talcott.
Mr. Hawkins with Mr. Karth.
Mr. Delaney with Mr. Maraziti.
Mr. Donohue with Mr. Hudnut.
Mr. Flood with Mr. Hansen of Idaho.
Mr. Teague of Texas with Mr. Bray.
Mr. Yatron with Mr. Crane.
Mr. Sisk with Mr. Esch.
Mr. Rostenkowski with Mr. Horton.
Mr. Moorhead of Pennsylvania with Mr. Keating.
Mr. Murphy of Illinois with Mr. Brotzman.
Mr. Nix with Mr. Dulski.
Mr. Gray with Mr. Brown of Ohio.
Mrs. Green of Oregon with Mr. Veysey.
Mr. Leggett with Mr. McEwen.
Mr. Mills of Arkansas with Mr. Harsha.
Mr. Culver with Mr. Eshleman.
Mrs. Chisholm with Mr. Runnels.
Mr. Brooks with Mr. McKinney.
Mr. Barrett with Mr. Walsh.
Mr. Ashley with Mr. Mailliard.
Mr. Badillo with Mr. Conyers.
Mr. Diggs with Mr. Harrington.
Mr. Pike with Mr. Del Clawson.
Mr. Reid with Mr. Frelinghuysen.
Mr. St Germain with Mr. Mosher.
Mr. Stephens with Mr. Wydler.
Mr. Udall with Mr. Landrum.
Mr. Pepper with Mr. Mathis of Georgia.
Mr. Moakley with Mr. McSpadden.
Mr. Hanna with Mr. Michel.
Mrs. Burke of California with Mr. Stratton.
Mr. Andrews of North Carolina with Mr. Lehman.
Mr. Davis of South Carolina with Mr. Litton.
Mr. Dorn with Mr. Fraser.
Mrs. Hansen of Washington with Mr. Patman.
Mr. Shipley with Mr. Smith of Iowa.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

The SPEAKER. Pursuant to the provisions of House Resolution 503, the Committee on Interstate and Foreign Commerce is discharged from further consideration of the bill (S. 1165) to amend the Federal Cigarette Labeling and Advertising Act of 1965 as amended by the Public Health Cigarette Smoking Act of 1969 to define the term "little cigar," and for other purposes.

The Clerk read the title of the Senate bill.

The Clerk read the Senate bill.

The Senate bill was ordered to be read a third time, was read the third time and passed, and a motion to reconsider was laid on the table.

A similar House bill (H.R. 7482) was laid on the table.

PERSONAL EXPLANATION

Mr. FLOOD. Mr. Speaker, on the vote that was just taken by the House, I was unavoidably detained. Had I been present I would have voted "nay" on final passage.

PERSONAL EXPLANATION

Mr. CHAPPELL. Mr. Speaker, when rollcall No. 442 was taken, I was unavoidably detained. Had I been present I would have voted "aye."

REREFERENCE OF H.R. 1807, H.R. 2316, AND H.R. 3274

Mr. RODINO. Mr. Speaker, I ask unanimous consent that the Committee on the Judiciary be discharged from the further consideration of the bills H.R. 1807, H.R. 2316, and H.R. 3274, and that those bills be rereferred to the Committee on Education and Labor.

The SPEAKER. Is there objection to the request of the gentleman from New Jersey?

The was no objection.

PERSONAL EXPLANATION

Mr. FOLEY. Mr. Speaker, when the rollcall No. 442 was taken I was unavoidably detained. Had I been present I would have voted "aye."

PERSONAL EXPLANATION

Mr. BOWEN. Mr. Speaker, I was absent when rollcall No. 442 was taken. I

was in the building, but did not hear the bells being rung. If I had been present I would have voted "aye."

ADDRESS BY THE HONORABLE JOHN PAUL HAMMERSCHMIDT TO 55TH ANNUAL NATIONAL CONVENTION OF THE AMERICAN LEGION

(Mr. TEAGUE of California asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. TEAGUE of California. Mr. Speaker, the American Legion has recently concluded its 55th annual convention. One of the highlights of that convention was the address of the Honorable JOHN PAUL HAMMERSCHMIDT, the ranking minority member of the Committee on Veterans' Affairs. The gentleman from Arkansas delivered what I considered to be a comprehensive report on the status of veterans legislation at the present time. I commend it to the attention of my colleagues. The address follows:

ADDRESS BY JOHN PAUL HAMMERSCHMIDT, MEMBER OF CONGRESS, AT 55TH ANNUAL NATIONAL CONVENTION, THE AMERICAN LEGION, HONOLULU, HAWAII

(Joint session of the National Legislative and Veterans' Affairs and Rehabilitation Commissions)

Chairman Horton, Chairman Lenker, Director Stringer, Director Golembieski, Members of the Commissions and my fellow legionnaires:

It may sound somewhat trite to say that I'm glad to be here—but I am. This beautiful tropical setting is enough to make anyone glad to be here, but I'm glad for other reasons. First and foremost, I am glad because this visit affords me the opportunity to discuss matters of common interest with you—the members of two of the most powerful commissions of the American Legion—Legionnaires who are playing an important role in formulating the American Legion's program for the coming year.

My visit also affords me the opportunity to recognize the splendid work of the staff of your Washington office.

First—I bring you the greetings of our distinguished Chairman W. J. Bryan Dorn. He asked me to convey his regrets that he cannot be with you in person, but he wants to assure you that he is present in spirit.

As always he will be interested in the legislative program you will develop during this convention; a program which is always of valuable assistance to the Committee on Veterans' Affairs in carrying out its responsibilities.

Also let me pay tribute to all those members—of the House of Representatives who serve with me on the Committee on Veterans' Affairs. They send you Greetings.

It is because of the dedicated effort and spirit of cooperation of this group that we have been able to forge the most comprehensive veterans benefit program of any nation in the world.

Putting aside partisan politics, Democrats and Republicans have labored through the years and, in most instances, without fanfare in perfecting this sound structure of veterans' benefits.

Our efforts in this field have been greatly facilitated by the assistance we receive from your Washington Representatives. The wisdom of your views presented so well by Herald Stringer and Ed Golembrieski, and their staffs, have helped to crystallize our position on the various issues of the moment. I am grateful for their help.

Now, as you begin putting together your program for next year, I want to share with you a few brief observations on the issues of the moment.

I think you will agree this has been a very productive year from the point of view of veterans, despite the fact that only three bills have thus far been actually signed into law. Packed into these measures, however, are a number of far reaching proposals. For example, just prior to the current recess, the President approved into law a medical omnibus bill.

The approval of this measure, I know, represents the successful attainment of several of the American Legion legislative mandates for the current year. This measure contains a provision that will authorize outpatient medical services to any veteran eligible for hospital care under veterans laws where such care is reasonably necessary to obviate the need for hospital admission. I know you recognize the significance of this language.

To me, as an example, it means that a veteran with a common chest cold who presents himself to a Veterans Administration out-patient clinic can be treated for this cold on the theory that untreated, the condition may develop into pneumonia and require hospitalization. Prior to the approval of the new law, this same veteran would have been sent home after being informed that the Veterans Administration could not treat him until his condition had become serious enough to require hospitalization.

Another important provision of this law will for the first time extend hospital and medical care to certain dependents and survivors of veterans who died or are totally disabled from service-connected causes.

Under this provision, the administrator of veterans affairs is authorized to contract with the Secretary of Defense or with a private insurance carrier to provide medical benefits similar to those available to certain dependents and survivors of active duty and retired-members of the Armed Forces under the CHAMPUS program.

Such care would be provided for wives and children of permanently and totally disabled service-connected veterans and for widows and children of veterans who died as the result of service-connected disability. In unusual circumstances only, would such care be provided in Veterans' Administration facilities.

The Medical Omnibus Bill will permit the Veterans' Administration to compete more readily with the private-sector in recruiting and retaining nurses by authorizing pay-differentials for nurses who perform duty on Sundays and holidays and at night.

The new law also increases the payment to State homes providing care for veterans eligible for admission to VA medical and domiciliary facilities. Finally, the measure increases the percentage of the Federal Government's contribution to States for the construction of State veterans' homes from the present 50 percent maximum to 65 percent. These are but the highlights of the Veterans' Health Care Expansion Act of 1973 approved by the President as Public Law 93-82.

The new law contains some 26 provisions, all essential to the proper functioning of the Veterans' Administration hospital system.

1. HOSPITAL FUNDING

Perhaps the most important provision of the new medical bill could easily go unrecognized. I am speaking of a provision that directs the administrator to staff and maintain sufficient beds and other facilities to insure the immediate care of patients found to be in need of hospital care and medical treatment.

This language sounds innocuous, but I can assure you it is not. For many years we have been playing the numbers game with the average daily patient census in Veterans Administration hospitals. The Veterans Administration budget request would be based on a lowered daily census. The Congress would appropriate funds for a higher daily patient census.

The Veterans Administration would ignore the Congressional mandate and operate the hospital system at the lowered figure. Then the debate would rage all year on the adequacy of funding. Most everyone agrees that funding based on a predetermined average daily patient census is wrong. So, the new language of the law abandons the daily census method of funding and assumes that sufficient facilities, (including hospital beds), will be available to care for sick veterans.

Should the estimate of funds needed to accomplish this worthy objective be wrong, the Veterans Administration would be authorized and fully expected to seek supplemental funds later in the year. We have, in effect, through the new law placed hospital funding in the same category as direct benefit funding. The treatment of sick veterans is a statutory obligation as is the payment of compensation. If funds for either program are exhausted prior to the end of the year, supplemental funds will be authorized.

Our committee will watch carefully the new method of budgeting, with the high hope that it will eliminate the annual fight over the VA medical budget.

2. INTEREST RATE ON GI LOANS

As you undoubtedly are aware, the Veterans Administration Home Loan Program has been virtually non-existent for the month of July. As the result of new legislation, P.L. 93-75, the program is again operational. It happened this way. While the Veterans Administrator had the authority to set the maximum interest rate on G.I. Home Loans, he could not set the rate higher than the FHA rate which had a statutory ceiling of 6 percent.

For several years, of course, this ceiling has been unrealistic. So, through a series of successive legislative enactments, the Secretary of Housing and Urban Development has been given temporary authority to set the FHA rate in excess of 6 percent. With the most recent extension of the Secretary's June 30th, the House of Representatives on May 21st authorized a one year extension.

Unfortunately, the bill was saddled with temporary authority scheduled to expire last several controversial amendments in the Senate and still had not become law June 30th.

So both the VA and FHA programs were forced to operate under a 6 percent interest rate ceiling as of July 1.

Our committee resolved the problem (with respect to VA loans) by quickly acting upon a bill authorizing the Administrator to set the rate of interest on G.I. loans without regard to the maximum rate on FHA loans.

FHA now has been given stop-gap authority (Aug. 10th) until Oct. 1st while Congress continues to try to pass omnibus housing legislation.

On July 26, 1973, the President approved the bill and shortly thereafter, administrator Don Johnson announced the new interest rate ceiling of 7¾ percent.

3. NATIONAL CEMETERIES

Another measure of major importance to the American-Legion, was the National Cemeteries Act of 1973, approved by the President on June 18th. The enactment of this new law climaxed several years of effort to establish a national burial policy for veterans. The new law transfers the responsibility for the administration of the National Cemetery System from the Department of the Army to the Veterans Administration.

It authorizes a burial plot allowance of $150 payable on behalf of veterans not buried in a national cemetery. It permits pay-

ments up to $800 on behalf of veterans dying of service-connected disabilities. Finally, the measure directs the Veterans' Administration to conduct a study and submit recommendations to the Congress by January 3, 1974 on a burial policy for veterans, including the desirability of constructing new cemeteries.

4. PENSIONS

Undoubtedly, the most pressing veterans problem facing this 93rd Congress relates to non-service-connected pension for veterans and widows. As you well know, the pension payment scale is structured in such a manner that increases in income from any source will produce a reduction in monthly pension payments, though to a lesser degree. The 20 percent increase in social security payments received last September, of course, caused such an adverse effect.

Public Law 92-603, enacted in the closing days of the 92nd Congress causes further reductions, as will the social security amendments approved just a short time ago.

Now that the dust has settled, however briefly, on the social security increases, we have been able to make some adjustments in the pension program. In the House passed bill, we have increased by $13 the monthly pension rates for veterans with no dependents and by $14 the rates for those with one dependent.

Widows without dependents receive a $9 increase, while those with one dependent receive a $10 increase. Percentagewise, the minimum increase is 10 percent, while the maximum is substantially greater

The House passed bill also limits to $3,600 the amount of a spouse's earned income that may be excluded in computing the veteran's income for pension purposes.

The Senate passed bill, on the other hand, authorized a 10 percent increase in pension rates.

Dollar wise, the increase ranges from $14 down to $2. The Senate bill also increased the maximum limits on annual income by $400, while placing no limitation on a spouse's earned income.

The cost of the two versions also varies substantially. The House version in its first year of operation will cost $246 million, while the Senate bill will cost $236.4 million.

5. PLANS FOR BALANCE OF 1ST SESSION

Now, where do we go from here. Congress will return from its August recess September 5th.

There will probably be at least 6 to 8 weeks of legislative activity prior to the adjournment of this first session of the 93rd Congress. During that period, we should be able to resolve the differences in the House and Senate versions of the pension bill and send it to the White House for approval.

It would be my hope we can do this—I know we should as soon as possible after we reconvene.

Education

The Education Subcommittee last month held a series of hearings on approximately 50 bills relating to the G.I. Bill. Some of these will extend the 8 year period during which a veteran must utilize his educational benefits. Another group of bills will count for educational benefits the time spent by a Reservist or National Guardsman on "active duty for training".

Another group will authorize the Veterans Administration to pay separate tuition payments in varying amounts to veteran students in addition to the educational allowance now payable.

Still others will permit World War II and Korean conflict veterans to avail themselves of educational benefits that had previously been earned but not used. Because of the number of bills before the committee, the long list of witnesses to be heard and the complexity of the pending bills, these hearings will continue after the August congressional recess.

6. PLANS FOR SECOND SESSION

Now what about next year. I mentioned earlier the pension measure awaiting our final action after the recess. You must recognize that our final action on this bill does not in any sense represent our final action on the pension program. The Veterans Administration spokesman, during the recent hearings on this subject, said of the current pension system, and I quote him ". . . the entire program has inconsistencies, inequities, and anomalies which cannot be corrected within the framework of the law as now constituted."

He went on to suggest a basic reform of the pension system.

Now, I do not like the word "reform". But neither do I like the idea of an aged veteran's pension being in a lesser amount than the social security payment received by an aged citizen. Yet the supplemental security income program recently enacted will assure aged citizens a minimum income of $210 for a married couple while a married veteran with no other income receives $140 per month.

I most certainly do not begrudge this payment to aged citizens. The nation's veteran, however, gave something extra in time of war and he is entitled to something extra in time of peace.

If pension reform will cure the situation I have described, then I can support "reform". Unfortunately, the reform suggested by the Veterans' Administration was too complex to be given the in-depth consideration it deserves in the short time available to us, since those hearings.

Briefly, the VA recommended a base-pension rate of $150 per month for a single person and $225 per month for a person with one dependent. They also recommended an automatic-cost of living adjustment working simultaneously with that applicable to social security. Admittedly, there are features of the reform-measure which will require further study. I intend to request such study by our committee next year so that the tax-dollars expended will assist those persons who are the most needy.

Next year, I expect the committee will address itself to the subject of compensation for service-connected disabilities and dependency and indemnity compensation for the survivors of those who died in service or as the result of service-connected disabilities. Cost-of-living adjustments in both of these programs will undoubtedly be due at that time.

This, my fellow legionnaires, covers the major subjects that will receive our attention during the balance of this year and early next year. Before concluding, let me touch briefly on one other subject. I have repeatedly heard voiced the fear or apprehension that with a system of national-health-insurance on the horizon, the Veterans Administration hospital system will lose its identity and be merged into a gigantic health delivery system for the nation.

Let me assure you right now that I will utilize every resource at my command to prevent this. I pledge to you that I will continue by unrelenting efforts to preserve an independent hospital system for the nation's veterans. And furthermore, I have every reason to believe that this also represents the intent and policy of the executive branch of this administration.

CONCLUSION

In conclusion, let me leave you with this thought.

There is not sufficient money available to do all of the things that everyone wants to do. Therefore, it has been necessary to proceed with an order of priority. There is general agreement that the hospital and medical program must come first.

Compensation for the service-connected disabled and the survivors of our war dead must receive a high priority since it seems unquestionable that the Government's first obligation is to this group. Non service-connected pensions should be made available to aging veterans and widows, but these programs must be kept in bounds and bear a proper relationship to the service-connected programs.

This is the philosophy we have attempted to pursue in the committee on veterans affairs. With your help, we can continue on the road to perfecting these programs.

As you consider your resolutions at this convention, may you be blessed with the mature wisdom necessary to formulate the clear, concise and reasonable program that has been the hallmark of the American Legion for more than half a century.

Thank you.

NATIONAL PARK SERVICE AIDS METRIC CONVERSION

(Mr. McCLORY asked and was given permission to address the House for 1 minute, to revise and extend his remarks, and include extraneous matter.)

Mr. McCLORY Mr. Speaker, I am pleased to receive notification from the National Park Service that metric measurements are being added to the national park signs and pamphlets describing measurements in our great national parks for the benefit of our American, as well as foreign, visitors.

Mr. Speaker, this is further recognition of the conversion to the metric system which is occurring despite the absence of specific legislation. The Bureau of Standards' study report was completed in July 1971—recommending a general conversion to the metric system of weights and measurements with a target date 10 years hence.

Mr. Speaker, more than 20 of my colleagues have joined in recommending legislation to help coordinate the program of conversion which could enable our educational and industrial institutions to convert to the metric system of weights and measures over a 10-year period. This can be done principally on a voluntary basis with no more than a coordinating agency established by the Federal Government to help the numerous private groups which are already planning for a logical and orderly changeover.

Mr. Speaker, our bill, H.R. 2351, is pending before the House Committee on Science and Astronautics. I hope the committee will have occasion to recommend this or comparable legislation soon. The park service announcement provides further support for action which can bring our Nation at long last into line with the rest of the industrialized nations of the world. I am attaching the park service news release which was issued yesterday:

METRIC MEASUREMENTS WILL BE ADDED TO NATIONAL PARK SIGNS, BOOKLETS

National Park Service Director Ronald H. Walker has announced that National Park System signs and brochures soon will include metric as well as standard distance measurements.

Walker said that signs in the parks and pamphlets issued to visitors to these areas would be revised as soon as they became obsolete or are otherwise replaced or reissued. He explained that the conversion will begin in a number of heavily visited parks later this year.

"The switchover to the metric system has

already begun in certain areas of private industry and in school systems in the United States," Walker said "But most important for us is the convenience we can provide for the rapidly increasing number of foreign visitors to this country and our national parks and historic areas. At the same time, by providing metric alongside standard measurements, the National Park Service can provide a useful educational method for school children and the public at large to think in metric terms."

Walker pointed out that in 1971 the Secretary of Commerce recommended that the United States change to the metric system through a coordinated national program. Legislation is pending before Congress to establish a national policy relating to conversion to the metric system in this country.

"The United States is the only major nation in the world which has not decided to 'go metric,'" Walker said. "Meanwhile, our own visitors readily understand a sign saying, for example, that the elevation of the South Rim of the Grand Canyon is 7,000 feet. But that means little to our foreign visitors who come to see that spectacular view. They need to know that elevation is 2,099 meters."

The dual listings, Walter said, would also be useful educationally to the many Americans who travel abroad and must try to adopt to the metric system wherever they go.

Apart from measurements of feet, others that are common in Park Service brochures and signs include: miles, now joined by kilometers which are 0.62 of a mile; miles per hour; yards, which are just short of the 39 inch meter; and acres, of which 2.47 make a hectare.

A PROPOSED CONSTITUTIONAL AMENDMENT CONCERNING THE DEATH PENALTY

(Mr. WIGGINS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WIGGINS. Mr. Speaker, I am today introducing a proposed amendment to the United States Constitution which would, under limited circumstances, authorize the imposition of the death penalty.

The text of the proposed amendment is as follows:

Nothing in this Constitution shall prohibit the imposition of the penalty of death upon the conviction of the crime of murder or treason, provided that the statute authorizing such penalty shall have been enacted after the effective date of this article.

I have concluded after many months of reflection on this most difficult issue that society should not be denied the right to impose the penalty of death for specific crimes; that the existence of this right is unclear in view of *Furman* v. *Georgia*, 408 U.S. 238 (1972); that a constitutional amendment is the best, if not the only, vehicle adequate to clarify this right; that the societal right to exact the death penalty should be limited to the crimes of murder and treason only; and that the Congress and the State legislatures should be compelled to reenact statutes imposing the death penalty for these offenses, thereby forcing a public reassessment of the wisdom of such penalties in the light of modern experience and attitudes.

The amendment which I propose represents an attempt to achieve these values. If the language is imperfect, hearings themselves, however, will compel a focus by Congress and legal scholars on an issue which needs to be fully aired in the light of Furman against Georgia.

It is the purpose of the amendment to remove the doubt presently existing that the eighth amendment proscribing cruel and unusual punishments itself is a bar to the imposition of the death penalty, or that such a penalty is, inherently or as applied, a deprivation of due process or equal protection of the laws. Since a lawful conviction must precede the imposition of sentence, all other constitutional challenges to the validity of the statute imposing such penalty, the arrest of a person pursuant thereto and to his subsequent trial remain unaffected by the amendatory language.

If the amendment proposed, or a more perfect varient thereof, becomes a part of our Constitution, it is my personal hope that legislative bodies will exercise the power thus conferred with great caution and discrimination. For my part, I am presently persuaded that the death penalty should be reserved, in murder cases, for those homicides committed by prisoners confined to life sentences for previous offenses.

I do not propose any amendment to the U.S. Constitution lightly. Our basic governmental charter should not be altered to resolve controversies of the day except upon a showing of clear necessity. The Constitution must remain a broad statement of general principles which defines the power relationships of the people and their government. The amendment which I propose is of such a character and I urge its prompt consideration by the House Committee on the Judiciary.

QUESTIONS AND ANSWERS ON HOSMER PLAN FOR URANIUM ENRICHMENT INDUSTRY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California (Mr. HOSMER) is recognized for 10 minutes.

Mr. HOSMER. Mr. Speaker, considerable interest has been sparked by my plan announced last week for the evolution of the uranium enrichment industry from public hand to private hands by the initial use of a government corporation.

There follows answers to questions which have been asked about the plan:

Q. What is the objectives of the Hosmer Plan?

A. To let the world know the U.S. is aggressively in the uranium enrichment business and to bring certainty where none now exists by providing a mechanism to do three things: (1) avoid a nuclear fuel gas; (2) protect the U.S. claim to overseas markets by uninterruptedly offering separative work contracts; and (3) provide for a quick and orderly transition from public to private enriching.

Q. Why is a government corporation called for—can't AEC just add the capacity?

A. Uranium enriching is becoming a big business. It ought to be run as a business and run efficiently. You can't do that if you have to depend on annual appropriations from the Congress to finance it. Moreover, pricing the product, expanding capacity, keeping up with competition and similar considerations dictate the flexibility of a corporate set-up.

Q. How will your guillotine clause stop the U.S. Enrichment Corp. (USEC) from adding capacity?

A. To enourage private industry to move into the enrichment business almost when it chooses, USEC's corporate charter will allow it to add capacity only in moderate size increments, each no larger than 3,500,000 separative work units per year. By comparison, the AEC estimates 16,600,000 swu/yr of capacity will have to be added during the first year after capacity of the AEC's existing enriching complex is exhausted. Further, USEC will be required to get a license from the new Nuclear Energy Commission (NEC) before adding the first or any subsequent increments. The law establishing USEC will state that no license can be issued to USEC if there is another U.S. applicant holding an advisory anti-trust clearance from the Justice Department which is ready, willing and technically and financially capable of the timely addition of the next increment of capacity and commits itself irrevocably to do so. Such applicant must be a United States citizen, however, up to 49% of its equity may be foreign owned. In order to encourage competition applications by private enrichers shall not exceed 10,000,000 swu/yr capacity per increment.

Q. Will there be any exception to the guillotine clause?

A. Only one. That is where a potential private enricher states in its application that the demand it intends to supply is already satisfied. This could be the case where an applicant already has contracts or where a group of electric utilities propose to set up an enriching cooperative to supply its own members' nuclear fuel requirements.

Q. The Hosmer plan calls for transfer of separative work contract from USEC to private enrichers in the order last received—how would that work?

A. USEC will be contracting to supply more enriching service than it actually has capacity in being able to supply, just as AEC now contracts for work to come out of the cascade improvement and uprating programs which haven't been carried forward yet. Contracts which exceed USEC's existing capacity, for which it would otherwise add capacity to fill will be subject to transfer. Here's an example: USEC has its original three plant capacity of 27,500,0000 swu/yr, and has added one 2,500,000 plant and is building another 3,000,000 plant for a total of 33,000,000. However, it has contracts out for 50,000,000 swu/yr, 17,000,000 more than its existing and planned capacity. At this point Private Co. "A" gets a license for a 10,000,000 swu/yr plant. It can call on USEC for assignment of contracts totalling the 10,000,000. This cuts USEC's excess to 7,000,000. Private Co. "B" gets a license for 10,000,000 but only calls on USEC for half, since it has other buyers. Now USEC is down to 2,000,000 excess. Private Co. "C" enters the picture but is a consortium of utilities to supply its members own needs so does not call for any assignments. USEC is still at 2,000,000 and considering whether it is going to have to add actual capacity. Now Private Co. "B" re-enters the picture with an amendment to its license increasing its capacity to 15,000,000 from 10,000,000 and calls on USEC for the last 2,000,000 of separative work unit contracts it is holding.

Q. What about price and terms of assigned contracts?

A. For the assurance that there will be nuclear fuel on hand when they need it, the utilities contracting with USEC for swu's will oblige themselves to pay USEC's assignee the latter's going price, so long as it is reasonable. The same rule will apply as to other terms and conditions.

Q. What about the future, when USEC's present contracts are fulfilled—won't it be competing with private industry for business?

A. Sure, we'd be crazy to shut the Corpora-

tion down. Somebody would just have to replace the capacity and there is a growing need for it into the next century. We might consider giving publicly owned utilities a preference to contract with USEC for any separative work that opens up later since privately owned utilities going nuclear early in the game are the principal price beneficiaries of present contracts. We also might think about eventually selling USEC's stock to the public as was done with the Federal National Mortgage Association. But, I wouldn't want to see that done until the transition to a healthy and competitive private enriching economy has been accomplished, probably sometime in the late 1980's.

Q. What are your feelings about USEC's pricing of the product?

A. Presently the AEC charge is based on recovery of costs. I think USEC ought to have some flexibility. Possibly publicly owned domestic electric utilities deserve a break with nuclear fuel expenses, but there is no good reason why the privately owned utilities should keep on getting separative work at cost. Besides, selling the stuff to foreign utilities at cost instead of some better price simply diminished the amount of foreign exchange we can make out of the business. I've already indicated that about $5 will be added to the average cost of separative work by the front end expenses of adding the first two new increments of moderate size to the existing three plant complex. Additionally, USEC will be making payments in lieu of taxes to states and localities as does TVA. There will be interest on bonds and other expenses, too. These will move up the charges for the product so that the price gap between USEC and the initial private enrichers shouldn't be vast. Nevertheless, USEC should have authority to narrow it by adding an arbitrary profit factor should it appear wise to do so.

Q. When do you think Private Corp "A" will show up?

A. I think as soon as USEC says the front end costs of establishing a centrifuge manufacturing capacity private industry will move right in. That would be after USEC's second increment of new capacity, but in time it would have to be planned to go on the line that first year (1984–85) when the 16,600,000 block of capacity will be needed. USEC's two increments would only take about 5,500,000 of it. There might even be a race between Private Corporations "A", "B" and "C" to see who gets the first license.

Q. Why have you dropped the idea of using a COMSAT type corporation?

A. In my mind the part private, part public corporation approach would serve only one purpose—to provide a vehicle by which U.S. and foreign investors could ease into the enrichment picture. The USEC device will get private investors, both domestic and foreign, into the picture so fast that there is no sense in fooling around with the COMSAT idea anymore. And, I'm satisfied that there is plenty of money lying around waiting to get into the enrichment business as soon as USEC paves the way.

The distinguished nuclear trade publication Nucleonics Week carried the following items relating to the Hosmer plan in its September 6 issue:

HOSMER PUSHING HARD TO "SELL" GOVERNMENT ENRICHMENT CORPORATION PLAN

With a whip and a chair, veteran Rep. Craig Hosmer (R-Calif.) is trying to push the Administration, AEC and the nuclear industry into a consensus in favor of a "sensible, clearly defined" plan to create a government uranium enrichment corporation. Hosmer's plan, made public yesterday in the *Congressional Record*, calls for establishment "forthwith" of a government corporation to operate the three existing gaseous diffusion plants and add new capacity, using gas centrifuge, to the system by 1983–84. It also provides a mechanism for private entry into the enrichment field on a leisurely schedule and with reduced risk.

Hosmer, the senior Republican member of the Joint Committee on Atomic Energy, spent most of the congressional August recess developing and selling his plan to the parties involved in determining the future structure of the enrichment industry. His intention is to focus phase 2 of JCAE's enrichment hearings, which begin Oct. 2, on the plan. "If enough favorable comment and sufficient constructive criticism are received." Hosmer said, "it may be possible for the Administration and the Congress to proceed quickly to a consensus, get about the business of dispelling indecision, and structure a competitively effective industry within the short time limit available." However, industry, comment from those close to the matter showed that there is not now anything approaching a consensus (*see separate story following*).

Insisting that the Nixon Administration's hope for private industry to construct the next increment of enrichment capacity is no longer "operative," Hosmer outlined his plan as follows.

1. Congress would set up the United States Enrichment Corp. (USEC), with AEC's existing production division activities and personnel transferred to the corporation; 2. USEC would operate the diffusion plants at Oak Ridge, Tenn.; Paducah, Ky.; and Portsmouth, Ohio, and manage the government's stockpile of enriched uranium which may be worth $3-billion by 1978; 3. the corporation would complete the cascade improvement and uprating (CIP CUP) programs; 4. it would conduct all diffusion and centrifuge research and development; 5. it would add new increments (2.5-million separative work units/yr) of centrifuge capacity; 6. its price would be established by averaging production costs of past and future plants and would include r&d costs.

Regarding private industry participation in the enrichment industry, the Hosmer plan provides that USEC would be prohibited from adding new capacity when a qualified U.S. company enters the field. Enrichment contracts would be assignable to the new company in the order last received. Hosmer also suggested that USEC might be authorized to purchase at cost any unsold production of the first two or three new private enrichment plants (or some fraction thereof) "as a spur to getting them in business."

Hosmer said the corporation would be modeled along the lines of the government-owned Tennessee Valley Authority, which is managed by a three-man board of directors. Capital expenditures for new capacity, r&d and the CIP/CUP programs would be financed by bonds sold to the public. He said the corporation might be charged $100 per SWU (or $1.7-billion) to buy the three diffusion plants with repayment "on the installment plan" at $15/SWU of sales. "At full capacity, this would amount to about $400-million a year." he said.

New centrifuge capacity in increments of 2.5-million and 3.0-million SWU's would produce actual production costs ranging from $60–75/SWU, Hosmer said, but when averaged into the $36–38 prevailing price at the existing plants, the costs to the customer would be "a little over $41–43." He predicted that the first private industry centrifuge plants would come in at or below $55–58/SWU, including taxes and "a reasonable profit."

Hosmer stressed the need for a quick decision in order to head off potential overseas competition and the loss of an estimated $33-billion foreign enrichment market by 2000. "If the U.S. makes wise and timely plans to capture a major share of the international market for uranium enrichment services, the pain of its international balance of payment deficits will, year after year, be considerably eased," he said.

Hosmer said he had briefed the Atomic Industrial Forum, Edison Electric Institute and American Public Power Assn. on his plan, along with about 90% of the interested private companies. Those included the two joint ventures (Westinghouse-Union Carbide-Bechtel and Exxon-General Electric) aimed at actual operation of new enrichment plants. He was scheduled to meet this week with AEC chairman Dixy Lee Ray.

One of the key questions still unanswered is the official Administration attitude on enrichment. In 1969, President Nixon announced an intention to sell the diffusion plants to private industry at some unspecified time in the future. JCAE, particularly Hosmer and Rep. Chet Holifield (D-Calif.), strongly opposed the plan and it was quietly shelved. Since then, the official position has been that private industry would build the next increment of enrichment capacity, reiterated as recently as President Nixon's energy message to Congress in April. Last February, however, White House aide Peter Flanigan wrote Hosmer in a letter that joint government-industry ownership and operation of the diffusion plants might be the preferable near-term alternative.

REACTION TO HOSMER ENRICHMENT PLAN RANGES FROM 100 YEA TO 100 NAY

Some members of the nuclear industry conversant with Rep. Craig Hosmer's proposal for a government uranium enrichment corporation agree with him 100% and think it's the only way enough enichment capacity will be built in time to meet the growing demand; others think the Hosmer idea is totally unnecessary and, if carried out, will perpetuate the present U.S. government monopoly and create a climate too hostile for industry to enter the business. Still others take more of a middle road; if the government feels it needs a little greater safety factor in enrichment production capacity then Hosmer's way is not so bad, said one man, although he thinks it's unnecessary.

He feels private industry has ample time for a "go, no-go" decision in 1974, which is the date Hosmer says is crucial; if the answer then is "no" there still will be plenty of time for the government to step in, the industry man said. Hosmer considers 1974 to be crucial because that's when AEC will have contracted for its total enrichment capacity to 1983 or '84. Customer doubts about enrichment supply thereafter must be put to rest with a clearly defined program next year. Hosmer said, if the U.S. is to retain its worldwide enrichment leadership.

The middle-of-the-road industry man thanks Hosmer's plan might not be too bad if the Joint Committee on Atomic Energy unequivocally states that the government corporation advocated by Hosmer is intended merely to assure that there would be no time gap in supply of enrichment service, and that JCAE endorses the position that private industry ought to build the next *major* enrichment increment. If that were the case, this man thinks Hosmer's proposed 2.5 million SWU/yr gas centrifuge enrichment facilities to be built as an interim measure by the government corporation would not be a bad compromise. They would be small enough, he said, so as not to preempt the business.

Another industry source noted that half the nation's electrical energy will rest on nuclear fuel within a few years and it would be bad policy then to be dependent on a monopoly enrichment supplier. And "any of these steps Hosmer is proposing merely would further the government monopoly," he said. Foreign uranium users are going to turn elsewhere for their enrichment service, regardless of what the U.S. does, he contended, and institution of a government enrichment corporation won't change this. Moreover, he thinks private industry may well be ready next year to make its decision on entering the enrichment business.

A third industry man said any TVA-type enrichment organization should be viewed as a step in getting AEC out and private industry into the business, "with the ultimate objective of making it possible for industry to own the government corporation." Uncertainty about antitrust aspects of industry involvement in enrichment leaves him "a bit pessimistic" that companies will be ready to make their decisions in less than a year. He foresees 1976 as a more likely date and thinks AEC must continue with gaseous diffusion if by then industry finds centrifuge still speculative. However, he thinks industry could support bringing in two or three centrifuge enriching plans (of the 2.5-million SWU/yr class) almost simultaneously.

A fourth industry source said there's no way that private industry can meet the need for next enrichment capacity. Four large plants will have to be committed before the first of them gets into production in about 1983, he pointed out. So far there are only Exxon-General Electric and Union Carbide-Westinghouse-Bechtel in the field; he doesn't think they'll commit themselves initially to large plants and even if they did it would be inadequate, he said. Utilities don't know which way to go and no industrial company is going to risk a huge financial investment in the face of noncommittal customers, he argued. The dilemma is created, he said, by the need for almost instant commitment by industrial companies in order to meet enrichment requirements. Once there is the interim help of the Hosmer-proposed government corporation, industry can come into the business in an orderly way, he said.

Washington's Weekly Energy Report carried the following authoritative items written by Editor Llewellyn King regarding the Hosmer plan in its September 3 and September 10 issues:

HOSMER LAYS OUT PLAN FOR U.S. ENRICHMENT CORPORATION

"The first thing to do is to acknowledge that the Nixon Administration's lingering demand that the next increment of enrichment capacity 'be supplied by private industry' is no longer 'operative'." That is not the statement of a liberal Democrat who is mad at the Administration. Instead it comes from Rep. Craig Hosmer (R-Calif.) in a major statement prepared for delivery in Congress on Wednesday (Sept. 5). Hosmer has spent a good deal of effort in the past few years drawing attention to the need to do something to prevent the nation's capacity for enriching uranium from falling behind the demand. Hosmer, an advocate of the government enrichment corporation concept, in his latest statement goes further than he has done previously. (He is the ranking minority house member of the Congressional Joint Committee on Atomic Energy.) He not only urged the creation of the corporation but also recommended that it proceed at once with the installation of new centrifuge capacity. Hosmer prepared his statement after touring the nation's enrichment plants, all of which are of the older gaseous diffusion kind.

Hosmer noted that capacity will have to be increased by as much as 40 times to eventually meet the requirements of the free world uranium market. He said that present capacity (27,500 million separative work units annually) will be fully committed in 10 years and that an enrichment gap could develop. Hosmer's firm stand probably indicates that he is thinking of introducing legislation to bring about the government corporation in the near future. The Nixon Administration has steadfastly clung to the idea that the next increment in enrichment capacity should be undertaken by private industry but very little progress has been made. This is Hosmer's scenario:

"1) The first thing to do is to acknowledge that the Nixon Administration's lingering demand that the next increment of enrichment capacity 'be supplied by private industry' is no longer 'operative'; 2) The United States Enrichment Corporation, a government corporation, is to be set up forthwith by act of Congress and enrichment activities and personnel of the AEC transferred to the Corporation; 3) USEC will be charged with operating the existing complex and managing the growing stockpile of preproduced enriched uranium which may be worth around $3 billion by 1978; 4) USEC will carry forward the CIP/CUP/programs; 5) It will conduct all necessary diffusion and centrifuge R&D; 6) USEC will begin adding moderate size increments (2,500,000 swu/yr) of new centrifuge capacity amply in advance of the dates needed to avoid a nuclear fuel gap; 7) USEC will continue the uninterrupted offering of contracts for sale of separative work to domestic and foreign customers on a nondiscriminatory basis, which contracts shall be assignable in the order last received upon the emergence of one or more private U.S. enriching firms; 7) the price of USEC's product will be determined by averaging the production costs of past and future increments of capacity and shall include all applicable R&D costs; 9) general provisions for the licensing of private U.S. enriching firms shall be written into law and supplemented by regulation."

HOSMER EXPANDS ON ENRICHMENT CORPORATION CONCEPT

Rep. Craig Hosmer, minority leader of the Congressional Joint Committee on Atomic Energy, is proceeding with drawing up plans for his proposed government corporation to take over the nation's uranium enrichment responsibilities. Hosmer last week published his grand scheme (Weekly Energy Report, Sept. 3) for the formation of the government corporation. Since then he has been asked by so many people for more details, he said, that he is beginning to sketch out an outline of the proposed corporation.

In an interview, Hosmer emphasized that he believes the government corporation should set up not in lieu of eventual private enterprise enrichment activity but as an interim step to enable industry to come in smoothly and easily without a gap either in the supply of enrichment or in the letting of enrichment contracts. He explained: "The first new increment in capacity that comes along will be very expensive. There hasn't been an enrichment plant built in many years and there will be heavy first-of-a-kind expenses. My plan would be to have a government corporation consisting of the present plants with the personnel that are now running them. It would have the authority to go out and borrow money the way that the Tennessee Valley Authority borrows money—without a government guarantee or with a government guarantee, whichever you end up with. It would raise the money for the continuation of the cascade uprating and the cascade improvement (CUP/CIP) programs. It would also be authorized to go ahead and add capacity so that we don't run into a fuel gap." He said that the corporation would assume responsibility for developing the centrifuge technique, now in its infancy but potentially the most promising way to enrich uranium. The government corporation proposed by Hosmer would also be empowered to continue to let enrichment contracts.

Many of the details, Hosmer said, could be determined later. "The important thing to do is to go ahead with the idea now and to get going." Simultaneously, he said, a structure should be created for the licensing of a private enrichment plant so that "when the fellow comes along who is ready, willing and able technically and financially to get into the business you would automatically suspend the capability of the government corporation to add any new capacity." He said that in this way private industry could choose when it would come into the enrichment business without being forced to move into enrichment in a disadvantageous way.

Hosmer's view is that private industry has not shown that it is ready to take up the enrichment challenge yet. As a result, he said, there was a very real danger that we would be left after next year with the situation in which the United States could no longer guarantee enrichment deliveries. He added: "So that would give the Europeans and the Japanese a tremendous incentive to go in and grab the enrichment business for themselves. At the present time they are under a considerable disincentive to do it themselves because they know that we can supply this stuff and they know what our prices are and what our technical capabilities are." Hosmer said that the loss of such business would amount to losing foreign earnings worth a billion-and-one-half dollars a year. He went on: "Without all of those disincentives the Japanese and Europeans are going to go ahead and really start in the business themselves. Our market is going to be whittled away if we don't get into a position where we can be able to contract by the end of next year. My scheme is to be able to meet those two problems: the gap in contracting and eventually the gap in fuel supply."

Hosmer is working alone on his scheme and not in consultation at this point with other members of the Joint Committee on Atomic Energy. He has for years had a more compelling interest in enrichment than other members of Congress and the Administration. He still faces a major hurdle provided by the fact that the White House consistently has maintained that the next increment capacity must be borne by private industry. Hosmer sees this as impractical because the product from a new plant would necessarily be a great deal more expensive than that from the existing plants. The government corporation, as he sees it, would be able to come up with a price with which the older plants would subsidize the new plant.

Details of the enrichment plan as originally announced last week are found in my remarks on September 5, at page 28449 of this RECORD.

FOREIGN MILITARY SALES

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Indiana (Mr. HAMILTON) is recognized for 20 minutes.

Mr. HAMILTON. Mr. Speaker, this last spring and summer witnessed a more vocal debate between the executive branch and Congress over the issue of foreign military sales than there has been for many years. There were, it appears, three major foci of this exchange.

THREE AREAS OF DEBATE

First, the general U.S. policy of selling arms, in varying quantities, to, perhaps, well over half the countries on this earth came under scrutiny. Some people have felt that the increasing amount of sales raises a series of potential problems for the United States and perhaps increases American involvement in and commitment to foreign nations receiving arms. Some critics even argue that these sales may draw the United States into various regional and local political confrontations across the world at the precise time many Americans are viewing with

increasing uneasiness any foreign involvement and are examining closely many of our past and ongoing global commitments.

A second focus of the recent debate involved specific countries which were, or were supposed to be, seeking to buy vast quantities of American military materiel. This year certain Latin American countries and a few states in the increasingly important Persian Gulf—notably Iran, Saudi Arabi, and Kuwait—were determined by our Department of Defense to be eligible for more sophisticated weapons systems and, in some cases, very large quantities of arms in proportion to their populations.

The need of these states for advanced defense technology for their security is not, in my opinion, the central issue of the debate. In each case in Latin America and in the Persian Gulf, a potential threat to the security of the state and a frightening conflict scenario could be described and perhaps believed. But too often, the rationales for these sales seem to come down to the wishes and ambitions of foreign leaders rather than the calculations of our own, and the desirability of the sales for U.S. economic and political advantage rather than any detailed evaluation of the short and long term implications of the sales. For the ongoing debate on this issue, then, the real concern should be not the particular weapons considered for sale but rather the hasty way the arms deals seem to have been made and some of the justifications and rationales devised to defend the sales.

The third area of debate involved congressional efforts to try to insure greater congressional review of and control over foreign military cash and credit sales. One amendment to the foreign aid bill, which called for congressional scrutiny and ability to rule on any sale of more than $25 million in any fiscal year, passed narrowly in the Senate but was defeated on the House floor. Such efforts tend to serve notice to the executive branch that there is a real concern over the amounts of arms the United States sells annually, the manner and haste with which some sales are contracted and explained, and the lack of candor by the Government over the extent of many proposed sales. In short, this debate will continue and there will likely be other amendments and more attempts to gain some control over what appears to be an ever increasing amount of arms sales.

THE UNITED STATES AS AN ARMS DEALER

Unfortunately, increases in U.S. arms sales around the world have exceeded the tremendous worldwide growth of arms transfers. From 1961 to 1971, arms transfers the world over tripled. In that period, the United States was responsible for exporting some $23 billion worth of arms, roughly 47 percent of the world total. In 1971, that percentage rose to 55 percent, and, of all arms imported by non-Communist countries, we furnished some 66 percent. And recent indications are that since 1971 our arms exports have continued to mount rapidly with one observer, Fred Hoffman of the Baltimore Sun, indicating that our sales have tripled in the last 3 years.

The commanding lead that the United States has as the world's largest exporter of arms is not likely to change. The Soviet Union, the world's second largest arms dealer, sold only about 65 percent of what we sold in the 1960's and in 1971, it sold about one-half as many arms and services as we did. And while it is true that all of our NATO allies put together sold more arms than the United States in the 1960's, in 1971 their total exports were not over 70 percent of ours.

Most of the arms sold by the United States go to the developing world, and to many countries which can ill afford to spend hard currency reserves on weaponry. Military expenditures in the developing world averaged an annual rate of increase of 11.4 percent in the 1960's, and in the same period, close to 70 percent of U.S. exports went to the same countries.

These shocking figures do not tell the whole story since so much of our arms transfers involve crisis-torn regions. In 1961, 44 percent of the exports went to the Far East and Near East but that percentage had risen to 61 percent by 1971. In constant 1961 dollars, it seems that total arms transfers to Indochina increased nine and one-half times over the 1961–71 decade while those to the Near East escalated 14 times.

To be sure, much of what is sold can be viewed as supportive of important U.S. national security interests. Arms sales can also be viewed as an essential pillar of the Nixon doctrine of a lower U.S. presence abroad and a determination to help others defend themselves. But I wonder whether the enormous increases of U.S. arms sales that have occurred are maintaining an essential degree of U.S. influence abroad and protecting U.S. interests without increasing our foreign commitments, producing too cozy alliances between our military establishment and the military elites in the countries receiving arms, necessarily involving the United States in regional arms races and dangerous, subregional conflict zones, and potentially forcing the Soviet Union, among others, to react to what we do by selling more arms.

Precisely because we sell so much, we must carefully scrutinize and evaluate the political and strategic implications of what we are transferring of military arms and services not only in a global, East-West sense, but, more important, in subsystem, regional context. We must also offer very clear rationales for the arms supply course we follow and demonstrate at every juncture how our arms transfers are aiding and supporting our diplomatic, political and economic policies. The current debate over the size of arms deals around the world stems both from the magnitude of what we are doing and the seeming lack of attention to the broader implications for large arms supply policy.

CONTEMPLATED SALES TO THE PERSIAN GULF AS AN EXAMPLE

One area where U.S. arms sales have increased dramatically recently is in the Persian Gulf, but there is today little evidence of a clearly enunciated U.S. rationale for the magnitude of arms sales we have been and will be making to Iran and Saudi Arabia in particular. Unfortunately, there is even less evidence that our supply policies are aiding what is stated as our political and economic interests and objectives in the region.

The general magnitude and extent of U.S. arms supplies to states in the Persian Gulf are fairly well known and I have spoken on this issue twice in the last few months in the CONGRESSIONAL RECORD on page 17517, May 31, 1973 and June 21, 1973, on pages 20769–20770. A few figures might be worth reemphasizing. Between 1965 and 1972 we sold close to $6 billion worth of arms and military services to Iran and Saudi Arabia while, in contrast, Iraq, considered the principal Persian Gulf threat to Iran and Saudi Arabia, received perhaps $1 billion worth of Soviet arms. This is the recent past, and from all indications, the trend is for more, rather than less, sales in the coming years: $2.5 billion to Iran; perhaps $580 million to Kuwait; and well over $1 billion to Saudi Arabia.

Mr. Speaker, I do not object at all to the United States helping these important countries develop reasonable defense forces. It is in our interest and in their interest to do so. But I see little effort made to try to precede large scale arms sales with attempts to limit overall sales to the region or to undertake diplomatic efforts to prevent any arms race. Once the decision to sell arms is made I see little effort to moderate requests for arms and to limit sales. This is particularly the case with Iran.

The Shah of Iran seems to speak about large-scale defense needs and defense parameters far beyond the Persian Gulf and the U.S. private defense establishment seems to line up to try to get a piece of the action.

As in the case of certain Latin American countries for which the 5-year ban on the sale of sophisticated weaponry has been lifted, it is difficult to determine whether the security threats to the states in the Persian Gulf are more internal or external. The U.S. Government paints the picture of a grave Soviet threat from Iraq and the People's Democratic Republic of Yemen to the security of several more conservative monarchies in the Persian Gulf, but I wonder whether the chief threat to some governments is not the diminishing number of monarchies around the world and the tendency for monarchies which do not foster social and political development to be replaced by authoritarian republics. Thus, for some countries in this region, as in Latin America, arms sales seem designed to reinforce the political status quo—a fact which calls for very careful scrutiny of any sale, it would seem.

The debate here over the sale of quantities of sophisticated weaponry to countries in Latin America and in the Persian Gulf is only intensified by some of the other rationales used for selling arms. After playing the security threat argument, we have heard justifications for these sales such as: they help our balance of payments at a time we need all the help we can get; if we do not sell arms, others will; the sale of arms gives us great leverage on states in the future because they will need spare parts and servicing for arms; states friendly to

the United States deserve prestige arms if they want them; and so forth.

Such arguments may not be totally wrong but neither are they adequate as a rationale for any arms supply policy.

Perhaps the most questionable aspect of our arms supply policy in the Persian Gulf is its implications for our stated political goals in the region. Our Government stresses over and again the importance of regional cooperation in the gulf, especially between Saudi Arabia and Iran. But these two states are not old friends; indeed, the Arab side of the gulf and the Iranian side are divided by many historical, cultural, familial, and political differences. To pour arms on all sides into a situation where the Shah of Iran is determined to intervene, if necessary, to preserve his conception of political stability and to play a major, if not dominant, role in the politics of the entire gulf and where the Arabs, including the Kuwaitis and Saudi Arabians, are both resentful and fearful of attempted, if not actual, Iranian hegemony in the gulf is extremely dangerous. The United States is counting on cooperation in the gulf, and yet our arms supply fuels both ambitions of local leaders and an arms race.

In short, my concern over our arms supplies stems directly from their prominence, from the fact that our political policies to date seem to be nonstarters or unsuccessful, thus leaving our arms supply policy the only policy we seem to have going for us in the area at the moment. The same is perhaps true in parts of Latin America where our economic policies have had so much difficulty, and arms sales seem to represent our only successful interaction. With sales we seem to be trying to buy time, trying to buy lasting friendship. For any arms transfer policy to be successful, however, it must be only one component, and a small one, of a large cohesive strategy to a country or area.

This means the touchy political and social issues must be addressed at the same time or our arms policy will operate in isolation and other policy objectives will continue to be frustrated. In the gulf, some of those important political issues are the peaceful resolution of local political disputes, a just and fair settlement of the Arab-Israeli conflict, the fostering of genuine regional cooperation and the immediate strengthening of our diplomatic presence in the gulf, especially the lower gulf. It is debatable whether our arms supply policy, preceding any attention to these political matters, now serves any of them. Our emphasis appears in the wrong place, and, as a result, our overall policy suffers.

CONTROLLING ARMS SALES

Mr. Speaker, in 1973, the United States sold a record $3.4 billion worth of arms and next year that figure might rise to close to $4.6 billion. If the Persian Gulf example is the rule and not the exception, we are embarking on a dangerous path which does not at all guarantee the protection of our political interests.

What appears to be lacking, in particular, is a careful analysis in the United States of the wider implications of arms transfers to any country. In the absence of any study of the impact of stepped-up United States arms sales on the worldwide arms race, one has to conclude that we will continue to feed indiscriminately the motors of conflict and terror in the world, and with that bad example, other states, especially our arms competitors, will likely do the same.

Congress increased concern over, and attempts to control foreign military arms sales stems, in part, from this seeming lack of a careful analysis of the wider implications of selling arms to particular countries and from the fact that over 80 percent of the U.S. arms sold in recent years has been cash transactions without U.S. credit financing and thus without more visible congressional control.

The particular congressional focus on this issue recently, as mentioned above, was the amendment to the Mutual Development and Cooperation Act of 1973 that would provide for congressional review of all sales exceeding $25 million. This amendment will not likely be in the final bill this year because it was defeated in the House. However, I believe its intent—to give Congress a voice in analyzing the implications of the extensive arms selling the United States does—is good and proper even if the phraseology of the particular amendment needs further study and perhaps refinement, especially insofar as the congressional review will cover the proliferating foreign activities of private U.S. contractors in the defense industry. Those activities, often carried on outside the purview of the Defense Department, are currently checked only when an export license is issued and that usually comes long after contracts are signed and sealed. Any congressional effort to gain some measure of review of proposed arms sales must be couched in such a way as not to encourage more direct dealings between foreign governments and U.S. private defense contractors.

Mr. Speaker, the United States must be exceedingly careful in its arms sales policies around the world. While it may be important to see states friendly to the United States, and states whose security is in our national interest, encouraged to move from grant military assistance to credit or cash sales, we should not actively promote sales or indiscriminately accept others' evaluations of their security needs. An arms supply policy can be a useful supporting instrument to help carry out our political and diplomatic policies and protect our economic and security interests, but it cannot replace those policies. In all cases, however, an arms supply policy should follow diplomatic and political efforts internationally and regionally to effect arms control policies and to insure that we are not promoting or escalating arms races around the world. It would be a great tragedy if, in remaining the world's No. 1 merchant in the arms of war, the United States is unable to be first in peace.

THE GAS BUBBLE—IV

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. GONZALEZ) is recognized for 5 minutes.

Mr. GONZALEZ. Mr. Speaker, when the Coastal States Gas Co. failed to deliver all the gas it was committed to, there was an immediate threat that the people of San Antonio and other cities served by Coastal would lose some or all of their electrical power. By a miracle, this was averted, but even now no one knows how long it will be possible for San Antonio to provide all the lighting the city requires, or even fuel for heating and cooking. According to some predictions, Coastal is so deficient that it will not even be able to supply all the gas its customers require for basic human needs, when the winter heating season arrives this year.

It is this crisis that overshadows the legal and administrative struggles that are going on for control of Coastal's gas, and for dividing what little the company can deliver. The question is whether there is enough available to meet even basic human needs.

But beyond this ghastly prospect, there is a struggle going on for control of an industrial empire—a struggle that involves hundreds of millions of dollars as well as the lives and well-being of hundreds of thousands of Texans.

Coastal was obliged to furnish the natural gas requirements of San Antonio for 20 years, at a set price. It was supposed to have all the gas it needed to deliver in fulfillment of this contract. What the company did not have, it was supposed to buy from the revenues generated in the contract. In fact, the opening years of the contract were set at lucrative terms, to give the company the money and incentive it would need to obtain all the gas supplies that San Antonio would need. But now, halfway through the contract, Coastal does not have the gas, and the money has disappeared.

San Antonio has averted catastrophe—so far. But the price has been dear, and the cost in the future will be greater still.

Thus far, San Antonians have had to pay for $4.34 million worth of fuel oil to burn in place of the natural gas that Coastal has contracted to deliver, but did not. This cost mounts every day, and will rise at a fast rate later this year, as the cost of fuel increases in response to the annual shortage of this community and other factors that are all too familiar to observers of the energy crisis.

So thus far, San Antonians have paid $4.34 million, not for any failure of their own, but for the failure of Coastal States. But that is not all.

San Antonio is building new electric generating plants, like everyone else. For years, the utility asked Coastal if it could supply natural gas for these plants, so that it could make the proper adjustments. But Coastal would never say whether it could furnish gas or not. We now know that despite their assurances, Coastal could not even provide gas to the plant that we already had in place, let alone anything new. But San Antonio had anticipated otherwise, because Coastal's own board chairman had provided written assurances that Coastal could furnish San Antonio all the gas it needed, for the duration of its contract. Based on this, gas generating plants were designed. Now these new plants must be converted to coal, which is the only feasible alternative we have. This

cost will be $120 million—an expenditure San Antonio had no reason to anticipate and would never have been committed to if Coastal had lived up to its contract.

Beyond this, San Antonio must pay for conversion of existing gas burning plants to other fuels—also because of Coastal's default. If the conversion to fuel oil is made, the cost will be another $72 million. This conversion would enable San Antonio to buy and use heavier fuel oil than is now possible for its existing plants.

Altogether then, San Antonio has been committed to spend $192 million more in utility plant costs that would have been avoided if Coastal had lived up to its contract. And the people of San Antonio have already spent an unnecessary $4.34 million for fuel. In the future, the State regulatory authority may allow Coastal to increase its contract price for gas by almost 50 percent—notwithstanding Coastal's previous contractual obligations. If this happens, San Antonians would be paying something like $12 million a year for natural gas that they do not pay today. Coastal's default would in this case cost San Antonio something like $16 million a year in unnecessary fuel costs, if Coastal continues to default on gas deliveries.

Already this year, the average electric and gas bill in San Antonio has increased by about $1.90 per month because of Coastal's failure. That increase will go up by very large amounts in the future, as the real effects of Coastal's mismanagement come to be felt.

Incredibly enough, the management that produced this massive loss for San Antonio is still in business, still in the saddle. And the signs are that they will get the full profits they anticipated, and more. The people of San Antonio may lose in excess of $200 million because of Coastal's scheming. It seems incredible that so few State and local officials seem to care. If this were a tax issue, it would be something else. But it is a tax issue. The robber barons have foisted $200 million in needless expenditures on San Antonio and its citizens—a tax as surely as the sun rises. It is a tax on human necessity, a cruel, heartless, relentless tax. And those who are responsible for it know that it was unnecessary, know that it was needless, and know that if it had not been for their evil hearts and greedy works, it would have never happened. The tax will be paid by wholly innocent people. It will benefit them nothing because it is necessary only to protect them from destruction—a protection Coastal was supposed to have been providing already, for the price of a half billion dollars. But a half billion was not enough. Two hundred million more is needed, and more besides. And still the robber barons cannot say whether they will—or even can—live up to the requirements of their contract.

I think that we should take all the increases in capital costs, and all the increases in operating costs, brought about by Coastal's machinations, and label those a Coastal surcharge. Then San Antonio should sue Coastal in general and its chief executive in particular, for every dime of that surcharge—two hundred million in capital and tens of millions in operating costs. San Antonio may have to pay a tax to Oscar Wyatt and Coastal—but that does not mean that the people should cease to resist. He has taken from them already, and will cause them to lose still more in the future. He and his company should never be permitted to escape the consequences of their actions. The people of San Antonio surely will suffer the consequences—but so should the thieves who brought down these terrible, disastrous events.

STATEMENT OF HON. CARDISS COLLINS OF ILLINOIS, UPON INTRODUCTON OF CONCURRENT RESOLUTION CONCERNING THE ADMINISTRATION OF THE FEDERAL WATER POLLUTION CONTROL ACT

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Illinois (Mrs. COLLINS) is recognized for 10 minutes.

Mrs. COLLINS of Illinois. Mr. Speaker, over the last 4½ years we, the Congress and the American public, have experienced the greatest turning away from the needs of the people of this country since President Hoover occupied the White House during the great depression. This administration, under the leadership of President Nixon, has reordered the priorities of this country away from the needs of the people to an ever-growing uncontrollable military-industrial monster. This administration has continued to flaunt its beliefs over the congressional intent, vis-a-vis legislation.

The latest example of this is the Federal Water Pollution Control Act amendments—Public Law 92–500. This act was vetoed by the President just before the adjournment of the 92d Congress and that veto was overridden by both Houses of the Congress and, therefore, became law.

In administering the provisions of the bill, the administration, through its agent, the Environmental Protection Agency, has established its own set of priorities in terms of the reimbursement to various units of Government that have attempted to deal with the problems of polluted water. Section 206(b) of the law calls for "the reimbursement of construction costs of water pollution control facilities built between June 30, 1956, and June 30, 1966. The EPA has determined that this section should not be complied with, at least not in the foreseeable future.

Since I became aware of the situation, I have contacted the EPA and their answer was less than satisfactory. Therefore, I have determined that it is necessary for the Congress to remind the EPA and the administration of its obligations, under the law. Today I introduced a concurrent resolution which will do just that, and, at the same time, inform the administration that this Congress is planning to watch over the actions of the executive branch in order to make sure that the present administration, and those that succeed it, are following through on the intent of Congress.

I have attached a copy of the resolution to the end of this statement so that my colleagues, and the American people, can be made aware of the steps that this Congress is taking.

CONCURRENT RESOLUTION

Whereas the condition of the water systems of this country has deteriorated during the course of our Nation's history; and

Whereas without an attempt to clean up our water systems this Nation faces the possibility of being without a decent water supply; and

Whereas prior to the ever-growing public awareness and outcry over the quality of our environment, a number of State and local governments acted with foresight to forestall disaster befalling this Nation's water systems; and

Whereas with the enactment of the Federal Water Pollution Control Act Amendments of 1972 (Public Law 92–500), Congress further recognized the need to halt the decay of our water systems; and

Whereas the law authorized reimbursement to those State and local governments which had the foresight to construct water pollution control facilities years ago: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That it is the sense of Congress that the Administrator of the Environmental Protection Agency should not administer section 206 of the Federal Water Pollution Control Act so as to establish any system of priorities which provides for the reimbursement of construction costs of water pollution control facilities built after June 30, 1966, prior to reimbursement of construction costs of such facilities built between June 30, 1956, and June 30, 1966.

IRS RULING ON REPORTING FUNDS RECEIVED FOR LEGISLATIVE REPORTS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Florida (Mr. GIBBONS) is recognized for 10 minutes.

Mr. GIBBONS. Mr. Speaker, on February 27 of this year, I inserted into the RECORD (page 5695) a letter that the Internal Revenue Service had sent me in response to an inquiry that I had made to them concerning the proper way in which to report funds that I receive to pay for my legislative reports and questionnaires.

On September 4, 1973, the IRS issued its formal revenue ruling—73–356—on this subject. Following is the complete text of the revenue ruling for the information of my colleagues. "Situation B" outlines the procedure that I have been following.

SECTION 162.—TRADE OR BUSINESS EXPENSES

26 CFR 1.162–1: Business expenses. (Also Sections 61, 62, 102; 1.61–1, 1.62–1, 1.102–1).

Congressman's newsletters, etc.; receipts and disbursements. Subscription fees or solicited contributions received by a congressman to be used solely to defray the cost of newsletters, reports, and questionnaires sent to constituents are includible in his gross income. Expenses of publishing and distributing such material are deductible as business expenses incurred as an employee; I.T. 4095 superseded.

REV. RUL. 73–356

Advice has been requested as to the tax treatment of amounts received and amounts expended by Congressmen *A* and *B*, who use the cash receipts and disbursements method of accounting, in connection with publication and distribution of newsletters, reports, and questionnaires they send to constituents under the circumstances described below.

Situation (A).—Congressman *A* sends out a newsletter at regular intervals to his constituents on matters of general interest such as taxes, social security, foreign relations, and other subjects pertaining to the affairs of the Federal Government and on such matters as his activities and findings in connection with an official inspection trip to foreign countries. To help defray the expenses of producing, printing, and preparing it for mailing, he offers constituents subscriptions to the newsletter for a reasonable price, and sends it to subscribers only. The subscription proceeds are available to Congressman *A* upon their receipt, but he applies all such proceeds to the expenses associated with publication of the newsletter. From his personal funds, he pays the remaining cost of publishing and distributing it. The annual out-of-pocket cost to the Congressman of publishing and distributing the newsletter is less than his annual salary.

Situation (B).—Congressman *B* sends legislative reports to his constituents from 12 to 15 times a year to keep them informed regarding the affairs of the Federal Government and his official activities. He also sends out questionnaires from time to time seeking the opinions of his constituents on various issues. To help defray the costs involved, Congressman *B* solicits contributions, by notation on the reports and by telephone requests initiated by a member of his staff, to be used solely for the printing and related costs of these reports and questionnaires. However, he sends the reports and questionnaires to constituents whether or not they contribute. Contributions received by him in response to these requests are available to him upon receipt but he retains no part of them for his personal services in preparing the materials. They are deposited in a bank account that is segregated from all other funds maintained by Congressman *B*'s office, no part of which account is ever used for campaign purposes. If the fund is insufficient to pay the expenses of publishing and distributing the reports and questionnaires, the Congressman pays the remainder from his own personal funds. Any excess in the fund at the end of any particular year is carried over to the following year to be used for the same purpose. The annual cost to the Congressman of publishing and distributing these materials is less than his annual salary.

Section 61 of the Internal Revenue Code of 1954 provides, in part, that the term gross income means "all income from whatever source derived," including among other things, gross income from business, compensation for services, fees, commission, and similar items.

Section 102(a) of the Code provides, in pertinent part, that gross income does not include the value of property acquired by gift. A gift is generally defined as a voluntary transfer of property by its owner to another with donative intent and without consideration. If a payment proceeds primarily from the incentive of anticipated benefit of an economic nature to the payor, it is not a gift. Where the payment is in return for services rendered, it is irrelevant that the donor receives no economic benefit from it. See *Commissioner v. Duberstein*, 363 U.S. 278 (1960), 1960–2 C.B.. 428. Moreover, when a payment is made by a customer to a taxpayer who provides services to assure continuation of those services, that payment is not a gift even though not made in consideration for past or current services. See *Publishers New Press, Inc.*, 42 T.C. 396 (1964), *acq.*, 1964–2 C.B. 7.

Under the facts of Situation (A), the subscription fees are given as direct payment for the publications, and such funds are available to Congressman *A* upon receipt. Therefore, the subscription proceeds received by Congressman *A* must be included in his gross income under section 61 of the Code.

Under the facts of Situation (B), although the contributions described are not given as payment for the publications, they are made to assure the continued publication of the materials. Therefore, such amounts are not gifts within the meaning of section 102 of the Code.

The performance of the official duties of a Congressman in his trade or business as an elected official includes keeping his constituents informed with respect to the affairs of the Federal Government and his own official actions, and seeking opinions from them on pertinent issues. Thus, any amount received by a Congressman for the purpose of defraying part of the cost of reporting to constituents or of seeking opinions from his constituents is a substantial benefit to him in that it offsets a portion of the cost to him of performing the duties of his office. Therefore, such amounts received by Congressman *B* must be included in his income under section 61 of the Code in the year received.

Furthermore, section 162(a) of the Code provides for the deduction of all the ordinary and necessary expenses paid or incurred during the taxable year in carrying on any trade or business. Section 7701(a)(26) provides that the term "trade or business" includes the performance of the functions of a public office.

I.T. 4095, 1952–2 C.B. 90, holds that expenses incurred by a Congressman in printing and addressing a letter to his constituents, which letter consists principally of a report of his activities and findings in connection with an official inspection trip to foreign countries but also contains a brief personal message, qualify as ordinary and necessary business expenses.

Inasmuch as it is considered an appropriate part of the official duties of a Congressman to keep his constituents informed with respect to the affairs of the Federal Government and his official actions, and to seek opinions from them on pertinent issues, the amounts expended in issuing such publications are ordinary and necessary business expenses within the meaning of section 162 (a) of the Code. However, under section 62 relating to adjusted gross income, with exceptions not here relevant, expenses attributable to the performance of a trade or business as an employee are deductible only in computing taxable income. Accordingly, these expenses are deductible in the year paid by Congressmen *A* and *B* in the situations described above only if they itemize their deductions.

I.T. 4095 is hereby superseded, since its substance is incorporated in this Revenue Ruling.

SETTLE WATERGATE IN THE COURTS

(Mr. DEVINE asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. DEVINE. Mr. Speaker, the word from the folks back home during the recent recess is really emphasized by the article by Kevin Phillips which was published yesterday in the Columbus, Ohio, Sunday Dispatch:

PEOPLE WANT COURTS TO HANDLE SCANDAL

(By Kevin P. Phillips)

Hats off to Kansas Sen. Robert Dole for his decision to ask the U.S. Senate to end Uncle Sam's Sham, also known as the Watergate committee hearings. Public sentiment seems to be moving in this same direction, witness a whole clutch of August polls. Four opinion samplers asked cross-sections of the American people whether they agreed with President Nixon's Aug. 15 assertion that the Watergate matter should now be left to the courts so that the government could move on to other business. In each poll, the people said "yes."

The Gallup organization found 57 per cent in favor of turning Watergate over to the courts and 38 per cent against (Aug. 15–16).

Polling on Aug. 18–19, Louis Harris found 62 per cent in favor of passing the job to the courts, with just 32 per cent against.

Sindlinger and Co., in an Aug. 16–21 telephone survey, found 67 per cent in favor of the President's position, 29 per cent against.

And an Aug. 18–20 Opinion Research Corp. poll found 65 percent desiring to turn the Watergate affair over to the judiciary, with just 25 per cent opposed.

When four polls come up with the same approximate range of opinion, there isn't much chance of a mistake.

Only Harris and Opinion Research (ORC) asked the direct question whether the Senate Watergate hearings should be stopped and even here comparison is difficult because the two companies used different phraseology.

When Harris asked people whether they favored or opposed continuing the hearings in September, 51 per cent said they favored continuation, 45 per cent came out in opposition.

ORC asked: "Do you believe the Senate hearings on Watergate should be stopped and the whole matter turned over to the prosecutors and the courts, or not?" Fifty-three per cent said they should be stopped and turned over and 35 per cent disagreed. Twelve per cent had no opinion.

Meshing these two profiles, it seems 45 per cent of the people want the hearings stopped cold right now. A clear majority wants to see the hearings stopped—without a precise date—and have the matter given over to the prosecutors.

Data like this are much more suggestive of public attitudes toward the committee than the statistics so often cited: polls on the "personal popularity" of the committee members or the large number of people who watched some or all of the hearings.

If the members of the committee felt the hearings were truly boosting their popularity to new highs, then we would be seeing plans unfold to keep the show going through December, as originally planned. Instead, Sen. Sam J. Ervin has announced an earlier-than-expected Nov. 1 windup date and the North Carolinian has ample motivation.

On Aug. 24, the Wall Street Journal quoted "a close associate" of Senator Ervin as saying that the latter faces "a real fight" in North Carolina next year if he seeks reelection. "Some past Senator Ervin supporters," the paper noted, "complain bitterly that he's out to hurt Mr. Nixon."

The committee is clearly running into trouble. Disclosures by the FBI confirm that the Ellsberg break-in was by no means the first undertaken by the federal government and other FBI documents—which Senator Ervin hypocritically refuses to release—spell out grubby details of past Democratic White House spying and political surveillance from Franklin D. Roosevelt to Lyndon B. Johnson.

More and more people are beginning to see the Watergate committee for just what it is—a costly exercise in political hypocrisy that also happens to be paralyzing governmental effectiveness.

When Opinion Research interviewers asked their sample group "Do you believe the Senate hearings on the Watergate matter are helping or hurting the country?" 54 per cent replied that they were "hurting" the country and only 33 per cent saw them "helping."

So much for Senator Ervin's phony civics lesson. Senator Dole is serving his country much better by attempting to bring this tragic, hypocritical farce to an end.

But politics is politics and a growing number of Republicans privately want the hearings to continue with full television focus and fanfare so that the committee can be

even more discredited in public eyes than it is today.

SENIOR CITIZENS FORUM

(Mr. EILBERG asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. EILBERG. Mr. Speaker, the problems of elderly and retired persons have become increasingly acute in the past few months. They have been aggravated by the dramatic increase in the costs of basic necessities, especially food and housing.

There are many pieces of legislation now before the Congress which are designed to deal with these problems. We have had a great deal of advice from "experts" in the field, but not very much input from the elderly who will be affected most by these proposals. For this reason, I recently held a forum for the leaders of senior citizens organizations in my district in northeast Philadelphia.

More than 100 persons attended along with Louis C. Cappiella, executive director, Commission on Services to the Aging for Philadelphia, Jeffrey Ball, deputy secretary for social services for Pennsylvania, Robert Jacoby, specialist on aging, southeast regional office, Department of Public Welfare of Pennsylvania, and Bernard Spector, district manager, Social Security Administration, and we held a frank and spirited discussion of the questions they raised.

While many concerns were discussed, the overriding factor was the need for immediate action.

The fact is, Mr. Speaker, the elderly do not have time for more studies, surveys and investigations. As the head of one group stated:

> We can't wait. The insurance companies are making millions by betting that I will not live past 72. We need help now.

At this time I enter into the RECORD my statement at the beginning of the meeting, the prepared remarks of some of the group leaders who attended and a summary of the oral statements.

ISSUES IN AGING

(By Representative Joshua Eilberg)

I am pleased to have this opportunity to be here with you today. I hope this seminar will help each of us understand more thoroughly the needs of our older people and what might be done to meet these needs.

First, I would like to take a few minutes to discuss some of the major issues in aging today.

As you know, the greatest problem confronting senior citizens continues to be that of an inadequate retirement income. Although significant action has been taken recently to increase the purchasing power of older people, we still do not have a system which assumes economic security for every retired person.

We must also realize that in addition to economic security, older people have other needs. Many depend on supportive social services to lead independent and dignified lives. In general we must examine the deep rooted question of how to put more money in the hands of elderly people and at the same time provide needed social services with the resources available to us.

As you may be aware, the social security program which is the primary income source for most elderly people, was revised significantly during the 92nd Congress. The 93rd Congress also has updated this program so that older people can keep pace more effectively during these inflationary times.

On July 9 the President signed into law legislation that will raise the social security benefits paid in July 1974 by 5.9 percent to take account of the rise in the cost of living that occurred from June 1972 to June 1973. This benefit increase will be in effect through December 1974. At that time the automatic cost of living provision enacted during the 92nd Congress will become effective and benefits will be increased again to reflect subsequent increases in the cost of living.

In addition to a benefit increase, the legislation contains a provision that will raise from $2,400 the amount a social security beneficiary may earn in employment and still receive his full social security benefits.

It also amended the new Federally-administered Supplemental Security Income program for aged, blind and disabled individuals authorized during the 92nd Congress to replace the present Federal-State welfare program for these individuals. The recently enacted legislation would raise the amount a recipient with no other income could receive in July 1974 from $130.00 a month to $140.00 for a single person and for a couple from $195.00 a month to $210.00.

As you may know this new program also provides that the States may, and in some cases must, provide supplementary payments to people who qualify for the Federal payments. Under the law, the State must supplement for certain people who receive payments under the present State programs for December 1973. This mandatory State payment must assure that these people receive as much in total payments as they received in December.

For people who qualify for benefits after December the State may, if it wishes, make supplementary payments in whatever amounts seem desirable. Unfortunately, Federal regulations on how the program will be operated have not been issued and we do not know what Federal funds will be available to the States for these supplemental payments. As a result, we have been receiving somewhat contradictory information about what action Pennsylvania will take with regard to the supplementary security income program. The effect of the law on the State has changed because of the enactment of the recent amendments. However, representatives of the State and of the Social Security Administration are to meet on Thursday, August 2, to discuss how the State will be affected by the revised program. Following this meeting the State officials will have to make decisions about how and to what degree the State will supplement the Federal payments which will begin in January. Employees of the Social Security Administration who have been working with the State officials feel that the State will take steps to assure that none of the people in the State will suffer when the new Federal program goes into effect.

PROPERTY TAXES

As you know, the property tax is a burden for many persons in all age groups, but it is particularly burdensome for elderly individuals on limited retirement incomes. In 1970, for instance, the average homeowner paid about 3.4 percent of his income in property taxes while elderly homeowners paid on the average of about 8.1 percent. Elderly renters also feel the property tax squeeze in the form of higher rents. Moreover, real estate taxes are expected to soar in coming years causing an even greater burden for our elderly who already are witnessing a depletion of their lifetime savings.

This, as you can see, is a real problem which the Federal Government and the State governments are trying to solve by providing property tax relief for low and moderate income elderly persons. On the State level, there has been a recent and most dramatic upsurge to provide a form of property tax relief. In Pennsylvania, for example, persons age 65 or over, widows aged 50 or over and permanently disabled persons are entitled to tax assistance against real property taxes due on their homesteads for any calendar year. The amount of the assistance ranges from 100 percent of realty taxes if the individual's annual household income is not over $999.00 to 10 percent if household income is between $6,000 and $7,499. The maximum assistance allowed is $200.00.

Many persons, however, feel the States have not gone far enough in providing property tax relief and recommend Federal action. Several bills have been introduced in the Congress addressing this matter. Some bills would provide for property tax relief for low- to moderate-income persons through a Federal rebate or refund. The Administration submitted a proposal to the House Ways and Means Committee that would provide a "Federal circuit breaker" to assist the elderly. This means that elderly taxpayers would get a Federal tax credit for State or local property tax payments in excess of a specified amount relative to income.

Some authorities feel that as an alternative to building a circuit breaker directly into the Federal tax structure, the Federal Government might provide States with incentive grants to establish their own State property tax relief programs. Senator Muskie introduced a bill that would do just this. Under his bill, the Federal Government would reimburse States for half the property tax relief provided to low-income homeowners and renters in those States that take appropriate action to reform their property tax system.

HEALTH AND OTHER SERVICES

In addition to improving the income status of senior citizens, the Federal Government and Congress are studying ways to improve health care coverage and services for the elderly. At present, medicare and medicaid affords valuable protection for individuals who have acute or short-term illnesses. These programs, however, do not provide adequate protection for individuals who are afflicted with chronic illnesses and disabilities and who are in need of preventive and therapeutic services which could maintain them within their own homes. As I am sure you are aware, many elderly people are able to live independently in their homes with supportive services. At present, however, there are too few such services available in our communities. For this reason the Federal Government is expending funds for research and demonstration projects designed to provide home-health care services for the elderly as an alternative to unnecessary and costly nursing home care. Home-health services include a wide range of services such as visiting nurses and physical therapists as well as assistance from home-makers who do minimal household chores such as clean, prepare meals, and dress and bathe individuals.

In addition, research and demonstration funds are being used to develop adult day care centers where elderly individuals receive needed services during the day but are able to return to their homes in the evening. The Government also is studying the benefits of adult foster care where elderly individuals live with families who provide a comfortable home and family environment.

Another area which shows great promise for the elderly is housing projects such as the Philadelphia Geriatric Center where residents may receive any level of health care and supportive service they need and still live in their own home. Unfortunately, there are not many housing developments such as this one in the country. Suitable housing for the elderly that also is accessible to health care and social services will meet the needs of many senior citizens in our community. It is my hope that more such projects will be supported in the near future.

Then, too, there is the question of how and what services can be provided for older people by both the Federal Government and the State and local governments.

The Congress overwhelmingly passed the Older Americans Comprehensive Services Amendments of 1973 which was signed into law last May. These amendments provide for continuing and strengthening the programs first legislated under the Older Americans Act of 1965, and provide authority for many new programs. As a result worthwhile community social services such as transportation services, home-helpers, education and recreation activities and many other needed services will be available in many of our neighborhoods. In addition, the legislation authorizes grants to support model projects designed to demonstrate new or improved methods of providing needed services to older American in the areas of housing, transportation, and special services for older handicapped individuals.

It also provides authority for the construction and staffing of multipurpose senior centers as well as authority for a National Information Resource Center where information on a wide variety of programs and topics will be available.

In addition, these amendments provide authority for many other activities such as education programs, an employment program and the expansion of some existing volunteer service programs.

In summary, I would like to emphasize that many doors are open to us as we seek to provide the best possible benefits and services for the elderly in our community. The basic question is how to do it effectively and economically? What is the best mix of money programs and service programs that we can put together with the funds available? I now would like to listen to your ideas, so we can work together to ensure that the elderly of today and tomorrow get the services they both need and deserve.

STATEMENT BY ELIZABETH MAIER (FRANKFORD SENIOR CITIZENS ASSOCIATION AND THE NURSING HOME CAMPAIGN COMMITTEE)

When I am asked to speak to a group, most of whom are interested in the welfare of senior citizens—I feel that I should speak for the senior citizens who—through no fault of their own—are unable to speak for themselves.

I refer to the older people who are confined to nursing homes, boarding homes, and, even, because of their inability to get around, confined to their own homes.

They should enjoy the same rights as are we who are not confined expect and demand—the right to be heard, to be cared for, to be considered politically, and the right to be counted among the living—with their opinions respected and considered. All too often these rights are not extended to them.

Over three years ago the Nursing Home Campaign Committee was formed by a group of forty senior citizens who represent approximately 35 senior citizen groups. Among them are folks from every walk of life and from various creeds and national backgrounds—they represented retirees from sessions, working classes and those of varied interests and all had opinions and expressed them. They met often during the five day seminar and discussed the many problems of senior citizens, and they decided that the problems of folks in nursing homes should have top priority for correction. They elected me their chairman, and I have worked for them in that capacity ever since.

I could talk for hours about my experiences and those of my co-workers but I will not do that now—suffice to say—there are problems in nursing homes—there are a few nursing homes that are very badly in need of correction and there are many nursing homes whose administrators do sincerely try to do a good job—Since boarding homes require no licensing, and therefore are not required to conform to regulations, conditions in many of them are very bad. The main reason is lack of funds. Nursing homes whose administrators are compassionate enough to accept welfare patients are paid $15 per day (they claim it costs at least $22.) It costs the City $46 a day for patients at Riverview for skilled care—the same care expected from private industry for $15. Boarding Home residents on DPA are getting $138 per month (approx. $4.50 per day.) Many nursing home residents should have medical care and attention. $4.50 a day will not pay for it.

In January of this year the N.H.C.C. was successful in obtaining a one year grant to expand their work of visiting nursing homes, boarding homes, etc. and endeavoring to correct the grievances of residents in such facilities. This is called the Philadelphia Community Ombudsman Project.

To date we have made progress and have handled more than forty cases since we opened our office on Pratt Street.

On March 1. Because of the reluctance of patients to allow us to use their names and press for a resolution of individual grievances, we have had to handle many cases as general conditions, and such a procedure is not as effective in remedying a situation, as the straight follow through would effect. Because of the great shortage of beds available in Philadelphia—patients are afraid to complain, thinking a complaint might cause them to close their place, and they would have no where to go, and they would rather put up with a bad condition than risk this. Although we assure them this would not happen—they are reluctant.

The solution, as we see it, is to flood the nursing homes and boarding homes with volunteer visitors—folks who would be friends to patients, do small tasks for patients which paid personnel are not required to do—in many cases just listening (sometimes to the same story very often) and talking to patients while they relive in conversation—happy memories, etc. The visitor can make a patient know he is cared about and respected, and if visits are consistent, they are often effective and valuable therapy. Visits and having a friend can and will improve a patient's condition physically and mentally, and will give him confidence to trust this friend so the visitor may help him.

The visiting solution of problems in these facilities is not only a charitable thing to do—it is a citizen's obligation—because the conditions that exist do so because—as a class—citizens have not done what they should have done to prevent bad conditions in homes for the elderly. The people who are really the cause of bad conditions, especially in places that are under the supervision of our government are you—and me—and every citizen who passes the buck—with a feeble expression of sympathy—but no action.

The most frequent method of passing the buck is to blame politicians. This could be amusing if it were not unworthy of the folks who use this excuse. Their reason for "no action" on their part is "that its political and I don't want to get involved." By politicians most people mean our elected officials in government, however politics are the mechanics of life—in which we are immersed from the time of our birth to the time of our death. Politics operate in every walk of life—from friendly enterprises (see Joe Smith and tell him you are a friend of mine)—church matters (tell him you attend my church, etc.) business affairs (I will do something for you if you do this for me) and I could give you many more diversified examples of political maneuvering—nobody escapes the various forms of politics that are practiced daily—and they are not all government inspired. They are a "way of life". This excuse for not doing a civic duty might have been accepted many years ago when a vast number of citizens were not as well civically educated as they are today—before the days of radio, television, home associations, higher education in schools and the many modern activities that keep every individual informed.

Such a statement today is no credit to a person's opinion of himself.

However, so far as government and so-called politicians (I regard as elected officials) are concerned—they are representatives of the citizens of our country who are interested enough to vote. Elected officials are really persons of integrity who desire to please their constituents—they, however, are not mind readers. It is our duty, first to study the past history of delegates for office—vote for the person we think will do a good job—and after they are in office keep them informed as to how we feel about conditions and how we expect them to vote on issues.

While, as stated above, the practice of visiting facilities is needed and important—we must also work on legislation. Visiting facilities will, to a degree, make up for our previous laxness in not taking care that proper legislation was enforced before this time—we must start immediately and keep abreast of pending legislation—ask our legislators in City, State and Federal government to introduce new legislation that would make it possible to enforce present regulations such as the Life Safety Code—which without financial aid from government could close many nursing homes: the licensing and regular inspections of boarding homes with sufficient staff to inspect: increased financial aid to the elderly who must live in boarding homes or with strangers, so they can pay for the care they require. A substantial increase in payments to nursing homes for folks on public assistance. Seventeen dollars per day is now being considered by the State. It should be at least $20 per day. Publicly sponsored training for aides and workers who serve in geriatric facilities: Expanded nutrition and homemaker service and health care for elderly folks in their own homes would greatly lower the number of folks to be institutionalized. And to their representatives in government—the City, the State or the Federal—and the greatest guilt should be borne by the folks who regard themselves as too genteel to be involved with politics—I had thought of saying "stupid" but I don't believe that—I think they are too lazy and selfish to do their part—they want only good times and they want only to share in what others achieve for them—they prefer to let George do it.

Since it is rumored that HEW has millions of dollars gathering dust—why not ask them to put it to work by helping the elderly who now need it.

I would ask that you take this message back to your organization and tell them the time to act is long past—something must be done right now to correct the bad situations that we, as citizens, are responsible for. We have no time to lose—any criticism of the City, State, and Federal government can, and should be directed at the citizens who don't bother to vote, don't bother to investigate issues, don't bother to make their wishes known so that our children, and their children (our loved ones) who will, before they realize it—be walking in the shoes of senior citizens, may not have today's problems to contend with.

Let us all get together and get our country straightened out—it seems if it is to be put in good condition—and soon—it is up to the Senior Citizens to do it—and we can.

STATEMENT BY FRANK BRADLEY
(President, Action Alliance of Senior Citizens of Greater Philadelphia)

At the first convention of the Action Alliance of Senior Citizens of Greater Philadel-

phia, February 1, 1973, 1600 senior citizens leaders from 153 senior citizen organizations, many of whom are from the 4th district of Philadelphia, passed 18 resolutions directly related to the well-being of the elderly.

Several of these resolutions are related to bills presently before various committees of the Congress of the United States.

We would like to present four items which the Action Alliance has endorsed as major concerns which you can actively support on behalf of senior citizens.

They are:

1. H.R. 2712 and H.R. 4936 which would allow for drug and optimetric coverage under medicare. We would like to add dental care and hearing aids as items also very important to the health care of the elderly.

*We favor the National Health plan as a way of improving health care for all people in the United States.

2. H. Con. Res. 213 which would oppose curtailment of the Medicare program.

3. Passage of a private pension insurance plan as outlined in S-4.

4. Work for legislation to abolish the moratorium on housing which is blocking the building of much needed moderate and low cost housing for the elderly.

Congressman, we ask that you make a special effort to push for the passage of this legislation. With the cost of living increasing at an alarming rate and our small fixed income becoming harder and harder to stretch, the need for the passage of these bills become more and more important. On behalf of the members of the Action Alliance I thank you for this opportunity to express our concerns.

SUMMARY OF ORAL REMARKS

Mary McCann, St. Matthew's Senior Citizens—Measure was passed by Senate but not by House to reduce cost of living and reduce cost of drugs for senior citizens. Would like to see these reductions take place.

George Blake, AARP—Would like to see high cost of living checked and would like discounts on other things beside SEPTA. Personal problem with divorce.

Louis First, Mature Older People—Would like a little park for people with a few benches at 8200 Summerdale Avenue.

Lou Cappiella said that the City was aware of this and was looking into.

James Lynch, Resurrection Senior Citizens and St. Martin's Senior Citizens—Pharmaceutical firms are charging druggists in the U.S. 85% more than druggists in Canada.

Ruth Lynch, Resurrection Senior Citizens and St. Martin's Senior Citizens—Federal pensions should not be taxed by Federal government and State. Legislation has been introduced, but nothing has come out of it.

Harry Silver, Vice President, NARFE—Federal government pensions are taxed. Should not be. Railroad, Social security, etc. are not taxed. At least ten bills have been introduced. Force bills out of committee. At least compromise where first $4,000 or $5,000 would be tax free.

Joe Hutter, United Senior Citizens Council of Northeast—Union pensions are also being taxed.

Thomas McDonald, President, Ascension Senior Citizens—Pensions should be increased. Revalution of government pensions based on five highest years and not three highest years of service.

Jennie Shaffren, Neighborhood Center—All pensions should not be taxed.

Sam Hinkle, Retired Police and Firemen—Food stamp program for elderly should be special and not the same as welfare. People on Medicare should get receipts from doctors or provider of care and not sign receipts without an indication of cost.

Samuel Brosilow, Charles Weinstein Geriatric Center—Need more housing for retired and elderly at low cost.

Cappiella.—Housing is very short. Only housing available is in high crime area. Federal rent controls should be put into effect immediately.

Eilberg.—Introduced on Jaunary 2 legislation which would have provided for rent controls. When and if housing becomes available, suggest that a complete line of activities be included. This would have therapeutic value.

Ball.—Late State Centers will have full line of cultural activities. Having difficulty in getting extra money from State Legislation. Still in State of Confusion. Are proceeding to develop additional centers all over State and in Philadelphia. Bill was introduced by State for revenue sharing funds to be distributed to Late Start Centers.

Elsie Pinkovitz, Association for Concerned Citizens and Friendship Circle—Need new housing for senior citizens. Should have 1% mortgages for people who want to construct housing for elderly.

Mary Moors, President, Upper Holmesburg Civic Association—On behalf of people of Riverview, against development of terminal for foreign cars. Site should be used for housing for elderly and fishing facilities for elderly. Elderly then could go to visit people at Riverview.

Ed Kelly, Executive Dir., Notheast Chamber of Commerce—Believes above should not be at Riverview, but at other parkland (not named). C of C is against foreign car center.

Dennis Rooney, President, Ressurection Senior Citizens:

1. Why are there no centers in Greater Northeast, health, recreation, or otherwise?

2. Why are there no medical care centers for aged in area of foot, eye, hearing, dental care?

3. Why is there no post office in area?

4. Why is there compulsory retirement at 65? This is discriminatory.

5. Discrimination is practiced against eldery persons. Youth vs. elderly.

Jacoby.—Late Start Centers are being planned for. 25% of funds must come from local community. Will be glad to talk to anyone who is interested.

Spector.—Foot care is provided.

Mr. Schultz, Beth Ami Senior Citizens—Dentistry and eye care for older people.

Eilberg.—Legislation has been introduced. Will continue in those directions.

Cappiella.—Health care center will be opened within 6 to 8 months next to library on Cottman Street.

Walter Magee, Cayuga Association—Elderly senior citizens can't get married because they lose money if they marry; therefore, we are making elderly live in illicit relationships.

Spector.—Today, if a widow had been married for at least twenty years, her check will continue.

Bill Muir, NARFE—Wants widow to continue to get her own pension and ½ of pension of man she marries.

Leo Bliss, President, Mid-City Senior Citizens—Housing should be provided on federal level. Council should be established in Philadelphia to provide rent control. Miami Beach has this. State legislature gives right to city to provide rent control.

Mark Shore, Federation of Jewish Agencies, Council on Aging—Deals with problems on aging with the main thrust in Northeast.

Michael Tyson, Vice President, Action Alliance—Federal rebates to elderly in regard to real estate taxes. Reassessment program for property tax is driving elderly people out of their homes.

Bill Byrnes, United Council of Senior Citizens in Northeast Second Vice President, Action Alliance—Need for senior citizens center in Northeast. Action Alliance and United Council are nonpartisan, nondenominational noncolor. Have seven officers in 4th Congressional District. All groups should join for self-preservation.

Shirley Lightner, Beth Ami Senior Citizens—People who own homes get rebate on taxes, why not apartment dwellers.

Eilberg.—Must be changed at state level. State legislature working on this.

Sarah Pevar, Charles Weisshein Geriatric Center—Crime is so terrible that people are afraid to go on streets. Criminal should be prevented from walking streets to protect all people.

Joseph Hutter, Vice President, United Council of Senior Citizens in Northeast. St. Matthews Senior Citizens—Social Services for elderly are at bottom of barrel. Relief for elderly for taxes on homes—excess taxation. Implement ideas of National Conference.

Tom Hennessy, Legislative Committee, United Council of Senior Citizens in Northeast—Property tax for city should be removed from Board of Revision of Taxes. What recourse do people have?

Cappiella.—Home Rule Charter is up for revision. Take responsibility for property tax out of Board of Revision of Taxes and place with Finance Department of City Government.

Charles Miller, Jewish Family Service—501,000 elderly in homes for aged and nursing. Don't allow welfare situation to put people out of homes. Propose that people be kept where they are and funds found to keep them there.

Cappiella.—Number of people requiring care is increasing and there are not enough homes. State pays $15 for care. Legislation introduced to pay $17. Write to your state legislators. New Jersey gets $22 a day; therefore, they have more homes. Government must come up with money for nursing care. State funding should be up to cost.

Mrs. Schoener, Chairman of Board, St. Martin's Senior Citizens and Action Alliance—Where do funds come from and does service include everyone in Jewish Family Service?

Mrs. Brov, Jewish Family Service—Funds come from Allied Jewish Appeal and United Fund and service includes everyone.

Irvin J. Sannit, Secretary, Senior Citizens Committee of AFL-CIO Council. Represent all unions—Interested in good health care for elderly. National Health Care introduced by Senators Edward Kennedy and Robert Griffin. S791 introduced by Senator Cranston. Home Preservation Act of 1973. Establishment of Pennsylvania Commission on Aging.

Bill Muir, NARFE—Eliminate nonmarriage period from being deducted from pension. HR30 and S628.

Elsie Pinkovitz, Association for Concerned Citizens and Friendship Circle—Need for a crosstown bus from Broad and Olney to Bridge Street for benefit of elderly.

Jennie Shaffren, Friendship Circle—Wants general increase of 15% in Social Security by 1 January 1974. Wants other items discounted besides SEPTA bus.

Cappiella.—City has a discount list of other items. Call MU6-3504, 143 City Hall.

Thomas McDonald, president, Ascension Senior Citizens—Concerned with the fact that money is taken out of Social Security and put into other funds. How much money is drained out of fund?

Eilberg.—Money must be used to buy U.S. Government Bonds.

Joanna B. Brov, chairman, Services for Older People Board Member, Jewish Family Service—People are too old to work and pensions are not adequate. Have been taken out of welfare and put on Social Security. They lost money in drug payments, etc. Transportation—Not able to get to doctor. Should have transportation facility for elderly.

Dr. Irwin, podiatrist for City of Philadelphia—Look over priorities. Give more to older people of whole Nation. Better understanding of health problems of elderly throughout Nation.

Sam Lieberman—Real estate taxes should be reconsidered for elderly. Medicare payments of elderly are being raised because doctors take advantage of elderly. Rent controls should be instituted.

George Popper, St. Martin's Senior Citizens—Bill introduced to change formula for

Medicare to increase payments to 25% rather than 20% of total bill. Patient should pay 10% of total hospital bill.

Spector.—Administration wants to change Medicare. Not much hope for passage.

Eilberg.—National Health Insurance is on its way.

Mary Moors, president, Upper Holmesburg Civic Association—Take away legislation for maximum income for senior citizens. Bus Route 11 is being discontinued. Used mostly by senior citizens.

Emanual Reustle, AARP, Chapter 33—Allocation for social services for aged and poor is too small.

PERSONAL EXPLANATION

(Mr. SHUSTER asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. SHUSTER. Mr. Speaker, on June 14, 1973, Flag Day, a quorum call in committee was called at approximately 1:38 p.m. following an appearance before the House by Bob Hope. I was on the floor with my family at that time and I responded to the quorum call by inserting my voting card in the electronic voting terminal in the prescribed fashion. And, as it happens with the vagaries of electronics and the imperfections of man-made machines, my response was not recorded. As a result, the RECORD incorrectly indicates that I was absent for the quorum call, although it also indicates that I was present for an earlier quorum call and for three subsequent votes and a later quorum call. I should like the permanent RECORD to show that I was indeed present for the quorum call in committee, designated roll No. 221 on June 14, 1973.

AGREEMENT REACHED WITH MEXICO ON SALINITY

(Mr. FASCELL asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. FASCELL. Mr. Speaker, during the congressional recess, it was announced by the White House that an agreement has been reached with Mexico to resolve a dispute between our countries regarding the salinity of the Colorado River. This dispute has been a major irritant in our generally close and friendly relations with our great neighbor to the South, and I am pleased that a final solution has been agreed upon and hopeful that it will receive speedy congressional approval. I commend former Attorney General Herbert Brownell, the chief U.S. negotiator, and his entire staff for the fine job they have done in dealing with this complex problem.

The following article from the New York Times of August 31, 1973, details the major points of the agreement with Mexico:

UNITED STATES AGREES TO DESALT WATER DIVERTED TO MEXICO

LAGUNA BEACH, CALIF., August 30.—The United States announced today that it had reached an agreement with Mexico for the removal of salt from the waters of the Colorado River that are used to irrigate 75,000 acres of land in Mexico.

The agreement, reached last week and formally signed today in Mexico City, calls for the United States to build a large desalting plant, with a drainage system for dumping the extracted salt into the Gulf of California. These facilities, to cost about $115-million, must be approved by Congress and can not be completed before 1978.

In the meantime, the United States will supply clean water by diluting the normal flow of the river with fresh water from storage basins.

The facilities to be built by the United States would be payment in lieu of more than $150-million in claims that Mexican farmers in the Mexicali Valley have lodged over the years against the United States which has polluted the river through its own irrigation practices. Drainage from irrigated land in the Western states carries salt back into the river.

"This agreement is a milestone in the history of our relations with Latin American countries," said former Attorney General Herbert Brownell, who headed a United States study group that worked out the agreement with Mexican authorities.

MET WITH NIXON

Mr. Brownell, who was accorded the rank of ambassador for the purpose of negotiating the agreement, briefed reporters on the provisions here after meeting for one hour with President Nixon at the Western White House in San Clemente.

The agreement, provided that Congress accepts the provisions and appropriates the necessary money, is expected to end a bitter and long-standing dispute between the United States and Mexico.

In 1944, a treaty between the two countries guaranteed that the United States would assure that 1.5 million acre-feet of water would be permitted to flow across the border from the long river that snakes through the Western states. But the treaty had no provision regarding the quality of that water.

An acre foot is the amount of water required to cover one acre to a depth of one foot.

When more and more land in the United States was opened to irrigation, the salinity of the water passing into Mexico doubled by 1961. Mexican farmers charged that the high content of salt, about 1,500 parts per million, killed their crops. The situation was relieved somewhat when the United States diverted some of the impure water through selective pumping of drainage wells and construction of a by-pass drain.

In June of 1972, Mr. Nixon and Luis Echevavua Alvarez of Mexico, meeting in Washington, signed a joint communique that promised a "definitive solution" as soon as possible. The agreement announced today includes the following points:

The United States will construct in Arizona, at a site to be determined, the world's largest desalting plant, a project that is expected to advance desalting technology and thus serve as pilot project for other such plants throughout the world. The estimated cost is $67-million.

The United States will build a concrete-lined canal to carry the salt water from the desalting plant to the Gulf of California, a distance of about 70 miles. Mr. Brownell said he had been assured that this would cause no ecological damage in the Gulf of California because the gulf is saltier than the water to be dumped into it. The cost of this and improvements included in the agreement is estimated at about $36-million.

The United States will support a Mexican program to raise money for rehabilitating and improving land damaged by the salty water. This aid will probably take the form of loans through the Import-Export Bank or other institutions.

By July 1, 1974, subject to Congressional authorization, the salinity of Mexico's guaranteed water supply will not exceed by more than a marginal amount the salinity of the river at Imperial Dam, 18 miles north of Yuma, Ariz., where the water is relatively clean. Most of the salinity develops between Imperial Dam and the Mexican border, because of irrigated lands over salt basins.

Between July 1, 1974, and the time the new desalting facilities are built the purity of the water going into Mexico will be maintained by diluting it with water from storage basins. Mr. Brownell said there was an adequate supply of stored water to assure this.

The agreement includes no provisions for direct payment of damages claimed by Mexican farmers, Mr. Brownell said. He said that the additional expense that the United States will assume in meeting the terms of the agreement will be the full extent of compensation for damage done over the years.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. BRASCO (at the request of Mr. O'NEILL), for today, on account of official business.

Mr. ADDABBO (at the request of Mr. O'NEILL), for today, on account of official business.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

Mr. MELCHER, for Wednesday, September 12, for 5 minutes, to revise and extend his remarks and include extraneous material.

(The following Members (at the request of Mr. MADIGAN), to revise and extend their remarks, and to include extraneous matter:)

Mr. SHOUP, on September 19, for 1 hour.

Mr. HASTINGS, on September 11, for 5 minutes.

Mr. HASTINGS, on September 12, for 5 minutes.

Mr. HOSMER, today, for 10 minutes.

(The following Members (at the request of Mr. BRECKINRIDGE), the revise and extend their remarks, and to include extraneous matter:)

Mr. HAMILTON, today, for 20 minutes.

Mr. GONZALEZ, today, for 5 minutes.

Mrs. COLLINS of Illinois, today, for 10 minutes.

Mr. GIBBONS, today, for 10 minutes.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

Mr. EILBERG, and to include extraneous material, notwithstanding the fact that it exceeds 2 pages of the CONGRESSIONAL RECORD and is estimated by the Public Printer to cost $574.75.

(The following Members (at the request of Mr. MADIGAN) and to include extraneous matter:)

Mr. BELL.

Mr. WYATT.

Mr. FINDLEY.

Mr. O'BRIEN.

Mr. HANRAHAN in two instances.

Mr. BLACKBURN.

Mr. ANDERSON of Illinois in two instances.

Mr. HOGAN in three instances.

Mr. MCCLORY in two instances.

Mr. HAMMERSCHMIDT.
Mr. HOSMER in three instances.
Mr. BURKE of Florida.
Mr. HUBER in two instances.
Mr. SYMMS.
Mrs. HOLT.
Mr. MOORHEAD of California.

(The following Members (at the request of Mr. BRECKINRIDGE) and to include extraneous matter:)

Mr. WON PAT in 10 instances.
Mr. HAMILTON.
Mr. BADILLO.
Mr. EVINS of Tennessee.
Mr. RANGEL in 10 instances.
Mr. TEAGUE of Texas in 10 instances.
Mr. DRINAN in five instances.
Mr. GONZALEZ in three instances.
Mr. RARICK in three instances.
Mr. WOLFF in five instances.
Mr. FRASER in five instances.
Mr. WHITE.
Mr. PICKLE in 10 instances.
Mr. DAVIS of Georgia in six instances.
Mr. ADAMS.
Mr. JOHNSON of California.
Mr. BIAGGI in five instances.
Mr. VANIK in three instances.
Mr. DOMINICK V. DANIELS in two instances.
Mr. ROYBAL in 10 instances.
Mr. MCSPADDEN in 10 instances.

SENATE BILLS REFERRED

Bills of the Senate of the following titles were taken from the Speaker's table and, under the rule, referred as follows:

S. 1841. An act to amend the Communications Act of 1934 for one year with respect to certain agreements relating to the broadcasting of home games of certain professional athletic teams; to the Committee on Interstate and Foreign Commerce.

S. 1914. An act to provide for the establishment of the Board for International Broadcasting, to authorize the continuation of assistance to Radio Free Europe and Radio Liberty, and for other purposes; to the Committee on Foreign Affairs.

ENROLLED BILL SIGNED

Mr. HAYS, from the Committee on House Administration, reported that that committee had examined and found truly enrolled a bill of the House of the following title, which was thereupon signed by the Speaker:

H.R. 6912. An act to amend the Par Value Modification Act, and for other purposes.

SENATE ENROLLED BILL SIGNED

The SPEAKER announced his signature to an enrolled bill of the Senate of the following title:

S. 1385. An act to amend section 2 of the act of June 30, 1954, as amended, providing for the continuance of civil government for the Trust Territory of the Pacific Islands.

ADJOURNMENT

Mr. BRECKINRIDGE. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 2 o'clock and 5 minutes p.m.), the House adjourned until tomorrow, Tuesday, September 11, 1973, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1325. A letter from the Acting Assistant Secretary of the Army (Installations and Logistics), transmitting a report on the demilitarization of various chemical agents and munitions, to the Committee on Armed Services.

1326. A letter from Assistant Secretary of the Navy (Installations and Logistics), transmitting a report on a revised Department of the Navy shore establishment realinement action at the Naval Civil Engineering Laboratory, Port Hueneme, Calif., pursuant to section 613 of Public Law 89-568; to the Committee on Armed Services.

1327. A letter from the Assistant Secretary of the Navy (Installations and Logistics), transmitting a report on a revised Department of the Navy shore establishment realinement action at the Pacific Missile Range, Point Mugu, Calif., pursuant to section 613 of Public Law 89-568; to the Committee on Armed Services.

1328. A letter from the Chairman, Cost Accounting Standards Board, transmitting a new cost accounting standards proposed to be promulgated by the Board, concerning "Accounting for unallowable costs," pursuant to section 719(h)(3) of the Defense Production Act of 1950, as amended; to the Committee on Banking and Currency.

1329. A letter from the Assistant Secretary of the Interior, transmitting descriptions of eight projects selected for funding through grants, contracts, and matching or other arrangements with educational institutions, private foundations, or other institutions, and with private firms, as authorized by section 200(a) of the Water Resources Research Act of 1964, as amended, pursuant to section 200(b) of the act; to the Committee on Interior and Insular Affairs.

1330. A letter from the Vice President for Public and Government Affairs, National Railroad Passenger Corporation, transmitting the financial report of the Corporation for the month of May 1973, pursuant to section 308(a)(1) of the Rail Passenger Service Act of 1970, as amended; to the Committee on Interstate and Foreign Commerce.

1331. A letter from the Secretary of the Army, transmitting a letter from the Chief of Engineers, Department of the Army, dated June 1, 1973, submitting a report, together with accompanying papers and illustrations on Mississippi River, East Bank, Warren to Wilkinson Counties, Mississippi, requested by a resolution of the Committee on Public Works, House of Representatives, adopted May 10, 1962 (S. Doc. No. 93-148); to the Committee on Public Works and ordered to be printed with illustrations.

1332. A letter from the Secretary of the Army, transmitting a letter from the Chief of Engineers, Department of the Army, dated June 1, 1973, submitting a report, together with accompanying papers and illustrations, on Mississippi River (lower) East Bank, Warren to Wilkinson Counties, Miss. (Vicksburg-Yazoo area), in partial response to a resolution of the Committee on Public Works, House of Representatives, adopted May 10, 1962 (H. Doc. No. 93-149); to the Committee on Public Works and ordered to be printed with illustrations.

1333. A letter from the Federal Cochairman, Four Corners Regional Commission, transmitting the sixth annual report of the Commission, pursuant to section 509 of the Public Works and Economic Development Act of 1965; to the Committee on Public Works.

1334. A letter from the Administrator of Veterans' Affairs, transmitting reports of Veterans' Administration programs during fiscal year 1973 for the sharing of medical resources and for exchange of medical information, pursuant to 38 U.S.C. 5057; to the Committee on Veterans' Affairs.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. NEDZI: Committee on Armed Services. Report on the proceedings against George Gordon Liddy (Rept. No. 93-453). Referred to the Committee of the Whole House on the State of the Union.

Mr. HENDERSON: Committee on Post Office and Civil Service. H.R. 6334. A bill to provide for the uniform application of the position classification and General Schedule pay rate provisions of title 5, United States Code, to certain employees of the Selective Service System; with amendment (Rept. No. 93-454). Referred to the Committee of the Whole House on the State of the Union.

Mr. WALDIE: Committee on Post Office and Civil Service. H.R. 9257. A bill to amend chapter 83 of title 5, United States Code, relating to the rates of employee deductions, agency contributions, and deposits for civil service retirement purposes (Rept. No. 93-455). Referred to the Committee of the Whole House on the State of the Union.

Mr. WALDIE: Committee on Post Office and Civil Service. H.R. 1284. A bill to amend title 5, United States Code, to improve the administration of the leave system for Federal employees; with amendment (Rept. No. 93-456). Referred to the Committee of the Whole House on the State of the Union.

Mr. WALDIE: Committee on Post Office and Civil Service. H.R. 3799. A bill to liberalize eligibility for cost-of-living increases in civil service retirement annuities; with amendment (Rept. No. 93-457). Referred to the Committee of the Whole House on the State of the Union.

PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. ANDERSON of California (for himself and Mr. GUDE):

H.R. 10124. A bill to amend the Public Health Service Act to provide for the screening and counseling of Americans with respect to Tay-Sachs disease; to the Committee on Interstate and Foreign Commerce.

By Mr. HARRINGTON (for himself, Ms. BOGGS, and Mr. ROYBAL):

H.R. 10125. A bill to provide for posting information in post offices with respect to registration, voting, and communicating with lawmakers; to the Committee on Post Office and Civil Service.

By Mr. HARRINGTON (for himself and Ms. BURKE of California):

H.R. 10126. A bill to improve the extended unemployment compensation program; to the Committee on Ways and Means.

H.R. 10127. A bill to amend the Federal-State Extended Unemployment Compensation Act of 1970 to permit Federal sharing of the cost of unemployment benefits which extend for 52 weeks; to the Committee on Ways and Means.

By Mr. HELSTOSKI:

H.R. 10128. A bill to amend title 13, United States Code, to establish within the Bureau of the Census a Voter Registration Administration for the purpose of administering a voter registration program through the Postal Service; to the Committee on House Administration.

H.R. 10129. A bill relating to collective bargaining representation of postal emloyees; to the Committee on Post Office and Civil Service.

By Mr. JOHNSON of Pennsylvania:

H.R. 10130. A bill to allow a credit against Federal income tax or payment from the U.S. Treasury for State and local real property taxes or an equivalent portion of rent paid on their residences by individuals who have attained age 65; to the Committee on Ways and Means.

By Mr. MACDONALD:

H.R. 10131. A bill to require that certain processed or packaged consumer products be labeled with certain information, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mrs. MINK:

H.R. 10132. A bill to amend title 10 of the United States Code in order to permit members of the Armed Forces to make one change of official home of record during active duty; to the Committee on Armed Services.

By Mrs. MINK (for herself, Ms. ABZUG, Mr. BADILLO, Mr. BROWN of California, Mr. EDWARDS of California, Mr. FLOOD, Mr. HARRINGTON, Mr. HAWKINS, Mr. HOWARD, Mr. MOAKLEY, Mr. PATTEN, Mrs. SCHROEDER, Mrs. SULLIVAN, Mr. WINN, and Mr. WON PAT):

H.R. 10133. A bill to authorize the Secretary of Health, Education, and Welfare to make grants to conduct special educational programs and activities designed to achieve educational equity for all students, men and women, and for other related educational purposes; to the Committee on Education and Labor.

By Mr. MOAKLEY:

H.R. 10134. A bill to require as a condition to the receipt of Federal-aid highway funds that States require gasoline service stations which the States allow to operate on the rights-of-way of limited access highways to honor certain credit cards for the purchase of gasoline, oil, and certain parts and services; to the Committee on Public Works.

By Mr. RHODES (for himself, Mr. CONLAN, and Mr. STEIGER of Arizona):

H.R. 10135. A bill to amend the project for flood protection on Indian Bend Wash, Maricopa County, Ariz. authorized by the Flood Act of 1965; to the Committee on Public Works.

By Mr. ST GERMAIN:

H.R. 10136. A bill to accelerate the effective date of the recently enacted increase in social security benefits; to the Committee on Ways and Means.

By Mr. SEIBERLING:

H.R. 10137. A bill to amend titles 18 and 28 of the United States Code to establish certain qualifications for the Office of Attorney General, and for other purposes; to the Committee on the Judiciary.

By Mr. SYMMS:

H.R. 10138. A bill to permit the sale of DDT in order to control the Tussock Moth and certain other insects; to the Committee on Agriculture.

By Mr. WHITE:

H.R. 10139. A bill to govern the disclosure of certain financial information by financial institutions to governmental agencies, to protect the constitutional rights of citizens of the United States and to prevent unwarranted invasions of privacy by prescribing procedures and standards governing disclosure of such information, and for other purposes; to the Committee on Banking and Currency.

H.R. 10140. A bill to provide financial assistance for research activities for the study of sudden infant death syndrome, and for other purposes; to the Committee on Interstate and Foreign Commerce.

H.R. 10141. A bill to amend the Immigration and Nationality Act to provide for the issuance of nonimmigrant visas to certain aliens entering the United States to perform services or labor of a temporary or seasonal nature under specific contracts of employment and fair employment conditions; to require an immigrant alien to maintain a permanent residence as a condition for entering and remaining as an immigrant of the United States; and for other purposes; to the Committee on the Judiciary.

By Mr. WIGGINS:

H.J. Res. 715. Joint resolution proposing an amendment to the Constitution of the United States relative to the death penalty; to the Committee on the Judiciary.

By Mrs. COLLINS of Illinois:

H. Con. Res. 290. Concurrent resolution expressing the sense of Congress concerning the administration of a provision of the Federal Water Pollution Control Act; to the Committee on Public Works.

By Mr. HUBER (for himself, Mr. ARCHER, Mr. BEVILL, Mr. BLACKBURN, Mr. BROWN of Michigan, Mr. BUTLER, Mr. COCHRAN, Mr. COLLIER, Mr. EILBERG, Mr. GONZALEZ, Mr. GROSS, Mr. GUNTER, Mr. HELSTOSKI, Mr. HUNT, Mr. JOHNSON of California, Mr. KEATING, Mr. MICHEL, Mr. MURPHY of New York, Mr. NEDZI, Mr. POAGE, Mr. QUIE, Mr. REGULA, Mr. ROUSH, Mr. SARASIN, and Mr. WALSH):

H. Con. Res. 291. Concurrent resolution expressing the sense of Congress with respect to the missing in action in Southeast Asia; to the Committee on Foreign Affairs.

By Mr. RODINO:

H. Con. Res. 292. Concurrent resolution pertaining to the methods used on animals in research; to the Committee on Science and Astronautics.

By Mr. HARRINGTON (for himself and Ms. HOLTZMAN):

H. Res. 537. Resolution, an inquiry into the extent of the bombing of Cambodia and Laos, January 20, 1969 through, April 30, 1970; to the Committee on Armed Services.

By Mr. RHODES:

H. Res. 538. Resolution to establish a select committee of the House of Representatives to investigate actions necessary to locate Americans reported missing in action while serving as members of the Armed Forces in Southeast Asia during the Vietnam conflict, to the Committee on Rules.

MEMORIALS

Under clause 4 of rule XXII,

294. The SPEAKER presented a memorial of the Legislature of the State of California, relative to aviation user taxes; to the Committee on Interstate and Foreign Commerce.

SENATE—*Monday, September 10, 1973*

The Senate met at 12 o'clock noon and was called to order by the President pro tempore (Mr. EASTLAND).

PRAYER

The Chaplain, the Reverend Edward L. R. Elson, D.D., offered the following prayer:

Eternal God, our Father, we thank Thee that through Thy grace and power our forefathers gained the freedom and the self-government under which we live as a priceless heritage. In these testing times, as in crises long past, wilt Thou impart wisdom, patience, and conciliation to the President and to the Congress that they may concert their best efforts to advance the Nation's well-being and secure peace and justice in the world. May Thy spirit come upon our common life with redemptive and healing grace that the government of the people and for the people may rest securely on the sure foundation of truth and morality and pure religion. Inspire us daily to wait upon the Lord from whence comes all our help. And to Thee shall we render all praise and thanksgiving. Amen.

MESSAGES FROM THE PRESIDENT

Messages in writing from the President of the United States were communicated to the Senate by Mr. Geisler, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session, the Presiding Officer (Mr. ABOUREZK) laid before the Senate messages from the President of the United States submitting sundry nominations, which were referred to the appropriate committees.

(For nominations received today, see the end of Senate proceedings.)

THE JOURNAL

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the reading of the Journal of the proceedings of Friday, September 7, 1973, be dispensed with.

The PRESIDENT pro tempore. Without objection, it is so ordered.

WAIVER OF THE CALL OF THE CALENDAR

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the call of the legislative calendar, under rule VII, be dispensed with.

The PRESIDING OFFICER (Mr. ABOUREZK). 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 PRESIDING OFFICER. Without objection, it is so ordered.

ORDER OF BUSINESS

The PRESIDING OFFICER. The Senator from Pennsylvania is recognized.

Mr. SCOTT of Pennsylvania. Mr. President, I yield back my time.

The PRESIDING OFFICER. Under the previous order, the distinguished Senator from Georgia (Mr. TALMADGE) is

now recognized for not to exceed 15 minutes.

THE ECONOMY

Mr. TALMADGE. Mr. President, I have become increasingly alarmed in recent weeks about the chaotic condition of the U.S. economy.

Inflation continues to soar, weakening America abroad, robbing working people of their earnings and the elderly of their savings.

The housewife sees little relief from ever-escalating food prices.

Foreign buyers, using their vast hoard of American dollars, continue to bid up the price for scarce commodities such as cotton, soybeans, wheat, corn, wool, and others.

The commodity markets are disrupted by speculators, both foreign and domestic, who reap huge windfall profits and who have little interest in the well-being of the American farmer or the American consumer.

Domestic industries are threatened with production cutbacks because of the shortage of these commodities and because of skyrocketing prices. Workers, trying to earn a living in an inflationary economy, are threatened with a loss of their jobs.

The prime rate of interest has soared to 9¾ percent. Small businesses are being priced out of the market for funds. In some cases, they are unable to obtain financing at any rate.

The mortgage market has almost completely dried up. Thus, young people and low- and middle-income individuals who would normally have sufficient money to purchase a home are being completely denied access to the market.

Only borrowers willing to pay an exorbitant rate of interest, and who have a large downpayment, have any chance of obtaining a home mortgage.

Most Americans agree with President Nixon—I certainly do—that this country is faced with far more important issues than the Watergate scandal.

I have urged that the Select Committee on Presidential Campaign Activities complete its investigation and hearings as quickly as possible.

This, of course, does not mean that I think the committee should abandon its work without fulfilling its responsibility to the Senate and to the American people.

My primary thought is that this work can be completed more expeditiously and efficiently, and every effort should be put forth to do so.

But there is no need for the business of Government to be paralyzed while this investigation is being completed.

As a matter of fact, in recent months, Congress has been unusually active. It has achieved a fine legislative record in spite of a slowdown of leadership from the executive branch.

I have certainly tried to do my part in carrying on the business of the country which, according to what I hear from my constituents, is what people want us to do.

As chairman of the Senate Committee on Agriculture and Forestry, I was faced with the task of moving a major new farm bill through Congress at a time when the so-called Watergate hearings were in midcourse.

The Agriculture Committee conceived and reported a farm bill that made a radical departure from the past.

This bill, the Agriculture and Consumer Protection Act of 1973, is designed to encourage farmers to maximum production to meet the dramatic new demand for food and fiber, at home and abroad.

It is important to note that this legislation was not written in the executive branch. It was not written by farm lobbyists. It was written and passed in record time by a bipartisan coalition of Senators and Congressmen who wanted a sensible program to protect both farmers and consumers, and to assure an adequate supply of food and fiber.

To the credit of the President and the Secretary of Agriculture, they were willing to compromise and make concessions in order that a good farm bill could be enacted.

This is the kind of action we need now. We need nonpartisan cooperation between the legislative and executive branches of Government in order to resolve the host of critical economic problems that plague our Nation.

Therefore, I have written to the President and Agriculture Secretary Butz to pledge my cooperation and support in battling inflation and in attacking the other economic problems of our country.

In addition, I have made four very important requests:

First. That the administration immediately take steps to lower the interest rates on home mortgages, and to make more mortgage money available.

Second. That the administration recognize our limitations in regard to acting as the world's reserve for food and fiber needs, and that an export licensing system be immediately established for cotton, and consideration be given to the same for other commodities. It is noble to feed the world so long as American children do not go hungry. But with 40-cent bread, some might. It is noble to supply fiber for the world as long as American children are not threadbare. But with $20 jeans, some will be.

Third. That the administration immediately take steps to strengthen the Commodity Exchange Authority to prevent wild speculation and manipulation of commodity prices.

Fourth. That the Secretary report to the Agriculture Committee on any foreign or domestic speculation that he might find that has led to massive windfall profits at the expense of the American consumer, and at the same time accelerated runaway inflation in commodity markets.

I would like at this time to quote a portion of a statement given to Time magazine by Secretary of State-designate Henry Kissinger:

> The perception of ourselves in this Nation must change now. We are no longer self-sufficient. One-half of our energy will soon be coming from abroad. All of our exports soon will pay only for the raw materials we must import. Our agriculture products now have to be thoughtfully allocated. Take the wheat deal, for which we have been criticized. Our intelligence was faulty. But there was not a thought by anyone that we would not have enough wheat. Our whole orientation—by Congress, by farm experts, by businessmen—has been to sell it when we could. We must rethink where we are.

Under the conditions outlined in Mr. Kissinger's statement, with which I certainly agree, there is no place for speculators seeking windfall profits, driving prices up, and putting a much heavier burden on the American consumer and American industry.

Nobody likes unusually high commodity prices. The only people who have benefited from them have been speculators.

Growers do not like them, because they have not sold their commodities at inflated prices. Wild, inflation prices ruin the farmer's future markets, and they do not like to see speculators ruin their business.

Manufacturers do not like high prices, because they cannot sell their products competitively. Moreover, exorbitant interest rates preclude borrowing enough working capital to operate.

And, obviously, consumers do not like to see the prices of food and clothing get beyond their reach—which is exactly what is happening in our country today.

I have written the Secretary of Agriculture because he is the only person who can stop wild, runaway inflation in the commodity market. Congress has given him the tools for orderly allocation of exports, and the time has come for him to exercise this authority.

It is not a question of not selling overseas. It is a question of thoughtful and intelligent allocation of our agricultural commodities to those countries that need them, and not to those who are speculating and trying to corner the market, such as the Japanese have virtually done in wool.

The fact is, our agricultural commodities are the principal resource we have that the rest of the world needs.

It is a source of constant amazement to me that we do not operate on this fact from a position of strength, rather than weakness, as we did in the Russian wheat deal.

Second, I have written the Secretary of Agriculture, because the Commodity Exchange Authority comes under his supervision, and he can take steps to insure that the authority is operated for the purpose intended and not for wild speculation.

Over the past few years, runaway inflation of home prices has become critical. Despite the recent building boom, the supply of available housing, especially for low- and middle-income groups, has lagged far behind demand. This is due in part of the cyclical nature of home building. In times of low interest and easy money, the building industry booms, while in times of tight credit, such as the credit crunch of 1969, the building industry almost grinds to a halt.

Presently, the real estate and home building industries are headed for another depression. They are suffering from both the termination of federally subsidized housing programs and the unavailability of mortgage money.

The rapid inflation of building costs and land and the extremely tight supply

of housing have combined to increase the price of many houses by $10,000 to $20,000 each in the past 2 years.

If the present trend continues, home ownership will be a privilege reserved for only the wealthy few. This would be extremely unfortunate, both to the economy and to society as a whole, for home ownership is one of the best means of economic leveling and for improving the lot of the average citizen.

The principal asset that most middle-income families possess is the equity in their home.

It would be unfortunate indeed if this country were reduced to a nation of renters, with the possession of property limited to the affluent.

This would push the country into a greater concentration of wealth, rather than a more even distribution of our resources.

High interest rates and tight money drive the country toward economic concentration in more ways than one.

High interest rates have serious implications for American industry and business. It is always the small companies which are hurt the most. Large companies can issue commercial paper or obtain preferential treatment in lending institutions. New companies, small companies, and thinly capitalized companies are not so fortunate. They must borrow at several points above the prime rate.

When an industry is faced with both spiraling costs of raw material and high interest rates, and when it is an industry in which profits are already marginal, it is indeed in serious trouble.

Such a situation presently confronts the textile industry. Raw cotton prices have more than tripled this year, they are currently at historical highs.

Cotton has been trading for more than 90 cents a pound on the future market. Escalation of the price of cotton will inevitably have a dramatic impact on textiles production in the United States.

The textile industry will have to borrow millions of additional dollars in order to buy the cotton they must keep in inventory in order to maintain production. If the textile company in question happens to be a small manufacturer, it will have to pay about 12 percent interest on these borrowed funds.

It is often impossible to justify borrowing millions of dollars at exorbitant interest rates. Therefore, many textile mills will be forced to severely reduce production in the current year. Mill owners have told me that they are already laying off shifts of workers.

This is no small thing. The textile industry is one of the largest employers in the Nation. If we include the garment industry, there are 2.3 million people employed in this industrial complex—one out of eight manufacturing workers in the country.

In Georgia alone, 119,200 people are employed in textiles—the largest source of manufacturing jobs in the State.

Moreover, consider as well the predicament of the garment industry, plus the retailers, who are likewise caught in the high interest rate pinch. The higher prices and higher commodity costs mean enormous sums of additional working capital for both the textile producer, the garment manufacturer and the retailer. There just is not enough money to go around.

Thus, the current situation could result in tremendous increases of unemployment, particularly in States like Georgia which rely so heavily on textile production.

And, that is not all. The American consumer, who already is fed up with high food prices, will be faced with tremendous jumps in the cost of formerly inexpensive clothing items.

Inflationary price increases always hit hardest at people who can least afford them. They penalize the lower-income groups the most, for it is these groups who must devote the largest portion of their income to food; $1.19 per pound for hamburger is no big problem to a family earning $40,000 a year. But it can be disastrous to a family earning $6,000 a year—a family that could barely afford hamburger meat when it was half the current price.

The same is true with clothing. Lower-income groups must rely heavily on inexpensive cotton garments, such as blue jeans and cotton dresses. However, if the present trend continues, these items will not be inexpensive very long.

The question arises as to why the price of cotton has increased so sharply—and who is reaping the reward?

The general public tends to think that farmers get rich when prices soar to record levels. Unfortunately, this was not the case in the massive sale of grain to Russia last year. Most of the wheat farmers had already sold their stocks of wheat at low prices when the magnitude of the sale become known.

The principal beneficiary of the $300 million subsidy and the low wheat prices was the Soviet Union, mainly because the Department of Agriculture was out-traded and out-smarted. However, some grain speculators and trading companies made large profits out of this ill-advised deal.

Apparently, a similar situation is about to develop for the current cotton crop. I understand that more than half of the current cotton crop already has been contracted for. Cotton farmers around the country contracted to produce cotton at less than 40 cents a pound, and they thought they had made a good deal.

Cotton is now trading for more than 90 cents a pound—three times what it was last year. It is not the farmers who will benefit. It is the speculators who will make all the big profits.

The fact is that wild speculation and the attempt of some buyers to corner the cotton market are largely responsible for these runaway prices.

The U.S. Department of Agriculture reports that anticipated cotton exports out of the current crop will total 6 million bales. This will be the largest sale of cotton abroad for more than a decade.

Increased foreign demand for cotton is attributable primarily to Japan. For years, Japan has been a major customer of American cotton with annual purchases running in the neighborhood of 600,000 to 800,000 bales for the past 5 years.

However, at the end of last year, Japan started increasing its purchases of U.S. cotton dramatically.

Japanese buyers have already contracted to purchase nearly 2 million bales of our current cotton crop. This is about 2½ times their normal purchases.

Of course, the Japanese cotton textile capacity has not increased by 2½ times. What the Japanese are engaging in is good business—for them, not us, and not for American consumers.

The Japanese have vast holdings in U.S. dollars, and they are extremely smart businessmen. They have concluded that agricultural commodities—especially a nonperishable commodity such as cotton—are very good investments in these times of commodity shortages and rapid inflation the world over.

Their huge purchases of American cotton are a perfectly legitimate exercise of good business judgment; and, normally, we would welcome such an expanded export market. However, in the current tight cotton market, the U.S. textile fiber industry, its employees, and consumers are the losers.

And, when this tight supply situation—which has invited speculation—is over, will Japan continue to buy 2 million bales a year? Of course not.

It is one thing to strive to increase exports and help the rest of the world, but it is quite another to do so with foreign speculators at the expense of the American people and our already faltering economy.

To further compound the problem, the People's Republic of China has begun large purchases of cotton and other raw agricultural commodities.

Excessive foreign demand is not the only reason for the current supply crisis in the cotton industry. Part of the problem began when the Department of Agriculture announced a 13-percent reduction in the cotton base acreage allotment for the current crop year.

For the past 2 years, the allotment has been 11.5 million acres.

I felt, as did many people in the cotton industry, that the cotton carryover was already small and that there was a need for at least 11.5 million acres this crop year.

However, the Department of Agriculture reduced the base acreage allotment to 10 million acres.

Also, there was severe flooding in some of the best cotton producing land in the Nation, in the Mississippi Delta. As a result, more than 600,000 acres of good cotton land was not planted to cotton, thereby worsening the shortage.

Runaway prices which are current in the cotton market are not good for consumers. They are not good for the textile industry. They are not good for the people the industry employs. They are not good for the cotton farmers.

For years, cotton fought a losing battle with synthetic fibers. However, in the last year or two cotton has been making a comeback.

While cotton use in the United States was not increasing, foreign consumption was making considerable gains. Nevertheless, the domestic use of cotton still requires the greater proportion of our cotton crop.

Record prices such as those now being experienced by the cotton industry do

more than anything else to reduce consumption. We found in the case of high meat prices that there is indeed such a thing as consumer resistance.

Housewives around the country have been refusing to pay some of the prices that are being asked for beef and other meats.

I believe the same thing will happen to cotton goods, particularly the cheaper cotton goods such as jeans. When these commodities are no longer inexpensive, consumers will either refrain from buying or switch to alternate goods.

While increases in synthetic production are somewhat limited now because of petroleum shortages and limited plant capacity, synthetic producers can gear up to greater productivity over the years. There is no doubt that the textile mills will prefer to use more synthetics if it is demonstrated that they have much greater price stability and are more reliable.

Thus, in the long run it will be the American cotton farmer who will be the loser. Thus, I have urged the President and Secretary Butz to install some reasonable form of export controls for cotton to remedy this situation.

We do not want the same thing to happen to American cotton that happened to wool. The wool situation is a very good case in point.

The wool market reports that Japanese buyers have moved in on auctions throughout the world and paid high prices to corner the market.

The Japanese now have purchased some 35 percent of the wool available throughout the world—far in excess of any textile manufacturing capacity in Japan.

These purchases have been made in dollars—not in yen—in order to invest their stockpile of floating dollars in a profitable commodity.

In the meantime, the price of raw wool has skyrocketed to the detriment of the textile buying consumer.

For example, the price of Australian and New Zealand wool in June of this year was $2.62 a pound, compared with $1 a pound a year ago and 79 cents in January of 1972.

If steps to improve the cotton situation are not taken now, we may very well be faced with the kind of harsh action that became necessary for soybean exports. Because our soybean supply had been drawn down to dangerously low levels before the Department of Agriculture knew what was going on, it was necessary to take the severe action of an absolute embargo.

Subsequently, the embargo was ameliorated, but the damage to our trading position already had been done.

I believe this did more to infuriate our Japanese trading partners than anything that has occurred since World War II.

However, it is interesting to note that the average annual purchase of soybeans by Japan was about 70 million bushels, until this year when it soared to 120 million. Could this too have been an effort to corner a commodity market at the expense of the American public?

I do not want to see the same thing occur in cotton. That is why it is important that a system of export licensing for cotton be instituted now. We do not want to abrogate existing contracts. Neither do we want to disrupt our trade relationships with established customers.

We must do everything we can to assure that continuing supplies of U.S. cotton will be made available to countries that have been buyers of significant amounts of our cotton in the recent past.

But—we do not want to sell cotton for speculative purposes. We do not want another nation to corner the cotton market and drive prices higher and higher at the expense of American industry, American workers, or American consumers.

Also, I have urged Secretary Butz to take action to greatly strengthen the role of the Commodity Exchange Authority.

The Commodity Exchange Authority is charged with responsibility of regulation of trading and pricing on designated commodity exchanges.

The authority is supposed to maintain fair and honest trading prices, competitive pricing on commodity exchanges, and prevent price manipulation and wild speculation.

It is an understatement to say that the Commodity Exchange Authority has not been able to carry out this function in the past year. Prices on the commodity exchanges have been subject to wild fluctuation and a great deal of manipulation.

There is evidence to suggest that the Russians may have helped finance their huge purchases of grain by manipulating the U.S. commodity market to their own advantage. It is quite possible that the Russians knew that their own huge purchases would drive up the price of wheat, and therefore invested heavily in wheat futures before other market investors were aware of what was taking place.

The Commodity Exchange Authority has never had the manpower or administration backing to do the kind of job that it must do in today's turbulent market conditions.

I hope the Secretary of Agriculture will give us his recommendations for strengthening the Commodity Exchange Authority in order that it can provide better protection for consumers.

I understand that members of the Agriculture Committee are already preparing to introduce legislation to deal with this problem.

Economic problems I have discussed here demand the attention and the close cooperation of the executive and legislative branches of Government. As one member of the Select Committee on Presidential Campaign Activities, I pledge that I will not let my duties on the committee impede my continued cooperation with the President on other issues.

As chairman of the Senate Committee on Agriculture and Forestry, I will do everything I can to help the President stabilize our supply of food and fiber, and thus slow the inflationary spiral.

As the second ranking Democrat on the Finance Committee, I will cooperate with the President in developing anti-inflationary taxing and spending policies.

As a Senator from Georgia, I will support the President in cutting Federal expenditures—and this is something I have advocated for a long, long time, long before such a view became popular in Washington—although I may continue to differ with him on items that should be cut.

I do not pretend to have all the answers to all our economic problems. However, I am confident that the measures I have proposed will go a long way toward stabilizing the commodity market and bringing some semblance of order to our economy.

I believe we must work together and rise above our differences, or the Nation will be the loser.

As one Member of the Senate, I intend to continue to do my part.

Mr. STENNIS. Mr. President, I made a special effort to get here in order to hear the presentation of the Senator from Georgia as to his ideas about these acute problems, beginning with runaway inflation. He is one of the foremost authorities we have in this field. As chairman of the Committee on Agriculture and Forestry, he has extensive knowledge of the problem from the standpoint of the producer and the consumer, as well as the industries in between which are involved in these items. I commend the Senator highly for his work and for his speech.

I followed closely the four points the Senator from Georgia made, and I think he is sound in every one of them. I certainly am going to join hands with him in his continued efforts in this field.

I say further to the Senator that I know he never takes out after something without finishing it. I have never seen him stop by the wayside, and I believe he will make a fine contribution in this field.

I note that he mentioned the point about cooperation with the President. I certainly commend the Senator for that. I try to cooperate to the fullest extent with whomever is President, because he is head of the Nation, the head of the Government; he is the Chief Executive, chosen by the people.

I am certainly with the Senator in standing for fullfledged cooperation with the President in the field of economy, in appropriations, in holding down expenditures. I commend the President for his efforts in this respect, although we can disagree as to the priority of items to be reduced or increased. But those things do not stop the bill; the bill moves on and finally becomes law.

I am glad that the Senator, as a member of the Select Committee on Presidential Campaign Activities, has pledged his cooperation in the field of economic problems. He and the other members of that committee have been overworked and partly misunderstood; but everyone agrees that they have had one of the most difficult matters that has ever been handed to a small group of men in this Chamber. They have worked hard and diligently and are going to make a contribution toward that problem.

I am glad that the Senator stated his view of action first and cooperation next. When we get that, we get results—and they will be good results.

Mr. TALMADGE. I thank my dis-

tinguished friend, the Senator from Mississippi, for his observations and comments. There is no man in this Chamber for whose judgment, integrity, and ability I have a higher regard. His comments are flattering, indeed.

As the Senator from Mississippi knows, a high percentage of the cotton crop has been bought by speculators, who are now taking charge of it, and have driven the price up to more than 90 cents a pound.

ORDER OF BUSINESS

The PRESIDING OFFICER. Under the previous order, the Senator from Connecticut (Mr. WEICKER) is recognized for not to exceed 15 minutes.

Mr. MANSFIELD. Mr. President, I suggest the absence of a quorum, with the time to be taken out of the distinguished Senator from Connecticut's allocation.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER OF BUSINESS

Mr. MANSFIELD. Mr. President, will the distinguished Senator from Connecticut yield to me for half a minute?

Mr. WEICKER. Mr. President, I am pleased to yield to the majority leader such time as he needs.

The PRESIDING OFFICER. The Senator from Montana is recognized.

ORDER FOR MESSAGE FROM THE PRESIDENT TO BE PRINTED IN THE RECORD

Mr. MANSFIELD. Mr. President, the Senate has received a message from the President of the United States. I ask unanimous consent that the message, in its entirely, be printed in the RECORD at this point.

The PRESIDING OFFICER. Without objection, it is so ordered.

The message is as follows:

To the Congress of the United States:

As the Congress reconvenes for the closing months of the 1973 legislative season, it returns to a critical challenge.

Our country faces many pressing problems which must be solved with dispatch.

Americans want and deserve decisive action to fight rising prices. And they want every possible step taken now—not a year from now or in the next session of the Congress.

Americans want and deserve decisive action this year to ensure that we will have enough heat for our homes, enough power for our factories, and enough fuel for our transportation.

They want and deserve decisive action this year to combat crime and drug abuse. The national rate of serious crime is now heading down for the first time in 17 years, and they want that downward spiral to continue.

There is also an immediate need to improve the quality of our schools, reform Federal programs for our cities and towns, provide better job training, revamp our housing programs, institute lasting reforms in campaign practices, and strengthen our position in world markets.

Of transcending importance is America's continuing commitment to building a lasting structure of world peace. Our people are now at peace for the first time in more than a decade, and they expect their leaders to do all that is necessary to maintain the peace, including those actions which preserve the Nation's strong defense posture.

At the same time, it is apparent as the fall legislative season begins that many Members of the Congress wish to play a larger role in governing the Nation. They want to increase the respect and authority which the American people feel for that great institution.

Personally, I welcome a Congressional renaissance. Although I believe in a strong Presidency—and I will continue to oppose all efforts to strip the Presidency of the powers it must have to be effective—I also believe in a strong Congress.

In campaigning for the Presidency in 1968, I called for "national leadership that recognizes the need in this country for a balance of power. We must maintain," I said, "a balance of power between the legislative and the judicial and the executive branches of Government.

I still believe in that division of responsibility. There can be no monopoly of wisdom on either end of Pennsylvania Avenue—and there should be no monopoly of power.

The challenge is thus clear. The problems of the Nation are pressing, and our elected leaders must rise to the occasion. These next 4 months will be a time of great testing. If the Congress is to play its proper role in guiding the affairs of the Nation, now is the time for it to take swift and decisive action.

In sending this message to the Congress today, I want to refocus attention on more than 50 legislative measures which I proposed earlier this year. These proposals, along with my regular authorization requests, are now of the highest priority if we are to meet our responsibilities.

Frankly, the action taken by the Congress on my proposals so far this year has been far less than I had expected. Commendable progress has been made on some fronts, and I have signed into law several bills which were the result of constructive compromise between the Congress and the Administration. Among them have been a new approach to farm legislation, a Federal highway bill which will also spur the development of mass transit systems, an increase in social security benefits, airport development legislation, amendments to the Rural Electrification Act, the Economic Development Administration and the Law Enforcement Assistance Administration authorizations, an Older Americans bill, an emergency farm loan bill, a national cemeteries bill and a medical care bill for veterans.

Yet the work that lies ahead in the final quarter of the year is far heavier and even more critical than that which has been accomplished so far. Nearly all of the significant proposals that I have submitted to the Congress still await final action. In addition, with more than two months of the new fiscal year already behind us, the Congress has passed only three of thirteen regular appropriations bills, all of which ideally should have been passed before the fiscal year began. I regret that it has also been necessary for me to veto six bills this year. Four of those vetoes have been sustained, and the final disposition on two of them has not yet been determined. I am hopeful that in some of these areas where I have exercised the veto, such as minimum wage legislation, the Congress will pass new legislation this fall which will meet my objections. The Congressional agenda for the next four months is thus long and urgent.

I realize that it will not be possible for the Congress to act this year on all of the legislation which I have submitted. But some of these measures respond directly to the most immediate problems before the country. I will give special attention to them in this message, just as I trust the Congress to give special attention to them before the last gavel falls later this year.

In the spirit of responsible cooperation which must prevail between the Executive and the Congress if we are to make genuine progress this fall, I am fully prepared to work closely with Members of the Congress in hammering out modifications to these bills. Already this year I have met more often with the bipartisan leaders of the Congress than in any other year of my Presidency, and I hope to meet even more frequently with Members of the Congress during the coming weeks. In addition, Cabinet members and all other appropriate members of the Administration will be fully accessible and available. There are, of course, certain principles of vital national concern which cannot be compromised—the need for budgetary discipline, for a strong national security posture, and for the preservation of the requisite powers of the executive branch. But within these limits I stand ready to find workable compromises wherever possible on solutions to our national problems.

The overriding question, however, is not the degree of compromise which is reached between the executive branch and the Congress, nor is it a matter of who receives the credit. The most important question concerns the results we achieve for the American people. We must work hard and we must work constructively over the next four months to meet the country's pressing needs. It is on that basis that we shall be judged.

THE FIRST GOAL: A BALANCED BUDGET

No issue is of greater concern to the American public than rising consumer prices. The battle against inflation must be our first priority for the remainder of this year.

The executive branch is already actively engaged in this fight:

—We have imposed a strong, new set of economic controls which should help to bring a reduction in the rate of inflation by the end of this year.

—We have taken a series of measures to expand food supplies, so that production will keep up with growing demands. The farm bill passed by the Congress and signed into law last month will make a significant contribution to this effort.

—Thirdly, the Federal Reserve System has been working to maintain reasonable controls on the flow of money within the economy, which is essential to reducing inflation.

We are moving in the right direction, but we must recognize that we can reach our goal only if we also apply the single most important weapon in our arsenal: control of the Federal budget. Every dollar we cut from the Federal deficit is another blow against higher prices. And nothing we could do at this time would be more effective in beating inflation than to wipe out the deficit altogether and to balance the Federal budget.

Eight months ago I submitted to the Congress a new budget calling for Federal outlays of $268.7 billion during fiscal year 1974. Since that time, the Congress has undertaken a serious and commendable effort to establish its own mechanism for controlling overall expenditure levels. If that effort succeeds, the Congress will have a much more reliable tool for holding spending to acceptable totals.

At the same time, the Administration has been working to increase the efficiency and thus cut the cost of the Government. We now expect to end the current fiscal year with no increase of civilian employees over last year's level and with 80,000 fewer employees than in 1972, despite the fact that the workload has increased. I have also acted to delay a pay increase for all Federal employees for a period of 60 days in order to hold the spending line. Clearly, the men and women in the Federal Government are doing their fair share in the inflation fight.

Yet the battle for essential budgetary discipline is still far from won. Although we are only two months into the new fiscal year, the Congress has already enacted programs which would exceed my total budget by some $2 billion and it is considering additional legislation which, if passed, would add another $4 billion of spending in excess of my budgetary requests. In addition, the Congress has failed to enact specific program reductions I have recommended which amount to nearly $1½ billion. Thus, if the Congress continues to follow its present course, the American taxpayers will soon receive a bill for more than $7 billion in increased spending.

These increases, if allowed to stand, would drive this year's budget over the $275 billion mark. That figure would represent a 12 percent increase over last year's budget level. A continuation of that trend would increase the annual budget burden to some one-half trillion dollars by 1980. Clearly we need to draw the line against this tendency. And the time to draw the line is 1973, when excessive spending packs an inflationary wallop that is particularly dangerous.

The Congress has indicated a strong desire not only to control the total level of governmental outlays but also to determine which programs should be curtailed to achieve those levels. I call upon the Congress to act while there is still time, while vital spending bills are still before it, and while it can still go back and reconsider actions taken earlier this year. A great deal of the recent budget busting has been done not through the conventional appropriations process, but through "backdoor" funding and mandatory spending programs approved by legislative committees—two approaches which need to be carefully reviewed. I am fully prepared to work closely with the Congress in determining the best ways to control expenditures and in discussing the particular programs that should be cut back.

In our joint efforts, however, I continue to be adamantly opposed to attempts at balancing the overall budget by slashing the defense budget. We are already at the razor's edge in defense spending. In constant dollars, our defense spending in this fiscal year will be $10 billion less than was spent in 1964, before the Vietnam war began. Our defense forces are at the lowest level since the days just before the Korean war, and a smaller part of our gross national product is being spent on defense than in any year since 1950. Further cuts would be dangerously irresponsible and I will veto any bill that includes cuts which would imperil our national security.

Some people have become so accustomed to Federal deficits that they think a balanced budget is impossible. But balancing the Federal budget is no pipedream; it is a realistic goal. The figures for fiscal year 1973 show that we held spending more than $3 billion below our target figure—and that the budget was actually in surplus during the last three months of the fiscal year.

This record was achieved in part because of the cooperation of the Congress in certain areas, and I am grateful for that cooperation. In other areas, however, Congressional spending was excessive and I found it necessary to veto certain measures and reserve certain funds. I would have preferred not to have exercised those powers, but the public interest demanded that I take such actions. Should those actions prove necessary again in the months ahead, I will not hesitate to take them.

STRENGTHENING THE ECONOMY

The fight against inflation must move ahead on many fronts. Even as we strive to hold the line on Federal spending, we must also take a number of additional actions to strengthen the economy and curb rising prices.

TRADE REFORM ACT

One of the most important of all the bills now before the Congress is my proposed Trade Reform Act of 1973. It is important that final action on this measure be taken in the next 4 months.

This legislation represents the most significant reform of our approach to world trade in more than a decade. But it builds on a strong tradition, steadily maintained since the days of Franklin Roosevelt, of giving the executive branch the authority it needs to represent the Nation effectively in trade negotiations with other countries.

The weeks and months ahead are a particularly important time in international economic history. This month sees the formal opening of a new and highly important round of trade negotiations in Tokyo and the annual meeting of the International Monetary Fund and World Bank in Nairobi. The Nairobi meeting is highly important to international monetary reform negotiations. Decisions which grow out of both of these meetings will shape the world's economy for many years to come. The United States can be a much more effective participant in such discussions if the Congress provides the tools contained in my proposed trade reform legislation.

The United States continues to seek a more open trading world. We believe that artificial barriers against trade among nations are often barriers against prosperity within nations. But while the trading system should be more open, it should also be more fair. The trading game must be made equitable for all countries—giving our workers, farmers and businessmen the opportunity to sell to other countries goods which they produce most competitively and, as consumers, to buy goods which their counterparts in other countries produce most competitively. In bargaining for a more open and more equitable trading system, our negotiators must be equipped with authorities comparable to those of their counterparts from other nations.

My trade reform legislation would provide a number of such authorities and thus would strengthen our bargaining position. I emphasize again that the Congress should set up whatever mechanism it deems best for closer consultation and cooperation with the executive branch to ensure that its views are properly represented as trade negotiations go forward.

At the same time, I have also requested actions to ensure that the benefits of expanding international trade are fairly distributed among our own people and that no segment of our economy is asked to bear an unfair burden. My proposals would give us greater flexibility in providing appropriate relief from imports which cause severe domestic problems and would also liberalize our programs of adjustment assistance and other forms of compensation to help workers who are displaced because of rising imports. They would also equip us to deal more adequately with the unfair trading practices of other countries, and through expanded trade, to "sop up" some of the excess dollar credits now held abroad which can play havoc with domestic markets.

Other authorities contained in the bill would give us greater flexibility to use trade policy in fighting inflation, correcting our balance of payments, expanding our exports, and advancing our foreign policy goals. One provision of this bill, authorizing the President to extend Most Favored Nation treatment to those countries which lack that status, would be particularly helpful in carrying out our foreign policy and I continue to give it my strong support.

Altogether, the proposed Trade Reform Act of 1973 represents a critical building block as we seek to construct a durable structure of peace in the world and a vibrant and stable economy at home. In the difficult negotiations which lie ahead,

this legislation would enable us to assure more jobs for American workers, better markets for American producers, wider opportunities for American investors and lower prices for American consumers.

EXPORT ADMINISTRATION ACT

The Export Administration Act amendment which my Administration proposed on June 13th is another weapon which could be helpful in the fight against rising prices. One of the most important causes of the recent inflationary surge has been the extraordinary boom abroad and the additional demand which it has generated for our products. On the whole, this boom should be seen as a healthy, long-range development for our economy as well as for other countries. But as I said last June, when we have pressing shortages in this country and when we must choose between meeting needs abroad or at home, then "we must put the American consumer first."

This is why I have asked for new and more flexible authority to establish certain controls on food and other exports when and where they are needed. I continue, however, to oppose permanent controls because they can upset and discourage our entire pattern of healthy trade relationships and thus complicate the fight against inflation. Our limited controls on soybeans were changed last Friday to permit full exports on new contracts. This action was taken because we are convinced that stocks and new crop supplies are more than adequate to meet our own needs.

Nevertheless, I still seek the authority I requested last June to be sure we will be able to respond rapidly, if necessary, to new circumstances. I also emphasize that new controls will be imposed only if they are absolutely needed.

TAX REFORM

This Administration continues its strong opposition to a tax increase. We want to fight inflation and balance the budget by placing restraints on spending and not by adding to our current tax burdens.

At the same time, I remain vitally interested in finding ways to make our present tax structure fairer and simpler. Tax reform has been under consideration for some time and there is a continuing need for revising and simplifying the tax laws. My Administration has made some specific suggestions to that end and has indicated a willingness to work with the tax writing committees of the Congress in a general review of the Internal Revenue Code. This important task should be undertaken now rather than during an election year when political pressures invariably make such reform more difficult.

I would call special attention to one tax reform measure extensively discussed during the 1972 campaign and now pending before the Congress. That is my recommendation for providing property tax relief for older Americans. Retired people with low incomes bear a crushing and unfair property tax burden in many States. Even though their incomes decline with retirement, the property tax in many cases goes on rising. As a result, the home which should be a symbol of financial independence for older people often becomes another cause of financial strain. I again urge prompt action on the Administration's proposal to provide a special tax credit to help older people with lower incomes pay their property taxes. Simple justice demands it.

STOCKPILE DISPOSAL ACT

Another important action which the Congress can take in the battle against rising prices is to provide the necessary authority for selling part of our national strategic stockpile—materials which are no longer needed for national security. I requested such authority last April with regard to $4 billion worth of goods in our stockpile. Such sales, by allowing us to increase supplies in the marketplace of major commodities, could help provide important relief for hard-pressed American consumers. Further, this bill could help to maintain and provide employment for workers whose jobs are dependent upon the availability of basic commodities such as aluminum, zinc and copper, all of which are in short supply.

Our country's strategic stockpile still reflects the economic and military realities of the 1950's—in fact, 95 percent of the current stockpile was acquired before 1959. In the 1970's, however, our military requirements have changed—and so has our economic capacity to meet them. My proposed new guidelines for the stockpile would carefully protect our national security in the light of these changing realities, while substantially enhancing our economic health.

I regret that this legislation has not moved forward more rapidly during the past few months. In the name of national efficiency, thrift, and price stability, I call again for its prompt and favorable consideration.

OTHER ECONOMIC LEGISLATION

As I indicated in my message to Congress on August 3, I will shortly be submitting my legislation on the restructuring of financial institutions. This is a complex matter which requires thorough but prompt study by the Congress.

I call, too, for speedy enactment of legislation which has now emerged from conference which would establish the Council on International Economic Policy on a permanent basis.

MEETING THE ENERGY CHALLENGE

I have previously stated, and wish to restate in the most emphatic terms, that the gap between America's projected short-term energy needs and our available domestic energy supplies is widening at a rate which demands our immediate attention.

I am taking all appropriate measures within my authority to deal with this problem, seeking to increase our supplies and moderate our demands. Looking to the future, I have announced plans for a large scale increase in our research and development effort, and I have asked my top energy advisor, Governor John Love, to meet with State officials to seek temporary modifications of air quality standards. Such modifications would help to minimize fuel shortages this winter. In addition, I will soon be meeting with members of the Atomic Energy Commission to determine whether we can bring nuclear power plants on line more quickly. But the energy problem requires more than Presidential action; it also requires action by the Congress.

It is absolutely essential that the Congress not wait for the stimulation of energy shortage to provide the legislation necessary to meet our needs. Already we have seen some regional inconveniences this summer with respect to gasoline and this winter we may experience a similar problem with regard to heating fuels.

Over the long term, the prospects for adequate energy for the United States are excellent. We have the resources and the technology to meet our growing needs. But to meet those long-term needs and to avoid severe problems over the short term, we must launch a concentrated effort which mobilizes the Government, American industry and the American people.

I have recently called for passage of seven major energy bills now before the Congress. Not all of those can be acted upon with equal speed, but four of these bills are of the highest urgency and must be acted upon before the end of this year. These four would provide for the construction of the Alaskan pipeline, construction of deepwater ports, deregulation of natural gas and establishment of new standards for surface mining. All four of these bills are addressed to both our short-term and long-term needs.

ALASKAN PIPELINE

Our first legislative goal—and one that should be achieved this month—is the enactment of an Alaskan pipeline bill. Construction of the pipeline would provide us with up to 2 million barrels of oil per day over which we would have full control and would simultaneously reduce by more than $3 billion per year our need for oil imports. I have proposed legislation to avoid any further delay in the construction of the Alaskan pipeline and I am gratified that both Houses of the Congress have already passed variations of this proposal. I urge the earliest possible attention to these bills by the House-Senate Conference Committee, so that pipeline construction can begin.

DEEPWATER PORTS

Until domestic resources are in full production and technological progress has reached a point where sufficient energy sources are within reach, we will have to rely upon imports of foreign oil. At the present time, however, continental port facilities are inadequate to handle our import requirements.

Because of our limited port capacity, the super-tankers presently used for petroleum transport cannot be off-loaded anywhere on our Atlantic coast. I have therefore proposed measures to authorize the construction and operation of deepwater port facilities in a manner consistent with our environmental priorities and consonant with the rights and responsibilities of the States involved.

We must not delay this important legislation. To do so would further delay the economical import of petroleum and would mean increased costs to the American consumer, unnecessary threats to our coastal environment, and further loss of revenues to Canadian and Caribbean ports which are already capable of off-loading large super-tankers.

NATURAL GAS

For several years Federal regulation of natural gas has helped to keep the price of that product artificially low. Large industrial consumers have welcomed this system of regulations—it has helped them hold their fuel costs down, and since natural gas is the cleanest of our fossil fuels, it has also enabled them to meet environmental standards at an artificially low cost. This system of regulation, however, has also had the unfortunate result of discouraging producers from expanding supplies. As a result of high consumption by industrial uses coupled with the reluctance of producers to explore and develop new sources of natural gas, we now face a natural gas shortage.

I have therefore proposed that we begin a gradual move to free market prices for natural gas by allowing the price of new supplies of domestic natural gas to be determined by the competitive forces of the marketplace. This action should provide a secure source of natural gas at a price significantly lower than alternative sources. While there may be an increase in the price of natural gas over the short term that increase should be modest.

SURFACE MINING

Our most abundant domestic source of energy is coal. We must learn to use more of it, and we must learn to do so in a manner which does not damage the land we inhabit or the air we breathe.

Surface mining is both the most economical and the most environmentally destructive method of extracting coal. The damage caused by surface mining, however, can be repaired and the land restored. I believe it is the responsibility of the mining industry to undertake such restorative action and I believe it must be required of them.

I have proposed legislation to establish reclamation standards which would regulate all surface and underground mining in this country. These standards would be enforced by the States. I call again for enactment of this proposal, for it would enable us to increase the supply of a highly economic fuel while avoiding the severe environmental penalties which we have often paid in the past.

REORGANIZATION OF FEDERAL ENERGY EFFORT

The four energy bills discussed above can and should be passed by the Congress this year. There are three additional measures proposed by the Administration whose early passage is important but not so critical that they require action this year. I would hope that these measures would be near the top of the legislative agenda in the future.

One of these bills provides for reorganization of the Federal energy effort. While energy is one of our Nation's most pressing problems, and while the preservation and effective use of our natural resources is an imperative policy goal, it is presently impossible to administer these related objectives in a coordinated way. Our ability to manage our resources and provide for our needs should not be held hostage to old forms and institutions.

I have noted repeatedly the need for thorough reorganization of the executive branch of the Federal Government. I believe the need for reorganization is especially acute in the natural resource area. I have urged and I urge again the creation of a Department of Energy and Natural Resources to permit us to deal with these questions in a more comprehensive and more effective manner.

I also again ask the Congress to create a new, independent Energy Research and Development Administration so that we can make the very best use of our research and development funds in the future. Our research and development effort could produce the most helpful solutions to the energy problem. For that reason, I recently announced plans to initiate a $10 billion Federal effort in this field over the next five years. No legislative action is needed by the Congress this year to provide funding, but it will be necessary for the Congress to approve such funding in the years ahead.

Since regulation of atomic energy resources can be better and more fairly performed if it is disengaged from the question of their development and promotion, I have also included in this reorganization package a separate and independent Nuclear Energy Commission to perform these vital duties.

SITING OF POWER PLANTS

One of the major energy questions we face in 1973 is whether we can provide sufficient electric power to light our cities, cool and heat our homes, and power our industries in the decades ahead. One of the solutions to that problem lies in the increased use of nuclear energy. It is estimated that by the year 2000 nuclear power can provide nearly half of this country's electrical production.

We now have adequate safeguards to ensure that nuclear power plants are safe and environmentally acceptable, but the way in which we apply those safeguards sometimes causes unreasonable delays in construction. Similarly, protracted delays have been encountered in the siting of our plants that are powered by fossil fuels, which still must provide the majority of our electric generation capacity over the next three decades. Accordingly, I have proposed legislation which would streamline the process for determining the sites of power plants and transmission lines while continuing to provide full protection for public health and for the environment. This legislation has been under study for two years, and I am anxious to get it out of committees and onto the statute books.

SANTA BARBARA ENERGY RESERVE

It is important to the necessary expansion of our domestic energy resources that we make more effective use of the vast oil and gas reserves along our Outer Continental Shelf. That is why I have ordered the Department of the Interior to triple the leasing schedule in this area and have directed the Council on Environmental Quality to study the feasibility of extending Outer Continental Shelf leasing to the waters off our Atlantic Coast and the Gulf of Alaska. I am equally determined, however, that our efforts to expand energy production should not run rough-shod over our valid concern to protect and enhance the natural environment.

I have therefore proposed in the past, and have resubmitted to the Congress this year, legislation to cancel oil leases in the Santa Barbara Channel and to create in that area a National Energy Reserve. Under this legislation, oil from Naval Petroleum Reserve No. 1 in California would be substituted for the oil off Santa Barbara and part of the proceeds from that production would be used to meet the expenses of exploring other potentially vast oil and gas reserves in Naval Petroleum Reserve No. 4 in Alaska. I believe that this legislation would permit us to maintain momentum in exploration and development while at the same time removing the threat of oil spills as a result of the unique geological formations off the Southern California coast.

In view of the present scarcity of fuels, it is important that we act now to draw upon the oil available in the Naval Petroleum Reserve No. 1 (Elk Hills). During the next several days, at my direction, representatives of the Administration will seek the necessary consultations with members of the Congress in order to increase production of oil from Elk Hills. This increased production should help to meet the fuel needs of the West Coast this winter.

RESTORING AND RENEWING OUR ENVIRONMENT

In my message to the Congress on February 15th of this year, I was able to report that our Nation had moved away from an era of environmental neglect into a new era of restoration and renewal. The 92nd Congress helped in this process by enacting a number of important measures in 1971 and 1972.

Unfortunately, that Congress failed to act upon nineteen of my environmental proposals, and the Administration therefore resubmitted them last winter to the new Congress. While most of these measures still await action, I continue to hope that the Congress will turn its attention to them.

Some say we have been the victim of our own success—that we have passed important legislation in the environmental area and that many are now tempted to rest on these laurels. But such lassitude would be dangerous. There are many areas of environmental concern still to be addressed. Three particularly important matters are national land use policy, the regulation of toxic substances, and the assurance of safe drinking water.

NATIONAL LAND USE POLICY ACT

The management of our lands is an emerging need of the highest priority. I firmly believe that land use policy is, and must remain, a basic responsibility of State and local governments and that the Federal Government should not usurp their functions. Nevertheless, the Federal Government should exercise leadership concerning the land use decisionmaking process, since our land is part of our national heritage and since decisions about land use often have regional and national consequences. The proposals I have made are designed to strike a careful balance between the setting of general standards at the Federal

level and specific enforcement at the State and local level.

We first transmitted the proposed National Land Use Policy Act to the Congress in 1971, but there has been no law enacted since then. I am pleased, however, that the Senate has passed legislation incorporating many of the policies I have proposed. This legislation properly delineates the respective roles of the Federal, State and local governments in land use regulation. The Senate bill is deficient, however, in that it imposes an excessive financial burden on the Federal Government. I am hopeful that a responsible compromise can be worked out in the weeks ahead.

TOXIC SUBSTANCES

Because the great quantities of new chemicals now being used by industry pose undefined hazards to human life and the environment, I also asked the Congress again last February for legislation that would set standards for determining whether such chemicals are hazardous.

Such legislation has now passed both Houses of the Congress and is in conference committee. Although the Congressional version differs somewhat from the proposals the Administration has submitted, this new legislation would take the essential step of providing the Environmental Protection Agency with significant new authorities in this area. I am confident that a reasonable solution will be ironed out in conference, and I urge the Congress to move forward as rapidly as possible.

SAFE DRINKING WATER ACT

Finally, we must take new steps to protect the purity of our drinking water. The Federal Government's role in this process, however, should not be that of direct regulation but rather that of stimulating State and local authorities to ensure that national standards are met. I have asked that the primary monitoring and enforcement responsibilities for such standards be left with the States and localities.

This legislation has passed the Senate and awaits action in the House. While I urge prompt approval of this important new authority for the Environmental Protection Agency, I caution the Congress not to impinge on State and local powers and not to shift the responsibility for financing this program to the Federal Government and away from the users, where it belongs.

HUMAN RESOURCES NEEDS

It is an old adage that people are our most precious resource, but our legislative progress so far this year scarcely reflects that belief. Only a handful of bills has been passed in this important field. There are many other human resource measures proposed by the Administration and now pending before the Congress which deserve prompt consideration.

EDUCATION

As the Congress resumes its work for the fall legislative session, some 50 million young Americans are returning to elementary and secondary school classrooms all across the country. There they will pursue the education which is so important in broadening their horizons for the future and keeping our country progressive and free. Making sure that real educational excellence is available to all of those children must rank high on any list of human resource priorities for our Nation.

Constructive cooperation between the Administration and the Congress has already produced notable gains on this front over the past several years. The dismantling of dual school systems in the South is now virtually complete and the task of remedying school discrimination elsewhere in the country is proceeding harmoniously with forced busing being kept to a minimum. The National Institute of Education, which was created at my request by the Congress in 1972 is becoming the center for educational reform and innovation we hoped it could be. Total Federal outlays for education will reach $13.8 billion under my 1974 budget proposals—an increase of $4.8 billion over the 1969 level.

Of crucial importance now, however, is whether those funds are being channeled in such a way as to purchase maximum educational benefit for the students they are intended to help. The experience of nearly a decade since the Federal Government shouldered a major school aid role under the Elementary and Secondary Education Act of 1965 indicates that these funds are not being used as effectively and equitably as they should be. Elementary and secondary education grant programs have proved so rigid, narrow, fragmented, and encumbered with redtape that reform, consolidation, greater equity, and simplification are now essential.

It was to meet this need that I first asked the Congress early in 1971 to shift most Federal education programs from a categorical grant basis to a special revenue sharing approach. The need is still unmet as another school year starts. The best remedy is contained in the principles of the education legislation which the Administration proposed in 1971 and again in March of this year. The principles are more important than the question of how the bill is titled or who gets the credit.

I realize that the Better Schools Act has encountered difficulties in the Congress. I believe, however, that an acceptable proposal can be developed, and I am ready to work closely with the Congress to see that this goal is accomplished.

It will take political courage for the House and Senate to reject proposals which would perpetuate the more than 30 categorical grant programs perennially popular with legislators. But these programs are so tangled that we must move toward streamlining them and toward transferring key decisionmaking power out of the Washington bureaucracy back to the State and local levels where it can be exercised more intelligently. But if the Congress will keep its attention focused on the question of what best serves our school children, I believe it will recognize the need for prompt action.

Another area of renewed interest this fall is busing. My position is well known. I am opposed to compulsory busing for the purpose of achieving racial balance in our schools. I continue to believe in the neighborhood school—in the right of children to attend schools near their homes with friends who live near them. I continue to believe that busing is an unsatisfactory remedy for the inequities and inequalities of educational opportunity that exist in our country, tragic as those disprecancies are. We have been working to end those disprecancies, and we will continue to do so. But we should also place effective and reasonable curbs on busing in a way which would aid rather than challenge the courts. Last year I proposed legislation designed to achieve this goal. I will continue to work with the Congress in an effort to enact legislation which will end involuntary busing for purposes of racial balance and concentrate our effort on true opportunity in education.

WELFARE REFORM

Another critical need in the human resource area is to overhaul our welfare system. Earlier this year I directed that vigorous steps be taken to strengthen the management of the welfare program through administrative measures and legislative proposals. I have further directed that the study of legislative proposals include a review not only of the basic welfare program but also its relationship to other programs designed to assist low-income families, such as food stamps, public housing and medicaid. That study is now going forward, and I will be reviewing its results in the weeks ahead.

MANPOWER TRAINING AND RELATED LEGISLATION

A second basic concern of public policy in the area of human resources involves the effort to guarantee to all our people the opportunity and satisfaction of working at a good job for a good wage. The Administration and the Congress have worked together effectively to foster the economic expansion which has now brought our total employment to record levels and has raised real wages significantly. In addition, we have taken important steps to improve the quality of the work environment. These steps have included passage of the landmark Occupational Safety and Health Act of 1970 and a major overhaul of the unemployment system.

But much remains to be done, especially for those workers on the fringes of the labor force whose low skills or other disadvantages leave them "on the outside looking in." Massive Federal aid in the manpower training field, as in education, dates from the 1960's—and here, too, it has become clear from the perspective of the 1970's that reform must be the order of the day. A special revenue sharing approach permitting States and communities to tailor their own programs to local needs will get better results for the dollar than those achieved by inflexible categorical grant programs designed in Washington.

In the face of Congressional rejection of my proposals in this area in 1971 and 1972, I directed the Secretary of Labor last January to implement administratively the principles of manpower revenue sharing, insofar as possible under existing law. That effort is now going forward, but I am certainly prepared to work with the Congress to achieve this same goal through legislation.

Working men and women will also be looking to the Congress this fall for action on three other bills which the Administration is requesting in their interest:

—*The Job Security Assistance Act,* which would establish minimum benefit levels for State unemployment compensation programs and extend coverage to farm workers;

—*The Vocational Rehabilitation Act* amendments, which would extend and improve job training programs for the handicapped, taking the place of an earlier measure whose severe over-spending provisions and program distortions necessitated my veto in March; and

—A constructive measure that would *raise the minimum wage* in light of the cost of living increases since the last such adjustment in 1968. Such legislation is essential to replace an earlier minimum wage bill which I felt compelled to veto last week because it would have hurt low-in-income workers and would have added to inflationary pressures in the economy.

PENSION REFORM

For most Americans, there are now two principal ways of providing for retirement. The first is the social security system, which is the largest system of its kind in the world and one of the most effective. The second is the system of private pension plans. Those plans now cover some 30 million workers and pay benefits to another 6 million retired persons.

As private pension plans have developed, certain flaws have also become apparent. The Federal Government should now act to help correct them. I first asked the Congress to enact pension reform legislation in 1971 and, after 16 months of additional study and hearings, I submitted two new bills to the Congress in the spring of this year.

One of these bills, the Retirement Benefits Tax Act, would give each worker greater rights in his pension plan and require that more money be put into it so that he will be more fully protected if he leaves his job before retirement. Unlike some of the alternative bills, it would also maintain strong encouragement for other employers to set up pension plans—an important provision since about half of the total private labor force is not covered at the present time.

The second bill, the Employee Benefits Protection Act, would establish tighter fiduciary standards for the administration of the more than $160 billion now invested in private pension and welfare funds. The unscrupulous activity which has sometimes characterized the administration of these funds in the past convinces me that the Federal Government should play a watchdog role.

I am aware that several other pension proposals have support on Capitol Hill. A reasonable compromise seems in order, and my Administration is anxious to work with the Congress to achieve agreement in the months ahead.

HEALTH LEGISLATION

In the field of health care and medical protection, the Administration remains committed to a broad national health strategy which will eliminate financial barriers to needed medical help for every American family and will open to all our people the promise of longer, fuller lives with increasing freedom from disease. We have nearly doubled Federal outlays for health since I took office, and we have been mobilizing to conquer cancer and to fight other particularly cruel enemies such as heart disease, and drug abuse.

My number one priority in this field over the long term remains the building of a balanced health insurance partnership in which the public and private sectors join to bring the costs of quality care within every family's reach. However, the present crowded calendars of key Congressional committees make it seem more likely to me that the real push for this reform must come in 1974. We will move forward this fall with the work needed for the introduction of legislation at an early date.

An attainable goal for these final months of 1973 is passage of the Administration's proposed Health Maintenance Organization Assistance Act, which would provide Federal money to demonstrate the promising innovation of group medical centers where quality care can be maximized and costs minimized. The Senate has passed a bill to further the HMO concept. That bill, however, calls for a full-scale development effort rather than a limited demonstration program. A national development effort would require funding levels far beyond what is needed or what we can afford. The House is presently developing a bill which would be a fiscally responsible demonstration effort. If such a bill is passed by the full Congress, I will support it.

LEGAL SERVICES CORPORATION

The Administration will also work closely with the Congress in the weeks ahead to obtain final passage of our bill to establish a Legal Services Corporation which would provide the poor with quality legal representation, would be free from political pressures, and would include safeguards to ensure its operation in a responsible manner. Legal Services legislation has passed the House. Nothing should now stand in the way of prompt Senate action.

INDIAN LEGISLATION

The steadfast policy of this Administration is to advance the opportunities of American Indians for self-determination without bringing an end to the special Federal relationship with recognized Indian tribes. To that end, there are now six major pieces of legislation pending in the Congress which I proposed as long ago as July of 1970. This legislation would help to foster greater self-determination for the Indians, to expand their business opportunities, and to provide better protection of their natural resources. Many Indian leaders have indicated strong support for this legislation, and I would hope that the Congress will now act on it with the speed that it so clearly deserves.

PENSIONS FOR VETERANS

This Administration strongly believes that the Nation owes a special debt to its veterans, and we have tried to fulfill that obligation by supporting a number of improvements in veterans' legislation. During the past four years, for instance, I have twice signed bills increasing the educational benefits for veterans and, during the current year, I have signed into law bills covering health care and cemetery benefits. All of those bills were the product of close cooperation between the Congress and the Administration.

The Congress is currently considering new pension legislation for veterans. With certain modifications, this bill would be a good first step toward the full reform which I believe to be necessary and which should be considered during the early days of the next session of the Congress.

CONSUMER AFFAIRS

Early in 1971, after the Congress had failed to act on my proposal to create an Office of Consumer Affairs, I established such an office by Executive order. The office is now a part of the Department of Health, Education, and Welfare. In addition to playing an important role in forming Administration policy on consumer affairs and helping to educate the public on better ways to make consumer choices, the office seeks to represent consumer interests in testimony before the Congress and acts as a general ombudsman for the individual consumer.

I am convinced that we can do a good job for the consumer without excessive Federal intervention which could destroy the freedom of the American marketplace. However, I believe that more should be done in this field. To that end, I outlined this spring appropriate legislative specifications for establishing a separate Consumer Protection Agency and I am prepared to work further with the Congress on this issue.

VOLUNTEERISM

More than two years ago, in order to advance our tradition of voluntary action, I created a new Federal agency called ACTION. That agency is now responsible for directing federally funded domestic volunteer programs as well as the Peace Corps. ACTION has now proved to be an effective way of encouraging greater voluntary action here and abroad, and I am now anxious to place it on a more permanent footing. Accordingly, I ask that the Congress act this fall to provide legislative authority for this agency. Appropriate language for this legislation was agreed to prior to the August recess by a bipartisan group of sponsors in the House and Senate and by the Administration. I hope that this legislation will soon be sent to me for signature

BUILDING BETTER COMMUNITIES

As we look back over the past decade, we can take pride in the fact that we have substantially slowed the processes of social upheaval in our cities. Yet by any yardstick, there is a great deal of work ahead if we are to make life in our communities as healthy and enriching as it should be.

It would be reassuring to believe that the expensive Federal Government programs of the past have made great inroads on our urban problems, but that is clearly not the case. Many of the programs designed for this purpose, such as urban renewal and the Model Cities

experiment, have not done the job that was expected of them and often have had a counterproductive impact. Consequently, I have recommended they be scrapped. We have learned from experience that we cannot cure our social ills simply by throwing money at them or dictating prescriptions from Washington.

What we are seeking now is a set of new approaches and a set of new programs: we are seeking change that works. My Administration has proposed a series of initiatives which would guide us along a more productive path. I have been keenly disappointed that some Members of the Congress seem so interested in continuing programs that are proven failures that we are unable to gain a full hearing for new approaches that clearly deserve a chance.

So far, the only significant legislative breakthrough this year has been the enactment of a modified highway bill, permitting some of the money in the Highway Trust Fund to be used for vitally needed mass transit systems. This is a concept which I vigorously advocated and I signed it into law with a strong sense of pride and hope. Other Administration initiatives, however, still languish on Capitol Hill. To break the present stalemate, I am prepared to accept something less than the full legislative measures I have proposed. I would hope that in the same spirit some Members of the Congress would drop their insistence upon continuing the programs which have produced such limited social returns.

THE BETTER COMMUNITIES ACT

The Better Communities Act is the centerpiece of the legislative package which my Administration has sent to the Congress this year in the community development field. Embodied in this bill is a fundamentally different approach to the problems of community life. If it were passed, the Federal Government would continue to funnel money into our communities, but essential decisions on how that money was to be spent would no longer be made in Washington but at the local level. Five categorical grant programs and two loan programs which have proven to be inflexible and fragmented would be replaced and local governments would no longer be hamstrung by Washington's red tape.

I am aware that action on this bill has been delayed partly because some Members of the Congress wish to consider the Administration's housing proposals simultaneously. As I indicated in March, I ordered an intensive six-month study of Government housing policies to be conducted before I submitted such proposals. That study has just been completed and I plan to submit shortly a new set of housing policy recommendations to the Congress. When those recommendations arrive, I am hopeful that the Congress will move swiftly on both the Better Communities Act and the housing requests. Final action in 1973 may be an unrealistic goal, but I would certainly hope that we might have new laws on the books by early spring in 1974.

Finally, it is important that the Congress pass the simple one-year extension of the FHA mortgage insurance programs which will expire October 1. Last week the House of Representatives took constructive action by refusing to act on an extension bill which contained several undesirable "Christmas tree" amendments. The Congress should now act swiftly and responsibly in order to prevent a repeat of the month-long gap in FHA insurance activity which occurred early this summer.

RAILROADS

There can be no doubt that the plight of the rail lines in the 17 States of the Northeast and Midwest presents an immediate and far-reaching transportation problem. Six major railroad lines in this area are now bankrupt and shutdowns are threatened. The danger extends across the country because railroads in other parts of the Nation still use the bankrupt lines. A failure of any significant part of our Nation's railroad system would impair our ability to move freight efficiently and cheaply to all parts of our Nation.

The solution proposed by the administration would provide for the restructuring of the railroad system so that new, privately owned and economically viable rail systems could be developed from those now in bankruptcy. The Federal Government would provide some $125 million over an 18-month period to assist in this process. While we are always open to suggestions for improvement in our proposal, I feel that some of the alternatives which have been aired in the Congress—especially those which would merely postpone action or would saddle the Federal Government with a heavy financial burden, or could lead to quasi-nationalization—are beyond the pale of acceptability. Present bankruptcy proceedings and the possibility of liquidation make it imperative that the Congress act promptly to meet the emerging crisis.

I will soon submit to the Congress my Transportation Improvement Act of 1973. This legislation is designed to address some of the outmoded and excessively restrictive regulatory procedures which affect the entire railroad industry. The steps recommended are critical to creating a healthy system of railroads for our Nation—a matter of increased urgency as we face environmental and energy problems. I urge prompt congressional action on this important legislation.

DISASTER PREPAREDNESS AND RELIEF

This Administration has had ample opportunity to test our Federal programs for dealing with natural disasters. Since taking office in 1969, I have had to declare 147 major disasters in 42 States and 3 Territories. The year 1972—punctuated by Hurricane Agnes—proved to be a record-setting year in this respect: there were 48 major disasters, accounting in part for the food shortages we have had in 1973.

As a result of these experiences, I am convinced that we can do a better job in preparing for disasters and in providing assistance to those who are hardest hit. I have proposed two major pieces of legislation designed to insure that 1973 will mark a turning point in the story of our disaster programs.

The first of these measures is the proposed Disaster Preparedness and Assistance Act. This bill is based upon a major recent study of all disaster relief activities of the Federal Government. It is designed to provide badly needed emphasis upon preventive measures and to encourage the use of insurance before disasters strike. It would increase the role of State and local officials in determining how Federal money would be spent in assisting disaster-stricken communities—and it would provide for automatic release of Federal funds in the case of major disasters. Red tape, bureaucratic delays, and Federal interference would be substantially reduced, while Federal assistance would be provided more rapidly. The bill also includes generous grant features for those disaster victims unable to repay Government loans while continuing grants to help communities restore their public facilities.

To date, this legislation, so vital to our efforts to mitigate disaster damage, has received only one perfunctory hearing in the Congress. It deserves more serious consideration.

The second major Administration initiative in this area is the proposed Flood Disaster Protection Act. Flood insurance is a key part of any disaster assistance program. This bill would expand the flood insurance program by increasing insurance coverage from $6 to $10 billion. It would also require participation in the flood insurance program by communities that are known to be flood prone, so that residents of these communities would have more adequate protection and would help to bear a reasonable share of the cost.

The Congress has moved rapidly on this bill; but unfortunately, in floor action this past week, the House added a number of amendments that would seriously hamstring the administration of the program and would badly erode its effectiveness. I hope that we can iron out our differences on these crippling amendments in a spirit of constructive compromise that preserves the effectiveness of the bill for those who need it so badly.

SELF-GOVERNMENT FOR THE DISTRICT OF COLUMBIA

In 1969 I first proposed a series of actions intended to bring about an orderly transfer of political power to the people of the District of Columbia. I called for a Constitutional Amendment giving the District at least one representative in the House and such other additional representation as the Congress may approve. I proposed, and Congress enacted, legislation providing for an interim non-voting Congressional delegate and for the creation of a Commission on the Organization of the Government of the District of Columbia, the so-called Nelsen Commission.

The Nelsen Commission's recommendations deserve careful consideration. If enacted, these proposals would greatly strengthen the capability and expand the authority of the City's government and moderate the Federal constraints over its operation. Once again, I urge rapid action by the Congress.

As the American Bicentennial dawns, I pledge the Administration to work receptively and cooperatively in this area to achieve true and effective self-government for the District of Columbia.

FIGHTING CRIME AND DRUG ABUSE

In recent years, America's peace officers, with the assistance and encouragement of Federal law enforcement agencies and with the support of far-sighted legislation passed by the Congress, have made commendable inroads against crime. After 17 years of continuous and sometimes shocking increases in the rate of crime, the nationwide rate of serious crime went down in 1972.

But this progress must not be taken as evidence that we can now relent in this struggle. Rather, we must redouble our efforts to restore law and order to America, whether it be in the boardrooms of our corporations, in the halls of our government, or on our city streets. We must do all we can to make the present moment a decisive turning point so that our communities will once again be safe. Three of my legislative proposals are designed to do just that: a bill to modernize and reform the Federal Criminal Code; a heroin trafficking bill to crack down on drug pushers; and a bill to restore the death penalty for certain of the most serious Federal offenses.

CRIMINAL CODE REFORM

There is a compelling need for greater clarity and consistency in our criminal laws, especially in those which fall within the Federal ambit. The Federal Criminal Code, which dates back to 1790, has never been thoroughly revised. It is no longer a fully effective instrument for the administration of criminal justice—just as the national transport systems of 1790 would no longer be adequate to the demands of 20th century America.

Since 1966, a number of public and private studies have been directed to the development of necessary reforms in the Federal Criminal Code. It is time that such reforms be undertaken. I have submitted a sweeping proposal for reform, based upon a five-year study by a bipartisan national commission. This measure would eliminate a number of inadequate, obsolete, or frivolous statutes from the Code and would re-order other statutes into a rational, integrated Code responsive to the needs of our modern society.

Although extensive consideration has already been given to this matter by public and private commissions, I realize that a prudent Congress will still wish to study this matter carefully. Senator McClellan has also introduced his own proposals for comprehensive Code reform. Certainly the best parts of each set of proposals can be joined as the legislative process goes forward. Fortunately, hearings have already begun in the Senate and I trust that both Houses will move with appropriate dispatch on this complex but vital endeavor.

HEROIN TRAFFICKING ACT

In spite of our encouraging progress in eliminating the scourge of drug abuse in America, we still have a long way to go in this vital work.

The center or gravity for America's drug problem rests in the area of "hard drugs"—with heroin at the top of the list. Heroin trafficking is involved with the entire spectrum of criminality, ranging from international organized crime to muggings on the street. It is one of the most remunerative areas of criminal activity and we will never be able to cope with it effectively until the sanctions we can bring to bear against it are as severe as its profits are attractive.

Recent studies have shown that tens of thousands of those arrested on narcotics charges are put right back on the street for periods ranging up to a year and more as they successfully play for time against the courts. More alarming still is the fact that many thousands of those convicted on narcotics charges are never sent to jail. Such facts mean that the penalties for hard drug trafficking are an ineffective deterrent when compared with the potential gains from this multi-billion dollar criminal activity.

The conclusion is simple. We must have laws that will enable us to take heroin traffickers off the streets. I have submitted a proposal which would do precisely that. It would provide tough new penalties for heroin traffickers including minimum mandatory prison sentences. It would also allow a judge to consider the danger to the community before releasing arrested heroin traffickers on bail.

Heroin traffic is a clear and present danger, the pernicious effects of which all reasonable men can agree upon. While many of the proposals which I have placed before the Congress may require extended consideration, the need for cracking down on the heroin traffic cannot reasonably be supposed to be among them. I ask therefore that the immediate attention of the Congress be given to legislation which would help us eliminate this market for misery.

CAPITAL PUNISHMENT

The death penalty is not a sanction to be employed loosely or considered lightly, but neither is it to be ignored as a fitting penalty, in exceptional circumstances, for the purpose of preventing or deterring crime. I wish to reaffirm my conviction that the death penalty should be restored for treason, assassination, acts of sabotage and espionage, which are particularly serious, and for violations of selected Federal laws in which death results.

I am deeply troubled by the fact that our courts are often now deprived of a credible sanction in their efforts against violent crime while prospective criminals are provided with the comfort and encouragement of knowing that they will often suffer only limited and mitigable consequences to themselves. I ask that the Congress continue its efforts to correct this discrepancy.

REFORM OF CAMPAIGN PRACTICES

No subject over the last few months has so stirred public comment and reflection as the question of campaign practices.

For nearly four months now, the Congress has had before it my proposal to establish a Non-Partisan Commission on Federal Election Reform so that we could overhaul our campaign practices in a comprehensive, sound and expeditious manner. In light of the great interest of the public and the Congress in such reform, I am at a loss to understand why only the Senate has acted on this request.

In order to have made any reform effective for the 1974 elections, the Commission should have been established and prepared to submit a report by December 1, as I initially proposed. Unfortunately, this opportunity appears to be slipping by and the American public might well ask whether the interest in reform is restricted to calling for changes rather than making changes.

While the passage of time has already made it unlikely that reforms which spring from the Commission's study could be made effective prior to the 1974 Congressional elections, it is not too late for the Congress to move forward to establish the Commission.

PREPARING FOR THE BICENTENNIAL

America is virtually on the eve of its Bicentennial anniversary. Yet a great deal of preparation remains to be accomplished in a relatively short time if our celebration of two hundred years of liberty is to be equal to the importance of the occasion. To this end, I have proposed the creation of an American Revolution Bicentennial Administration to continue and expand upon the work of the present American Revolution Bicentennial Commission. The House has passed a bill in this area and the Senate is moving toward final consideration of its version of the bill.

We are moving rapidly toward a fixed point in time, and we must act swiftly if all agencies of the Federal Government, along with State, local, and private institutions, are to be given the maximum opportunity to prepare properly for the Bicentennial year.

Since the expanded resources of the Arts and Humanities Endowments would be designed in part to aid in these preparations, I am also confident that the House and Senate conferees will soon complete needed action on the authorization bill for these two institutions. It is now widely recognized that both of the endowments are playing an effective role in enriching our cultural and intellectual life, and they continue to deserve our strong support.

METRIC CONVERSION

Americans cherish tradition and our own way of doing things. Having been acculturated from childhood to the concepts of an inch, a mile, or a pound, we are understandably nonplussed when we consider the notion of a centimeter, a kilometer, a gram or a kilo. However, when we realize that the rest of the world is equally confused by our system of measurement, we must conclude, however sadly, that we are the ones who are out of step.

In a world of integrated commerce and increasing personal exchange, it is only prudent for us to adjust our own conceptions and devices for measuring and delineating quantity.

I have recommended to the Congress that it pass legislation to convert America to the metric system. This can be done in a reasonable manner, one which is not abrupt or disconcerting. I am pleased to note that the Administration's proposal is presently before the appropriate House subcommittee. I ask that the Senate give equally expeditious consideration to effecting this necessary change.

REORGANIZATION AUTHORITY

The authority of the President to submit Reorganization Plans to the Congress lapsed in April of this year and has not yet been renewed.

This authority permits the President to organize programs and agencies in order to achieve the most effective and efficient performance. It is, therefore, an important executive management tool which provides flexibility and increased capacity to respond to changing needs.

This authority has been made available to every President for more than 25 years. It is essential that it be renewed with great dispatch.

KEEPING THE PEACE

For the first time in more than a decade, America is at peace. Now we must learn how to keep that peace—a task that is at least as demanding and in many ways even more subtle than the struggle to end a war.

There is always a temptation after war to enter into a period of withdrawal and isolation. But surely we have learned from past lessons of precipitate disarmament that this temptation must be resisted. And surely we have also learned that our progress in securing peace is due in large measure to our continued military strength and to the steadfast, responsible role we have played in the affairs of our world.

DEFENSE SPENDING

In recent years, it has been fashionable to suggest that whatever we want in the way of extra programs at home could be painlessly financed by lopping 5 or 10 or 20 billion dollars off the defense budget. This approach is worse than foolhardly; it is suicidal. We could have the finest array of domestic programs in the world, and they would mean nothing if we lost our freedom or if, because of our weakness, we were plunged into the abyss of nuclear war.

The world's hope for peace depends on America's strength—it depends absolutely on our never falling into the position of being the world's second strongest nation in the world.

For years now we have been engaged in a long, painstaking process of negotiating mutual limits on strategic nuclear arms. Historic agreements have already been reached and others are in prospect. Talks are also going forward this year aimed at a mutual and balanced reduction of forces in Europe. But the point of all these negotiations is this: if peace is to be preserved the limitations and the reductions must be mutual. What one side is willing to give up for free, the other side will not bargain for.

If America's peace and America's freedom are worth preserving, then they are worth the cost of whatever level of military strength it takes to preserve them. We must not yield to the folly of breaching that level and so undermining our hopes and the world's hopes for a peaceful future.

Although my military budget—measured in constant dollars—is down by almost one-third since 1968, the Congress is now threatening further defense cuts which would be the largest since 1949. To take such unilateral action—without exacting similar concessions from our adversaries—could undermine the chances for further mutual arms limitations or reductions. I will therefore actively oppose these cuts.

The arms limitations agreement signed with the Soviet Union last year has at last halted the rapid growth in the numbers of strategic weapons. Despite this concrete achievement, much needs to be done to ensure continued stability and to support our negotiation of a permanent strategic arms agreement. A vigorous research and development program is essential to provide vital insurance that no adversary will ever gain a decisive advantage through technological breakthrough and that massive deployment expenditures will therefore not become necessary. Yet the Congress is in the process of slashing research and development funding below minimum prudent levels, including elimination of our cruise missile and air defense programs. The Trident and B-1 programs, which are critical to maintaining a reliable deterrent into the next decade, are also facing proposals to cut them to the bone.

On top of this, the Senate has approved a staggering and unacceptable cut of 156,000 men in our military manpower. Such action would force us to reduce the number of ships in our Navy while the Soviet Union continues an unprecedented naval buildup and to reduce the size of our Army and Air Force while the Soviet Union and the Chinese continue to maintain far larger forces.

In addition to these cuts, there is also a major Senate proposal requiring substantial unilateral troop withdrawals from Europe, a mistake that could begin a serious unraveling of the NATO alliance. Negotiations for mutual and balanced force reductions begin on October 30. On the very eve of negotiations, the troop cuts in Europe and the reduction in military manpower would destroy our chances of reaching an agreement with the Warsaw Pact countries to reduce troop levels in Europe on a mutual basis. If the Congress were to succeed in making these proposed cuts, the United States would be making far-reaching concessions even before the talks begin.

Cuts in other defense programs are equally unacceptable. It is illogical to cut America's capabilities at the very time the Soviet Union increases hers. And it would be difficult to stabilize delicate situations in the Middle East and Asia if the Congress removes the influential tools which have made stability possible.

FOREIGN ASSISTANCE ACT

Another matter of prime concern to me is our commitment to a sound program of bilateral and multilateral foreign aid. Last spring I sent to the Congress reasonable requests for our economic and military assistance programs. These programs represent a central element in America's ability to work with her allies to maintain peace and stability in the world. Unfortunately, the Congress has not treated these requests favorably.

The House has already cut about 25 percent from the military aid program and the Senate has cut it by one-half. Not only have extraordinary cuts been made in the funding, but restrictive amendments have been added in committee and others may be suggested on the floor. I cannot stand by while these crucial programs are gutted in haste and reaction.

Current foreign aid programs are being funded through a continuing resolution which ends on September 30. This approach is unsatisfactory, especially in light of demands resulting from North Vietnamese truce violations in Cambodia. Yet the Congress continues not only to provide smaller dollar amounts but also to make unreasonable requests for access to sensitive information and impose counterproductive conditions on specific programs. Such demands are unacceptable; they would badly compromise our ability to maintain security around the world.

I intend to make every effort to increase the funding for fiscal year 1974 security assistance requirements. I shall also strongly resist efforts by the Congress to impose unreasonable demands upon necessary foreign policy prerogatives of the executive branch. A spirit of bipartisan cooperation provided the steel which saw America through the Cold War and then through Vietnam. We must not jeopardize the great potential for peaceful progress in the post Vietnam era by losing that strong bipartisan spirit.

To build a truly durable structure of peace, our progress in reforming the world's trade and monetary systems must be accompanied by efforts to help the poorer countries share more equitably in the world's growing prosperity. To this end, I ask the Congress to support our fair share of contributions to the multilateral development banks—both the proposed contributions now pending in the Congress and other proposals about which I am currently consulting with the Congress and which will be formally submitted in the near future. Our bilateral assistance programs are also an essential part of our effort to stimulate world development and I urge the Congress to give them full support.

All these efforts represent short-range investments in peace and progress which are of enormous long-range importance. To try to save a few dollars on these programs today could cost us far more tomorrow.

CONCLUSION

With the Congress, the Administration and the people working together during the coming weeks, we can achieve many of the goals described in this message. And we will work together most effectively if we remember that our ultimate responsibility is not to one political party, nor to one philosophical position, nor even to one branch of the Government. Our ultimate responsibilty is to the people—and our deliberations must always be guided by their best interests.

Inevitably, we will have different opinions about what those interests demand. But if we proceed in a spirit of constructive partnership, our varying perspectives can be a source of greater creativity rather than a cause of deadlock.

We already know that the year 1973 will be recalled in history books as the year in which we ended the longest war

in American history. Let us conduct ourselves in the next four months so that 1973 will also be remembered as the time in which we began to turn the blessings of peace into a better life for all.

RICHARD NIXON.

THE WHITE HOUSE, *September 10, 1973.*

FEDERAL RESPONSIBILITY FOR RAILROAD PASSENGERS

Mr. WEICKER. Mr. President, the time has come for legislation to nationalize the entire passenger rail system in America. Patchwork proposals by the Congress, the courts, or the administration are no answer to the problem, and I am personally ending my support as well as my votes for any more half-measures.

As an alternative, I am drafting legislation to be introduced by early 1974, which would require the Federal Government to take over and operate all passenger services in our intercity and mass transit rail systems.

This will not simply be a proposal to expand Amtrak. It means the Federal Government will be running the trains—passenger trains—and no more of those quasi-Government corporations that put our essential services into the twilight zone. It is not just the long-distance trains now within Amtrak. It is the commuter trains that run to our suburbs. It is the subway in New York, Bart in San Francisco, Marta in Atlanta, the Metro in Washington.

It will be a plan that asks only one question, and needs only one answer. Do the people of this Nation consider passenger services by rail to be a necessity? Because if they do, piecemeal proposals will give us no answer, and no hope. We need nothing less than the most far-reaching passenger service legislation ever presented to the people of this country.

The legislation I will put forth does give us an answer. It will provide an alternative to suggestions that focus on quasi-governmental structures or more and more government studies.

The people of the United States are fully aware that private corporations and bankrupt trusteeships have failed to provide either what is possible or what our minimum transportation requirements call for. We are at the end of the line.

I am announcing this new legislative initiative because today the Senate will vote on a bill that exemplifies our present dilemma. The Emergency Commuter Relief Act, S. 386, would pay out another $800 million in "operating subsidies" for the crippled rail transit systems in America. Another batch of money is to be poured down the hole, another band-aid is to be applied, but the "mobility crisis" will go on. It is a "no win" plan, to be followed by more and more "no win" plans. And in all good conscience I cannot cast any vote in favor of such a strategy.

What is now needed is a bold national commitment, to match the boldness of our legislative task. This means a commitment by the taxpayer, as well as Government leaders. It means a commitment to long range solutions. A commitment not just for those who ride on trains, but for those who suffer from the massive consumption of energy resources by the automobile, for our elderly and our handicapped who rely on public transit, and for those who rely on inexpensive and convenient job access. It is a commitment that spans the energy crisis, the economy, the environment, our health, our welfare, and our sanity. Nothing short of a firm national commitment will do the job.

In the past several days there has been discussion by the President and others of the energy crisis and the possibility of introduction of legislation to provide a greater supply of energy. I think we can accomplish as much, if not more, internally by turning to rail transportation to a far greater extent than is now the case. This is not just a question of mobility. It does involve the energy crisis and it does involve those who are unable, for reasons of health or reasons of economics, to purchase cars and to travel by way of automobile.

Like any great national goal, there is a price. Americans have to wake up to the fact that if they want passenger services from their rail systems, they will have to abandon that ancient doctrine that decrees death to all things whose income does not exceed expenses. While this Nation faces the death of passenger, though not freight, railroad services, other nations have consistently met the goals we aspire to. The fact that rail systems in those nations are financed by their national governments should tell us something. In simple terms, our insistence on the profit incentive is at the center of our difficulties. But the problem is more than just blind faith in the profit incentive. Any suggestion to nationalize anything sounds, on first hearing, somewhat un-American. Visions of the collapse of our free enterprise system intimidate our thinking, and usually put an end to any creative solutions.

The fact is that American free enterprise does not want the passenger rail business, and it does not need it. Only about 2 percent of total railroad revenues come from passenger service. Freight is the moneymaker. The railroads know this, and by and large they want no part of a service that generates such little revenue while causing such large headaches.

An even more important fact is that while we may think our railroads are part of the free enterprise system, this is somewhat of a delusion. Ten percent of the total income for our railroads comes from government subsidies. In fact, these subsidies are the only reason we have any passenger service at all. In fact, if we add up all the loans, and grants, and subsidies, and revenue sharing that goes to support our passenger services each year, we might well conclude that nationalizing the passenger rail system would only change in name what has already happened in substance. An honest recognition of this fact would at least give us a chance to coordinate the system, enforce our priorities, and stimulate long-term improvements by removing the uncertainty of present hand-to-mouth operations.

For too long we have endured the constant crisis of patchwork props. Since 1969, when I first came to the Congress, I have had to vote on seven major railroad bills, not to mention the incidental legislation spawned by our periodic rail crises. All this legislation has cost the taxpayer more than $3 billion in Federal obligations.

Granted, there have been a few improvements on the run between Boston and New York on Amtrak, but it still is a rail system which is totally inadequate to the task.

Mr. President, if you ride the trains or subways, or if you depend on those who do, you probably have noticed that we has come for all America to stand up and say "enough." Let us do the job, and do it right.

Mr. President, I yield back the remainder of my time.

MESSAGE FROM THE HOUSE—ENROLLED BILL SIGNED

A message from the House of Representatives by Mr. Berry, one of its reading clerks, announced that the Speaker had affixed his signature to the enrolled bill (S. 1385) to amend section 2 of the act of June 30, 1954, as amended, providing for the continuance of civil government for the Trust Territory of the Pacific Islands.

The President pro tempore subsequently signed the enrolled bill.

AMENDMENT OF THE SMALL BUSINESS ACT—CONFERENCE REPORT

The PRESIDING OFFICER (Mr. ABOUREZK). Under the previous order, the Senate will now proceed to the consideration of the conference report on S. 1672, which is submitted by the Senator from California (Mr. CRANSTON).

The assistant legislative clerk read as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 1672) to amend the Small Business Act, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses this report, signed by a majority of the conferees.

The Senate proceeded to consider the report.

(The conference report is printed in the House proceedings of the CONGRESSIONAL RECORD of August 1, 1973, at pp 27294–27295.)

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that I may proceed for 2 minutes without the time being charged against either side.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR VOTE ON NOMINATION OF RUSSELL TRAIN AT 3:45 P.M.

Mr. ROBERT C. BYRD. As in executive session, Mr. President, I ask unanimous consent—this matter having been cleared on the other side of the aisle—that the vote on the nomination of Mr. Russell Train occur today at the hour of 3:45 p.m. rather than at the hour of 2:15 p.m., as was earlier scheduled.

The PRESIDING OFFICER. Is there objection?

Mr. BEALL. Mr. President, reserving the right to object, do we understand that will be the first vote on today?

Mr. ROBERT C. BYRD. Yes, it will be.

The PRESIDING OFFICER. Is there objection to the request of the Senator from West Virginia? Without objection, it is so ordered.

PROGRAM FOR TODAY

Mr. TOWER. Mr. President, will the Senator from West Virginia yield?

Mr. ROBERT C. BYRD. I yield.

Mr. TOWER. There may be a vote on the SBA conference report today.

Mr. ROBERT C. BYRD. There may be.

Mr. TOWER. So I think we should be alerted to that fact.

Mr. President, for the convenience of both cloakrooms, so that Senators may be informed of the change in the schedule, I think I should state the following:

The debate on the SBA conference report will begin running shortly. There is a time limitation of 30 minutes for that debate. Whether or not a yea-and-nay vote will occur at the conclusion of that debate, I am not now prepared to say. If a vote does occur on the conference report on the SBA amendment today, under the previous order that vote will follow the vote on mass transit later today.

When the time for debate on the conference report on the SBA has expired, the Senate will proceed for 1 hour to debate the nomination of Mr. Russell Train to be Administrator of the Environmental Protection Agency.

At the conclusion of that 1 hour, the Senate will take up S. 5, which is the unfinished business, until the hour of 3:45 p.m. today. At 3:45 p.m. the Senate will vote—a yea-and-nay vote already having been ordered—on the nomination of Mr. Russell Train.

Immediately after that vote, a vote will occur on the mass transit bill, on which all time has expired and on which a yea-and-nay vote has already been ordered.

At the conclusion of the vote on mass transit, if a vote is to occur on the conference report on the Small Business Act amendment, that vote will then occur, after which, if S. 5 has not been disposed of, the Senate will resume consideration of S. 5, the unfinished business.

I think that pretty well sums up the program as of now.

I suggest the absence of a quorum. I ask unanimous consent that the time not be charged against either side.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will call the roll.

The second assistance legislative clerk proceeded to call the roll.

Mr. TOWER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. TOWER. Mr. President, I ask unanimous consent that Mr. Gil Bray, of my staff, be allowed to be present on the floor during the consideration of the SBA conference report.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. TOWER. Mr. President, I also ask unanimous consent that Mr. Burns, of the Banking, Housing and Urban Affairs Committee, be allowed to be present on the floor during the consideration of that conference report.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. TOWER. Mr. President, I suggest the absence of a quorum. I ask unanimous consent that the time be charged to neither side.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. TOWER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT OF SMALL BUSINESS ACT—CONFERENCE REPORT

The Senate continued with the consideration of the report of the committee of conference on the bill (S. 1672) to amend the Small Business Act.

Mr. CRANSTON. Mr. President, in conference with the House on July 31, 1973, Senate conferees agreed to what is, I believe, a good version of S. 1672, a bill to amend the Small Business Act.

The conference version of the bill provides disaster relief assistance administered through the Small Business Administration to homeowners and businesses with a $2,500 forgiveness on their loan and financing of the balance at 3 percent, or the borrower could choose not to accept any forgiveness and finance the entire loan at 1 percent. This provision would be retroactive to April 20, 1973, and would terminate on July 1, 1975. This retains the House version. The conference version makes the above forgiveness feature apply to FHA disaster programs from April 20, 1973, to July 1, 1975. This retains the Senate version of the bill. The Senate version would have provided that the disaster relief program administered by both the Small Business Administration and the Farmers Home Administration would contain a $4,000 forgiveness feature with the amount of the forgiveness reduced by 4 percent for each $1,000 of income the recipient had above $10,000.

The conference version of the bill adopted the Senate provision which directs the Secretary of Agriculture to make loans for disasters under his jurisdiction under the terms of Public Law 92-385 in connection with disasters that occurred after December 26, 1972, but prior to April 20, 1973.

This section is designed to give farm disaster victims the same benefits as those received by SBA disaster recipients during the above period.

The conference version of the bill contains both the House and Senate provisions making victims of erosion eligible for disaster relief. The Senate provision amends the Disaster Relief Act of 1970 by classifying erosion as a type of disaster eligible for assistance under the act, while the House amendment made erosion a disaster eligible for assistance under the Small Business Act.

The conference version of the bill contains a provision that would prohibit the Small Business Administration from discriminating against any person or small business concern based on sex and requires the Administration to give special consideration in the conduct of its programs to veterans of the U.S. military services and the surviving members of their families. There was no comparable provision in the Senate bill.

Mr. President, this is an important piece of legislation since the ceilings under which the Small Business Administration operates will be reached shortly and without section 1 of the legislation which raises these ceilings, the operations of the Small Business Administration will be severely limited. I recommend that the Senate approve this report.

Mr. TOWER. Mr. President, the conference report on S. 1672, while authorizing desirable increases in the Small Business Administration's aggregate loan authority, also deals with the matter of disaster assistance loans, which I feel should be considered and handled as separate legislation in connection with the administration's Disaster Preparedness and Assistance Act of 1973. This major revision of our disaster assistance programs is being considered in the Housing Subcommittee of the Senate, and could be conceivably reported to the Senate this year if interest is sufficiently strong in the subject matter this fall. If this bill should pass as is, however, interest in longer run reform of our disaster assistance laws would be muted, and it may be much longer before comprehensive legislation can be acted upon.

The administration has doubts about the financial soundness of the present bill's disaster provisions, and it will be a likely candidate for a veto as a consequence. If such a veto were sustained, it would effectively allow the whole disaster assistance question to be considered in the context of the administration's comprehensive bill. I am not necessarily opposed to all of the disaster provisions of the present bill—indeed, I am for some of them—but I would like to see more comprehensive treatment of the whole subject matter. The Senate added this subject on the floor to the SBA bill this year with no specific hearings on the amendment and without its being considered in conjunction with the administration bill, so that there is good reason to vote to reject the report at this time, with the understanding that we would continue to work on the more comprehensive bill for later reporting to the Senate.

For this reason, Mr. President, I urge that the Senate reject the conference report.

Mr. STEVENSON. Mr. President, as a conferee, I certainly intend to vote in favor of the conference report, but before I do, I would like to comment briefly upon section 7 of this bill.

Section 7 has its origin in S. 1267, a bill which I introduced. S. 1267 would have amended the Disaster Relief Act of 1970—Public Law 91-606—to add erosion to the list of disasters for which Federal assistance is available.

I introduced this bill after receiving numerous complaints from my constituents that the SBA was not granting disaster assistance loans evenhandedly. The problem stemmed from the repeated confusion of erosion-caused and storm-caused damage. The SBA agreed that property owners who sustained damage caused by flooding, high winds, or storms were eligible for disaster assistance, but not those whose damage was caused by erosion.

The difficulty arises in trying to determine what is erosion-caused damage, and what is storm-caused damage. The purpose of this bill is, in part, to save the SBA from the impossible task of deciding whether the damage for which disaster assistance is sought was caused by storm, high winds, or flooding or erosion.

Section 7 makes clear that erosion-caused losses are as eligible for disaster assistance as losses stemming from floods, high winds, or storms. Although the House provision in section 7, which was also adopted by the conferees, speaks of "erosion directly related to flood, high water or tidal waves," the House debate made it clear that cyclical high water levels, extending over long periods of time, such as we are now experiencing in the Great Lakes, falls within that definition. Thus, the practical difference between the House and Senate provisions—both of which were adopted—is not that great.

For example, under section 7, if a house topples into Lake Michigan because the land on which it rests has been steadily eroding, the SBA will not have to inquire whether the final blow was administered by a storm or by erosive processes. It will be able to grant the necessary assistance forthwith.

Similarly, the SBA could grant disaster assistance to property owners whose beachfront had eroded to the point that their homes were in imminent danger of collapse, and loans would be available to help these residents protect their homes.

This, Mr. President, was my interest in introducing the bill, in debating its merits, in seeing it passed by this body, and in serving as a conferee. This was clearly the intent of the conference—and is the intent of Congress. I trust the SBA and the Federal Disaster Assistance Administration will understand that, and administer this bill in a way that will accord with that intent.

Mr. PELL. Mr. President, I wholeheartedly support the conference report on S. 1672, the Small Business Act amendments. I have always supported the Small Business Administration in its efforts to assist small business. However, because of the severe and lasting effects of the Defense Department realignment that will necessitate the close down of our Rhode Island Navy bases and eliminate more than 20,000 military and civilian jobs, the active participation of the Small Business Administration becomes of paramount importance to the economic survival of my State. In this regard, I introduced an amendment to the Small Business Act which provides that small businesses severely affected by the closing of major Defense Department bases or installations, or by severe reductions in the scope of operation of military bases will be eligible for loan assistance on the same terms as other small businesses which are confronted with economic problems because of Federal Government actions. This amendment received the support of the Senate and is included in the conference report today.

Notwithstanding the opposition of the Administrator of the Small Business Administration before the House Banking and Commerce Committee to this amendment, I would hope that the administration would immediately enact this legislation into law, and furthermore, that every effort be made to promptly provide the funds and technical assistance necessary to bring about the economic revival of those small businesses which are being and will be adversely affected as a result of the base closings. I should like to point out that on August 21, I was informed by the Acting Assistant Secretary for Economic Development William Blunt of the Department of Commerce that the Newport labor area, which includes the city of Newport and the towns of Little Compton, Middletown, and Portsmouth, has been designated as a redevelopment area under the Public Works and Redevelopment Act. The basis for this designation is an anticipated rise in unemployment from 7.5 to 10 percent within a 6-month period.

Finally, I might add that the assistance which my amendment allows for under the Small Business Act is badly needed now in order to prevent financial collapse of the small business community in this area.

Mr. TAFT. Mr. President, when S. 1672 was before the Senate, I offered the amendment to reinstate "forgiveness" grants in the disaster relief program.

My colleagues are well aware that the disaster relief laws were recently amended to eliminate this assistance. As a result, even a low- or moderate-income family whose home has been completely destroyed can presently receive only a 5-percent loan from the Federal Government. I offered my amendment because I believed that this meager level of assistance is absolutely unjustifiable. Even a 5-percent loan will create great hardship for those most in need when their property is ravaged by a natural disaster.

The President recently asked Congress to authorize as much grant money as necessary to help victims of the Nicaraguan earthquake. I believe strongly that this request is of a proper nature because the United States should continue to be a compassionate world citizen. At the same time, however, we had better fulfill our obligation to be compassionate to our own people. Until some forgiveness grant provision is reinstated, our domestic disaster relief program will not do that.

My amendment, as passed by the Senate, did include a "sliding scale" provision which conditioned the percentage of the disaster loan to be "forgiven" upon the recipient's last year's income. This provision was deleted in conference because of technical problems with it which could possibly have led to delays in the processing of disaster relief loans.

I included the sliding scale in my amendment because it seems to me that, in principle, income-related forgiveness is far preferable to an indiscriminate payout of the grants. Under all previous forgiveness arrangements enacted, and those contained as an option for borrowers in this bill, the same amount of grant money is made available to a millionaire with $10,000 damage to his tennis courts and swimming pool as to a poor family whose $10,000 home has been demolished. The sliding-scale arrangement would have provided desperately needed and substantial relief to those who could least afford damage repair and replacement expenses, but it would have apportioned benefits more equitably and responsibly than previous provisions by providing those most in need with a greater share of the funds available. In addition, it would have saved money by reducing forgiveness to those whose losses are small relative to their personal resources and less than $20,000 in absolute amount.

I believe that the forgiveness provision contained in this bill is much better than nothing at all, and I hope that the President will sign the bill. However, we should not consider it a permanent solution to the disaster relief problem.

I am well aware that major legislation to revamp the entire disaster relief program is now pending in the Senate. During the consideration of this legislation, Congress should take the opportunity to improve upon the disaster assistance offered to individuals. We must continue to strive to make these provisions as responsive as possible to the needs of disaster victims, within the necessary fiscal constraints.

The PRESIDING OFFICER. Who yields time?

Mr. CRANSTON. Mr. President, I am prepared to yield back the remainder of my time.

Mr. TOWER. Mr. President, I yield back the remainder of my time.

The PRESIDING OFFICER (Mr. ABOUREZK). All remaining time having been yielded back, the question is on agreeing to the conference report.

The report was agreed to.

Mr. CRANSTON. I move to reconsider the vote by which the conference report was agreed to.

Mr. TOWER. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

EXECUTIVE SESSION

The PRESIDING OFFICER. Under the previous order, the Senate will now go into executive session.

ENVIRONMENTAL PROTECTION AGENCY

The PRESIDING OFFICER. Under the previous order, the Senate will proceed to consider the nomination of Russell E. Train to be Administrator of the Environmental Protection Agency, with a vote thereon to occur at 3:45 p.m.

Mr. TOWER. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. On whose time?

Mr. TOWER. I ask unanimous consent that the time be charged to neither side.

The PRESIDING OFFICER. Without objection, it is so ordered, and the clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. RANDOLPH. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. JOHNSTON). Without objection, it is so ordered.

Mr. RANDOLPH. Mr. President, it is my understanding that we are beginning the consideration at this time of the nomination of Russell E. Train to be Administrator of the Environmental Protection Agency, and that, even though there will be debate for whatever time is required by the Senate, by prior agreement the rollcall—which has already been ordered—will come at 3:45 this afternoon.

Is that correct, Mr. President?

The PRESIDING OFFICER. That is correct.

Mr. RANDOLPH. Mr. President, I also ask unanimous consent that, prior to the brief remarks I shall have on the nomination, those Senators who may wish to have statements included in the RECORD in connection with the consideration of this matter may do so.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. RANDOLPH. Mr. President, in the Senate today we are considering the confirmation of the nomination of Russell E. Train to be the Administrator of the Environmental Protection Agency. I feel that Members of the Senate will want to give attention to this matter, even those Members who individually are not now in the Chamber, because this has been a subject of continuing discussion and assessment over a period of several weeks, going back to the period prior to the recess of the Senate in early August.

It is also my feeling that the Members of the Senate will give the nomination overwhelming endorsement. Not only will that support be substantial, but also, I sense that there will be very few votes against the confirmation of the nomination of Mr. Train. Why do I say that I believe this will be the action of our colleagues when they vote at 3:45 p.m. on this nomination? We have here an experienced public administrator who is now being called on to direct one of our most important and most vital governmental agencies at a time in the history of this country when the problems that will present themselves to that agency and to its administrator are of a very complex and urgent nature. It is a time when we are faced with the many-faceted dilemma of the law now on the books which has to do with requirements for clean air and clean water and with the other subjects that fall under what we call the environmental structure of the United States.

Coupled with those problems, which this appointee will have in varying degrees, before him, are those associated with the matters of transportation, the matters of our supply of fuels, and the important consideration of the distribution of our energy resources. In a sense, all these issues must be structured together, even though his nomination is to the agency concerned with environmental matters.

The members of the Committee on Public Works acted to expedite the nomination of Mr. Train. I should like to step back a moment in our legislative history to indicate that we also acted expeditiously in the Committee on Public Works when we brought the nomination of William Ruckelshaus to the Senate. We acted promptly in connection with the hearing at which he testified. There was a very careful questioning of Mr. Ruckelshaus. Then, because of the need for selection of a head of that important overall agency, under which many functions have been gathered in recent months, we brought that nomination from the committee to the full Senate.

I mention that only to indicate that we—the members of that committee—realize the importance of this post of public duty. That is the reason we have acted—not hurriedly; we have acted carefully. But we have acted expeditiously in bringing this new nomination to the Senate floor. We know, and I think the country realizes, that it is important that we have the benefit of an informed, of a judicious, of a forthright, of a fair, of a well-reasoned environmental program administered, not by someone who is solely the selection of the President for such a post, but by someone whose nomination has also been confirmed by the Senate itself after the process I have mentioned. That is the reason why we wish to act today.

The agency which Mr. Train will be called upon to direct is of relatively recent creation. It is the Environmental Protection Agency. What is its scope? What does it do? It, of course, engages in a number of activities having widespread substantial impact—impact on the people, impact on industry, impact on business, impact upon the quality of life in our country.

It is charged with the execution of the laws which have been enacted—I have mentioned some of them—to protect and enhance our environment. In recent years, a number of such laws have been passed by Congress, most of them measures that have originated within the Senate Committee on Public Works, but in concert of course, with measures developed in other committees. These programs require leadership by a man who is on the job. We have to think in terms of control and enforcement; and in the Environmental Protection Agency these are the situations we face, situations where, frankly, the leadership qualities must be demonstrated in the best interests of the public for the Nation as a whole.

The agency, therefore, needs more than, as I have indicated, an Acting Administrator as its head, because the Administrator whose nomination is to be confirmed today will be called upon to make major policy decisions that are, in a continuing way, required by such a post of duty.

The work of Russell E. Train is well known to the Senate. I think it is appropriate to indicate that on three prior occasions the Senate has confirmed his appointment to other important and crucial governmental positions. We first gave our approval to Russell E. Train when he became a judge of the U.S. Tax Court. His nomination was subsequently confirmed by the Senate to be Under Secretary of the Interior and then as Chairman of the Council on Environmental Qualities.

On these occasions the Senate has had a considerable opportunity to become acquainted in a legislative way with the background, the experience, and the qualifications of Mr. Train. We understand our responsibility and we look to him as a man that we believe can be a good Administrator in this vital post. So notwithstanding, I reemphasize, the familiarity which we have had in the Senate, and especially in the Committee on Public Works, with the record of Mr. Train, our committee members went into very careful consideration of the nominee for this post. We studied his responsibilities in detail. The colloquy of members with him at the time he appeared before our committee, and that record is a printed record, indicates the attention we gave to the new duties that he will be called upon to assume. At the nomination hearings on August 1 we reviewed with Mr. Train the concept which he holds of the mission that he will have as the head of the Environmental Protection Agency and the role he envisioned for himself in it.

Members of the committee were overwhelmingly satisfied, I believe, with his responses, even though there were some members who understandably could disagree and did so with Mr. Train on specific subject matter relating to certain issues. We felt in the overall approach that Mr. Train was well qualified for this position.

Our confidence in Mr. Train is reflected in the fact that the committee was able, as I have indicated earlier, to meet promptly after the hearing and then to report favorably the nomination to the Senate. That nomination was reported by a vote of 13 members for and 1 member against.

The members of our committee are cognizant of the opinion of those from outside our committee, and even from outside the Senate. So in the discharge of our responsibilities, we have sought to survey the picture in its broad aspect. We do not believe we can properly function if we work totally within a vacuum.

In this respect I note for the RECORD that we have received many, many outside statements which reflect on Mr. Train's ability to do this job. The integrity of the man has been underscored; the fairness of the man has been underscored; the ability of the man to be Administrator of the Environmental Protection Agency has been underscored by many responsible people and organizations that have sought very properly to bring their assessment of him to the attention of committee members and to the Senate of the United States.

There were no adverse views presented

with respect to this nomination of which I have knowledge.

Therefore, Mr. President, I commend the nomination of Russell E. Train to the Senate as Administrator of the Environmental Protection Agency.

Mr. President, how much time have I consumed?

The PRESIDING OFFICER. The Senator has consumed 17 minutes.

Mr. RANDOLPH. Mr. President, it is my understanding that if we have reason to use the 30 minutes on each side, this could be done. Is that correct?

The PRESIDING OFFICER. The Senator is correct.

Mr. RANDOLPH. But if there is not the need to do that, the Senator from Connecticut (Mr. STAFFORD), acting for the minority, and I would request that we yield back the time not used.

Mr. STAFFORD. Mr. President, one of the most satisfying aspects of my experience in the Senate has been serving on the Committee on Public Works under the leadership of the very distinguished senior Senator from West Virginia (Mr. RANDOLPH). He is always thorough, he is always fair and impartial, and he believes in getting things done. I think that is splendid. Today before the Senate he has fairly set forth the case for Mr. Russell E. Train to be the Administrator of the Environmental Protection Agency.

Mr. President, I shall not say much in addition to what already has been said except to note for the record that I had an opportunity to talk with Mr. Train on several occasions in private and then to hear him before the Committee on Public Works, during the hearings in connection with his confirmation. I can state that he said the same things in public that he said in private about his responsibilities should he become the Administrator of the Environmental Protection Agency.

As a result of meetings with Mr. Train and the hearings before the Committee on Public Works, I agree with the Senator from West Virginia that he is an impressive gentleman with impressive qualifications to be the Administrator of the Environmental Protection Agency.

He has worked on Capitol Hill in several important responsibilities. He knows how Congress functions. I think that is an important experience for someone to have who will be working not only as part of the executive department but also with Congress.

I note that in January 1971, President Nixon appointed Mr. Train to be Chairman of the U.S. delegation to the NATO Committee on the Challenges of Modern Society. This committee deals with a broad range of environmental problems. On another occasion Mr. Train had been the Under Secretary of the Department of the Interior. He has had the experience in conservation matters to serve the Nation well as the Administrator of the Environmental Protection Agency. I think he has the right attitude along with the experience.

I recognize, as the distinguished chairman of the committee has said, how important the Environmental Protection Agency is to the future of this country, important in questions involving the air we breathe, the water we drink, the landscape we look at, and the noise to which we listen. Everything that the Environmental Protection Agency does affects the American environment, affects our economy, and affects our health. Not only does the Administrator need experience and intelligence but also commonsense in coping with the complex problems which his Agency will have to address immediately and in the years ahead.

I share with the chairman of the committee confidence that Mr. Train will be able to do the job for us.

Mr. President, I ask unanimous consent to have printed in the RECORD a statement by the ranking Republican member of the Committee on Public Works, the Senator from Tennessee (Mr. BAKER).

The PRESIDING OFFICER. Without objection, it is so ordered.

The statement is as follows:

STATEMENT BY SENATOR BAKER

Today the Senate takes up the nomination of Mr. Russell E. Train to be the Administrator of the Environmental Protection Agency, a post which has become one of the most demanding, significant and controversial in the Federal Government.

I am delighted that the President has nominated Mr. Train and that the Committee on Public Works, of which I am the ranking Republican member, has promptly and favorably reported his nomination to the full Senate.

When the Environmental Protection Agency was created in 1970, its potential for improvement of the Nation's environment clearly was immense; the potential for economic and social change and perhaps dislocation, also appeared great. The sweeping Clean Air Act Amendments of 1970 were pending in conference and the Resource Recovery Act has just been enacted. There were in addition authorities and programs in air and water quality, solid waste management, radiation and pesticides that EPA had inherited from its fifteen predecessor agencies and commissions. Since then EPA's authority, size and importance have grown still greater. Recently, the 1972 Amendments to the Federal Water Pollution Control Act, the Federal Environmental Pesticide Control Act and the Noise Control Act of 1972 were enacted and entrusted to the Agency for implementation. The Toxic Substances Control Act, for which conferees have been appointed, will, upon enactment, give EPA the mandate to review all new chemical substances before they are introduced into the human environment. As a result of this continued growth in authority, EPA for Fiscal Year 1974 has a budget of more than $7 billion and a work force approaching 10,000 persons. The impact of its activities is exemplified by the recent decisions under the Clean Air Act to grant the automobile manufacturers one-year extensions of the deadlines for severe reductions in automotive emissions and to require drastic reductions in urban vehicle travel as a part of State implementation plans.

Mr. William D. Ruckelshaus did a superlative job as EPA's first Administrator before leaving in April 1973 to become Acting Director of the FBI. His successor, Mr. Robert Fri, who moved up from Deputy to Acting Administrator when Mr. Ruckelshaus moved to the FBI, served admirably but has returned to private life. John R. Quarles, Jr. EPA's capable Assistant Administrator for Enforcement and General Counsel and Deputy Administrator-designate, is filling the breach as Acting interim Administrator. The time has come for us to confirm Russell Train as the best possible nominee for Administrator and to do so expeditiously.

EPA, never an easy or comfortable agency to lead, now faces its greatest challenges. The early phases of organizing and staffing the agency, setting its legislative authorities in good order and starting new programs are largely over. Now the deadlines for compliance with the Clean Air Act are coming due, and similarly demanding deadlines in the Federal Water Pollution Control Act are just around the corner. The summer soldiers and the sunshine patriots of the environmental movement are now beginning to waiver and in some cases defect, because the costs and the burdens of clean air, clean water and a generally healthful and enjoyable environment are proving to be considerable.

EPA can face these critical challenges only with full public support and confidence. This will be forthcoming only if EPA continues to base its decisions upon a full and reasoned consideration of their social, economic, and environmetnal effects. I am convinced that Russell Train, based on his wealth of experience as Counsel to Committee of the Congress, Tax Court Judge, Under Secretary of the Interior Department, Chairman of the Council on Environmental Quality, and head of private organizations, understands and can fulfill with distinction the vital role of public leadership which the post of Administrator demands.

I must admit to a heavy bias in favor of Mr. Train, but one I believe is justified. I have known him personally and professionally since he was Chief Counsel of the House Ways and Means Committee on which my father, the late Howard H. Baker (R., Tenn.) served. In following his illustrious career carefully since then, my first impression of him as a man of great intellectual honesty, balanced judgment and thorough competence has been confirmed. His record of distinguished performance in a number of roles, legislative, judicial and executive, has been evident to all of us. Last year he ably led the United States delegation to the first United Nations Conference on the Human Environment; as a delegate to that conference, I was most impressed with his leadership and his command of international environmental issues.

On Wednesday, August 1, the Committee on Public Works held an exhaustive and thorough hearing on Mr. Train's nomination. I regret that my duties on the Senate Select Committee on Presidential Campaign Activities precluded my attendance at the hearing although I did attend the Executive Session at which the nomination was ordered reported. I have had the opportunity to review the record of the hearing as have other members of the Senate; I find that Mr. Train has demonstrated a masterful grasp of the issues he must deal with as Administrator.

EPA has been too long without a permanent Administrator. Important decisions requiring full and reasoned judgment must be made now—decisions which will have a profound effect upon the Nation's environment and a major impact upon the social and economic fabric of our lives. I believe that in Russell Train the President has selected the best possible nominee for the job; I applaud the selection and urge Mr. Train's prompt confirmation.

Mr. STAFFORD. Mr. President, for the moment I reserve the remainder of my time.

The PRESIDING OFFICER. Who yields time?

Mr. RANDOLPH. Mr. President, I personally appreciate the comments of the able Senator from Vermont. He is a valued member of the Senate Public Works Committee. He is on our Subcommittee on Air and Water Pollution, and he has given most careful attention, as he does to all subjects before the committee, to the matter now pending. In fact, I am sure he would agree with me when I say that when we had the

nomination of Mr. Train pending before our committee and the actual hearing was in process, even with the important assignments of committee members, we had, if my memory is correct, all but four members of the committee present at some time during the hearing on Mr. Train's nomination and the entire membership on hand for final consideration of the nomination.

So, as we have both said, we have addressed ourselves to our responsibility and, without reluctance, we eagerly bring this nomination to the Senate.

Mr. President, I have no desire to speak longer. Having the understanding that members from our committee or other Senators who wish to place statements in the RECORD can do so under the unanimous consent already granted, I will yield back the remainder of the time that has been allocated to me.

Mr. STAFFORD. Mr. President, let me close for the minority by saying I hope we will get a resounding vote of confidence in Mr. Train. I urge Senators to vote in favor of his nomination.

I yield back the remainder of my time.

The PRESIDING OFFICER. All remaining time on the nomination has been yielded back. The vote will occur at 3:45 p.m.

LEGISLATIVE SESSION—FULL OPPORTUNITY AND NATIONAL GOALS AND PRIORITIES ACT

The PRESIDING OFFICER. Under the previous order, the Senate will now go back into legislative session and resume consideration of the unfinished business, S. 5, which the clerk will state by title.

The legislative clerk read the bill by title, as follows:

A bill (S. 5) to promote the public welfare.

The Senate resumed the consideration of the bill.

Mr. STAFFORD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. TALMADGE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

PRIVILEGE OF THE FLOOR DURING CONSIDERATION OF FOREIGN AID BILL, S. 2335

Mr. TALMADGE. Mr. President, on behalf of the Committee on Finance, I ask unanimous consent that when the Senate considers the foreign aid bill (S. 2335) the following staff members be permitted on the Senate floor: Mike Stern, Robert Best, Mark Sandstrom, and Richard Rivers.

The PRESIDING OFFICER. Without objection, it is ordered.

PRIVILEGE OF THE FLOOR DURING CONSIDERATION OF PENSION BILL

Mr. TALMADGE. Mr. President, on behalf of the Committee on Finance, I ask unanimous consent that during the consideration of the pension bill, the following staff members be permitted on the floor: Mike Stern, Robert Willan, and William Morris.

The PRESIDING OFFICER. Without objection, it is ordered.

QUORUM CALL

Mr. TALMADGE. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

TRANSACTION OF ROUTINE MORNING BUSINESS

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that there now be a period for the transaction of routine morning business, with statements therein limited to 5 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMUNICATIONS FROM EXECUTIVE DEPARTMENTS, ETC.

The PRESIDENT pro tempore laid before the Senate the following letters, which were referred as indicated:

REPORT ON PLANNED DEMILITARIZATION OF ROCKETS

A letter from the Acting Assistant Secretary of the Army (Installations and Logistics) reporting, for the information of the Senate, on a plan to demilitarize certain rockets. Referred to the Committee on Armed Services.

REPORT RELATING TO REALINEMENT ACTION AT THE PACIFIC MISSILE RANGE, POINT MUGU, CALIF.

A letter from the Assistant Secretary of the Navy (Installations and Logistics) transmitting, pursuant to law, a report on the facts concerning a revised Department of the Navy Shore Establishment Realinement Action at the Pacific Missile Range, Point Mugu, Calif. (with an accompanying report). Referred to the Committee on Armed Services.

REPORT RELATING TO REALINEMENT ACTION AT NAVAL CIVIL ENGINEERING LABORATORY, PORT HUENEME, CALIF.

A letter from the Assistant Secretary of the Navy (Installations and Logistics) transmitting, pursuant to law, a report of the facts concerning a revised Department of the Navy Shore Establishment Realinement Action at the Naval Civil Engineering Laboratory, Port Hueneme, Calif. (with an accompanying report). Referred to the Committee on Armed Services.

REPORTS RELATING TO THIRD PREFERENCE AND SIXTH PREFERENCE CLASSIFICATIONS FOR CERTAIN ALIENS

A letter from the Acting Commissioner, Immigration and Naturalization Service, Department of Justice, transmitting, pursuant to law, reports relating to third preference and sixth preference classifications for certain aliens—with accompanying papers. Referred to the Committee on the Judiciary.

REPORT OF FOUR CORNERS REGIONAL COMMISSION

A letter from the Federal Cochairman, Four Corners Regional Commission, Department of Commerce, transmitting, pursuant to law, a report of that Commission, for the fiscal year 1973—with an accompanying report. Referred to the Committee on Public Works.

REPORTS ON ACTIVITIES OF THE VETERANS' ADMINISTRATION

A letter from the Administrator, Veterans' Administration, transmitting, pursuant to law, reports concerning the activities of that Administration, under fiscal year 1973 programs for the sharing of medical resources and for exchange of medical information—with accompanying reports. Referred to the Committee on Veterans' Affairs.

PETITIONS

Petitions were laid before the Senate and referred as indicated:

By the PRESIDENT pro tempore:

"RESOLUTION MEMORIALIZING THE 93RD CONGRESS OF THE UNITED STATES TO CONSIDER CONTRA-ABORTION LEGISLATION

"Whereas, The citizens of Ohio are deeply concerned over the recent United States Supreme Court rulings on abortion and their vague, unclear application to existing abortion laws; and

"Whereas, Unclear and vague laws lead to confusion and inequitable application of the laws. The need for congressional action to clarify abortion laws and decisions is urgent; and

"Whereas, Congress has a duty to ensure the safety and welfare of the citizens of the United States. Since an abortion is the taking of the life of an unborn child, to allow vague court decisions and laws to continue to exist is a complete disregard for congressional duty; and

"Whereas, At a time when respect for government and law is nationally on a declining scale, it is imperative that the laws of the United States be made as clear and precise as possible; therefore be it

"Resolved, That the members of the Senate of the 110th General Assembly of Ohio, do hereby respectfully memorialize the 93rd Congress of the United States to immediately consider abortion legislation which will serve to clarify the recent Supreme Court decisions; and be it further

"Resolved, That the Clerk of the Senate transmit duly authenticated copies of this Resolution to the Vice President of the United States; to the Speaker of the House of Representatives; to each Representative and Senator from Ohio in the 93rd Congress of the United States; to The Blade, Toledo; and to the Toledo Times."

A resolution of the Senate of the State of Ohio. Referred to the Committee on Labor and Public Welfare.

A resolution adopted by the Iowa Conference, Churches of God in North America, relating to the protection of the rights of the unborn, the aged and infirm. Referred to the Committee on Labor and Public Welfare.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. TALMADGE (for Mr. LONG), from the Committee on Finance, with amendments:

S. 2335. A bill to amend the Foreign Assistance Act of 1961, and for other purposes (Rept. No. 93-386).

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first time and, by unanimous consent, the second time, and referred as indicated:

By Mr. BAYH:

S. 2395. A bill for the relief of Dr. Jose Souto Cabral, his wife Leodea and their eight children: Leoniti, Lucia, Lillian, Jose, Guaracy, Fernando, Leodina, and Eurico. Referred to the Committee on the Judiciary.

By Mr. YOUNG:

S. 2396. A bill to release certain restrictions imposed by Federal law upon the transfer and use of assets of the North Dakota Rural Rehabilitation Corporation. Referred to the Committee on Agriculture and Forestry.

By Mr. CHURCH (for himself, Mr. CRANSTON, Mr. RIBICOFF, Mr. CLARK, Mr. PELL, and Mr. HART):

S. 2397. A bill to provide for a 7 per centum increase in social security benefits beginning with benefits payable for the month of January 1974. Referred to the Committee on Finance.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. CHURCH (for himself, Mr. CRANSTON, Mr. RIBICOFF, Mr. CLARK, Mr. PELL, and Mr. HART):

S. 2397. A bill to provide for a 7-percent increase in social security benefits beginning with benefits payable for the month of January 1974. Referred to the Committee on Finance.

SEVEN-PERCENT SOCIAL SECURITY INCREASE EFFECTIVE IN JANUARY

Mr. CHURCH. Mr. President, on behalf of the Senators from California (Mr. CRANSTON), Iowa (Mr. Clark), Connecticut (Mr. RIBICOFF), Rhode Island (Mr. PELL), and Michigan (Mr. HART), I introduce for appropriate reference a bill to provide a 7-percent social security increase effective in January 1974.

This measure would be a substitute for the 5.9-percent raise which is scheduled to become effective in June 1974 under Public Law 93-66.

With inflationary pressures continuing to intensify, an earlier and larger social security cost-of-living raise is urgently needed.

The elderly cannot afford to wait much longer. Time is clearly not on their side.

Last month's recordbreaking 6.2-percent jump in the wholesale price index provides an ominous warning that older Americans may experience still more increases in prices in the months ahead.

All age groups have felt the harmful effects of spiraling inflation in one form or another. But older Americans struggling on limited, fixed incomes have been harder hit than any one else.

In addition, some items—which affect the elderly to a much greater degree than younger persons—have risen more sharply than the overall Consumer Price Index.

The classic example, of course, is the price of food which may increase by 20 percent in 1973 alone, the most rampant rise since 1947. For the first 7 months of this year, the cost of food has jumped by almost 12 percent. The effect of this sharp increase has been especially severe for older Americans, because about 27 percent of their budgets go for food, in contrast to approximately 16 percent for the total poulation. It is no wonder that surging food prices have had the effect of obliterating—or largely negating—the 20-percent social security increase which was enacted into law in July 1972.

We should also remember that about 3.1 million persons in the 65-plus age category live in abject poverty. And poverty is a rock bottom standard under the Government's own definition: Approximately $2,100 a year for single elderly persons and $2,640 for aged couples. On a weekly basis, this amounts to about $40 for an individual and $50 for couples. Yet, the Department of Agriculture's low-cost food plan for an elderly couple is $18.60 a week.

But this does not even begin to reveal the true dimensions of the economic problems of the elderly. Nearly 2 million persons with incomes below the poverty thresholds are not classified as poor because they live in families with incomes above the poverty indexes. If these individuals were also counted, the number of impoverished aged would swell to more than 5 million, or about one out of every four persons 65 or older.

Moreover, the Bureau of Labor Statistics Intermediate Budgets—estimated at $5,200 for elderly couples and $2,860 for single persons in 1973—is beyond the means of most older Americans. Nearly 11 million aged persons are projected to have incomes below this modest standard of living.

For most older Americans, social security is the economic mainstay. It provides more than one-half of the income for about 44 percent of all aged couples and 54 percent of elderly single persons. And it is almost the entire support—over 90 percent of total income—for 1 out of every 7 aged couples and 2 out of every 7 elderly single persons.

However, social security benefits still fall below the poverty threshold for millions of older Americans. For example, average annual benefits for retired workers now amount to $1,980—$165 a month—or $120 below the poverty index.

Under our proposal, average monthly social security benefits would be increased from about $165 to $177 for retired workers; from $274 to $293 for aged couples; and from $158 to $169 for elderly widows.

Additionally, maximum benefits for retired workers would be boosted from $275 to $294 a month. And in the case of an elderly couple, maximum monthly payments would be raised from $412 to $441.

Compared with Public Law 93-66, a retired couple entitled to maximum benefits would receive an additional $173 during 1974 under our bill. For the average retired worker, a 7-percent increase effective this January would mean approximately $72 more on an annual basis than under Public Law 93-66.

At the outset, I am mindful that the administration may raise a number of objections to this proposal.

Undoubtedly the Nixon administration will oppose moving forward the date of a cost-of-living adjustment under social security. But to my way of thinking, it is time to stop balancing the Federal budget on the backs of the aged and disabled. They certainly did not create present inflationary pressures. But they are clearly the victims of a mismanaged economy.

Instead of looking for scapegoats, the administration would be better advised to trim back wasteful military spending, foreign aid, and the space program. And all Americans would be better served if government can put its financial house in order by a fundamental reordering of priorities.

Mr. President, I urge early and favorable action on this legislation. Time is of the essence.

Columnist Jack Anderson's article in today's Washington Post describes the desperate situation facing far too many of our Nation's older Americans. I commend this article to my colleagues and ask unanimous consent that the text of the article be printed at this point in the RECORD.

Additionally, I ask unanimous consent that the text of this bill be printed at this point in the RECORD.

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

S. 2397

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled. That section 201 of Public Law 93-66 is amended—

(a) in subsection (a)(1), by striking out "the percentage by which the Consumer Price Index prepared by the Department of Labor for the month of June 1973 exceeds such index for the month of June 1972" and inserting in lieu thereof "7 per centum",

(b) in subsection (a)(2), by striking out "May 1974" each place it appears therein and inserting in lieu thereof "December 1973",

(c) in subsection (b), by striking out "based on the increase in the Consumer Price Index described in subsection (a)" and inserting in lieu thereof "7 per centum", and

(d) in subsection (c)(2), by striking out "May 1974" and inserting in lieu thereof "December 1973".

POVERTY GRIPS 5 MILLION SENIOR CITIZENS

(By Jack Anderson)

In a society enamored with youth, an estimated five million senior citizens have been overtaken in their old age by poverty.

Most of them collect pitiful pensions which have dwindled in purchasing power as the cost of living has soared out of sight. For many, the economic crunch has become truly a life-or-death matter.

Their pathetic stories are told in letters that have been made available to us from the private files of the National Council of Senior Citizens.

"These people that keep bragging about how much they are giving the senior citizen should have to live on it themselves," wrote a man from Gouverneur, N.Y. "It has been eight months since I have had a piece of meat."

He is lucky. Some live on rolls, coffee, and dog food. Food fit for a dog at least provides protein at low cost. Some old folks have turned in desperation into common thieves, rifling meat counters and grocery shelves. But most are too proud for such degredation and suffer with quiet dignity.

A staff memo prepared for the Senate Special Committee on Aging, notes grimly: "All age groups have felt the impact of spiraling inflation in one form or another. But older Americans have probably been victimized to a much greater extent than any other segment of our society . . .

"Rising food costs have been especially oppressive for the elderly because about 27 per cent of their budgets is spent on food, in contrast to 16 per cent for the total population. The net impact is that this upward spiral can have the effect of obliterating the 20 per cent Social Security increase."

For those on fixed incomes, the situation is so desperate that Chairman Frank Church (D-Ohio) will try to move up the effective date of a forthcoming 5.9 per cent Social

Security increase for senior citizens from July to January.

The unpublished memo stresses the importance of Social Security to the elderly. "For most older Americans," states the memo, "Social Security represents their economic main stay. It constitutes almost the entire source of support for almost one out of every seven aged couples and two out of every seven elderly single individuals.

"For millions of older Americans, however, Social Security benefits still fall below the government's own poverty benchmark."

Nevertheless, the Nixon administration not only is fighting against more Social Security increases but has also recommended higher Medicare payments. This proposal would cost the aged and disabled $1 billion more for Medicare next year.

Some of the aging and ailing can't even get Medicare. One woman from Linden, N.J., wrote of her plight: "I receive Social Security which is very small, $132.50, that just about keeps me alive. I have a cataract and a heart condition and on that amount I can't afford a doctor. I have no hospital insurance. I can't get Medicare until I'm 65. I'm 64 now. I may not see 65."

Meanwhile, members of Congress are drifting back into Washington, suntanned and rested, after their summer vacation. Shortly, they will decide what to do about the senior citizens who can't afford edible food or medical care, let alone a month in the sun.

SEVEN PERCENT SOCIAL SECURITY INCREASE

Mr. RIBICOFF. Today I am joining with Senator FRANK CHURCH and others in introducing legislation to provide a 7-percent social security increase effective January 1, 1974.

Recently, the Senate passed my proposal to increase social security benefits by 5.9 percent effective January 1974. Unfortunately, the effective date of the legislation was changed in conference at the insistence of the House to July 1, 1974.

While the 5.9 percent proposal advanced the date of a social security increase by 6 months over what had previously been contemplated, I think another effort must be made to provide a social security increase at an even earlier date.

We are faced with the most rampant inflation we have seen in decades. It would be a tragic irresponsibility for us to force millions of senior citizens to wait another year before getting a benefit increase.

At the present time some 5 million senior citizens are mired in poverty. And more will join the roles because inflation strikes hardest at those living on fixed incomes.

I urge my colleagues to give this legislation top priority in order that increases in social security benefits will be available at the start of the year.

Mr. CLARK. Mr. President, there are few people in this country who have not felt the impact of inflation. When the cost of living and the price of food go up as fast as they have over the last months, every segment of American society suffers. But there are some people in this country who inevitably suffer more from inflation—those with fixed income, especially the elderly.

They deserve our help. They need it desperately, and we can give it to them. Today, Senator FRANK CHURCH—chairman of the Senate Special Committee on Aging—Senator CRANSTON and Senator RIBICOFF are introducing legislation to make the new increases in social security benefits effective next January, instead of waiting until next June. It is a privilege to join in the sponsorship of this critically important legislation.

The purpose of the bill is simple: It will enable millions of older Americans, including over 350,000 elderly in Iowa, to survive the enormous increases in the cost of living. The legislation provides for a 7-percent social security increase in January—1.1 percent more and 6 months earlier than Congress provided for in Public Law 93-66.

During the August recess, I had the opportunity to travel throughout Iowa and talk to thousands of people. Virtually without exception, each person told me of their personal struggle with inflation—whether it was the cost of food or housing or clothing, everything cost more. For the elderly, the prospects of winning that struggle are not promising. Many senior citizens told me of their effort—not just to live comfortably—but simply to survive, in the American economy in 1973.

I especially recall one woman in southwestern Iowa who told me that she was just about ready to give up, that she just could not make it on her meager income, and that the 5.9 percent social security increase scheduled for June 1974, just would be too little and too late.

The most glaring example is the dramatic rise in the cost of food. In 1973, food costs may rise over 20 percent, and this increase alone probably will wipe out entirely the 20-percent social security increase which took effect last October.

We can do better than this. We can help this woman and millions of other people like her. We can give them a chance to make it, a chance to live independently without the constant worries about where the next meal will come from, how the rent and utilities will be paid, or how the doctor will get his money.

Under this bill, the average monthly benefits under social security would be increased from $162 to $173 for retired workers, from $278 to $298 for aged couples, and from $159 to $170 for elderly widows. It would be a great help.

I know there are formidable barriers to the passage of this legislation. The earlier and greater increase in social security benefits is that the 1974 fiscal budget cannot stand the increase. But it can—if we are prepared to make the hard decisions. We cannot afford not to. If there is a choice between this bill and spending more for new and exotic weapons systems, or aid to foreign countries, then there really is no choice at all.

The increase proposed today is just an installment—an advance—on what senior citizens would receive under the law in 1975.

The Federal Government has an obligation to fight inflation, to prevent it from getting worse. But with that goes an obligation to help those Americans who have suffered most from the ravages of inflation—and no one has suffered more than our senior citizens. For their sake, I hope this legislation receives early and affirmative consideration.

S. 2397: OLDER AMERICANS MUST NOT CONTINUE TO PAY FOR A DISASTROUS ECONOMIC POLICY

Mr. CRANSTON. Mr. President, as ranking majority member of the Senate Labor and Public Welfare Committee's Subcommittee on Aging, I am pleased to join the Senator from Idaho (Mr. CHURCH), the Senator from Connecticut (Mr. RIBICOFF), and the Senator from Iowa (Mr. CLARK), in authoring legislation to increase the recently authorized July 1974, social security benefit increase to 7 percent, and to make that increase in benefits effective January 1974.

Mr. President, this 7-percent benefit increase is based on the actuarial projections of the increase in the Consumer Price Index—CPI—from October of 1972—the implementation date of the last increase—to January of 1974, the date the measure we are introducing today would become effective.

Mr. President, like many of my colleagues here in the Senate, I spent the August recess traveling throughout my home State of California, listening to the concerns of the people of my State. During August, I conducted a California consumer survey—a 3-week tour to interview thousands of Californians about the impact of the radically escalating cost of living. Even with the foreknowledge that the "phase of the month" economic policy of the administration had not controlled the inflationary spiral, I found the results astonishing.

But nowhere were the effects of the disastrous economic policies of the past year more apparent than among retired Californians. On August 14 in San Diego, I was privileged to chair joint hearings of the Senate Labor and Public Welfare Committee's Subcommittees on Aging and Human Resources on Alternatives to Institutionalization of the Elderly. One factor, more than any other, was repeatedly cited by witnesses as a cause of unnecessary institutionalization—economic dependency. Inadequate financial resources to support independent living is a primary factor producing institutionalization, and the inflated dollar is causing a great expansion of the number of older citizens seriously oppressed by their lack of adequate income.

I believe that the measure we are introducing today is absolutely essential if we are to expect the Nation's over 20 million elderly to survive this period of runaway inflation. The Senate went on record shortly before the August recess in support of a January effective date for a cost-of-living increase in social security benefits. The Senate was near unanimous in its agreement that the automatic cost-of-living social security benefits increase provision, enacted as a result of H.R. 1, had to be implemented before its scheduled January 1975 effective date. Older Americans were, and are, simply being hit too hard by the sharp and continuing rise in prices.

In order to secure administration agreement, however, during conference committee action on H.R. 7445, the legislation extending the Renegotiation Act, amending the Social Security Act to provide the benefit increase, forestalling the

implementation of proposed changes in existing social services regulations, and increasing the retirement test to $2,400, the conferees agreed to accept a delay until June 1974, as the implementation date of the social security benefit increase. That benefit increase level was based upon an initial estimate of a 5.6-percent increase in the CPI between June 1972—the month the 1972 20-percent social security increase was adopted—and June 1973. That figure was then subsequently revised to reflect an actual CPI increase of 5.9 percent.

It is now apparent that by January of 1974, the CPI will have increased at least 7 percent since the October 1972 implementation of the 20-percent increase.

However, Mr. President, the cost of living is about to take another quantum leap, as reflected by the announcement on Friday of last week indicating that the wholesale price index had risen 6.2 percent, and that the price of farm products and processed foods had risen a staggering 19.3 percent. It is, as we all know, only a momentary lag before that will translate into another increase in the Consumer Price Index.

Past social security benefit increases, Mr. President, have already been eaten up by the inflated economy. These benefit increases come to mean less and less in terms of the goods and services the extra cash can buy. They are, in effect, gone before they are received.

Inflation, as we all know too well, results in a second drain on the Nation's ability to meet the needs of older Americans, because the Federal dollar does not go as far in supporting the service programs designed to help the elderly maintain their independence. The elderly—the very least able to afford it—are having to pay twice for a disastrous economic policy.

And to ask them to wait until July of next year before even minor relief is provided is to ask too much of those who have contributed their working lives to this Nation's economy.

Mr. President, it does not take a Harvard economist to know that present economic policies just are not working—especially for retired citizens. Figures from the Department of Labor indicate that the average elderly couple must budget 35.2 percent of their income for food and medical costs, which is substantially higher than for others in our society. They must budget an additional 35 percent for housing, as compared to 23 percent by younger persons. So, food, medical care, and housing consume $7 of every $10 of the average elderly couple.

Food prices have gone up 20 percent since last year. They have already shot up by 25.4 percent in the first quarter of this year.

Mr. President, increased medical costs also hit the elderly harder than younger citizens. Illness strikes the elderly far more frequently than it does younger age groups. Approximately 80 percent of the elderly—compared with 40 percent of the nonelderly—suffer from one or more chronic diseases or conditions, many of which require special diets—dietary needs often impossible to meet because of the enormous food-price increases.

Medical costs have jumped markedly in the last year. The average hospital day in the United States now costs $103. In fact, the average American works 1 month a year to cover the costs of doctors, hospital, and health insurance. It is further estimated that 47 percent of the increase in health care costs is due solely to inflation.

Inflation hits all Americans hard, Mr. President, but it is undoubtedly the single most pressing problem for older Americans. California's 2½ million senior citizens know all too well the juggling required in attempting to stretch their limited financial resources to meet their needs.

My Los Angeles office received a call last month about an elderly pensioner who had been arrested for stealing change from a newsstand. He said he did it, because he had to eat.

In Miami, Mr. President, the police department reports a sharp increase in supermarket shoplifting by elderly people who are apparently forced to steal in order to stay alive.

This kind of indignity—elderly people reduced to stealing—is outrageous.

Close to 5 million of the over 20 million Americans age 65 or over have incomes below the poverty line. Continued inflation means that a great many elderly Americans will become invisible additions to the estimated 5 million elderly poor—those who do not technically fall below the "poverty line," but whose dollar buying power has been so reduced that their meager funds will yield them only a poverty level existence.

According to Nelson Cruiksank, president of the National Council of Senior Citizens:

> Official figures on the number of impoverished elderly do not reflect the real situation because the elderly do not parade their poverty but, instead, do their best to hide it so that they become malnourished and sickly—but their pride will not let them go on relief or ask for charity.

Mr. President, I could go on and on about the great need that this increase in benefits take place as soon as possible. But I believe that there is not a Member of this Chamber who does not know all too well the impact of the present economic chaos on retired Americans.

We have all received letters from constituents telling us that the increase enacted in July was too little, and was going into effect too late. Even with the 20 percent social security increase of last year the average social security benefit for a retired couple is $3,252 a year. That is well below the Department of Labor's intermediate budget for a retired couple of $4,967. In fact, it is even below the $3,442 lower standard of living budget for a retired couple.

ADMINISTRATIVE OPPOSITION

Mr. President, I think we all agree that Government spending—especially overseas military and foreign aid spending—must be sharply curbed. I firmly believe that we must put a lid on Government spending. But I do not believe in the priorities of this adminisration.

We are spending some $30 billion a year to support some 2,000 overseas bases in foreign countries. Another $10 billion is being spent on foreign and military aid—much of that money going to oppressive dictators who do not share our view of freedom and democracy.

To the some 2.5 million California social security recipients, of whom over 1.6 million are over age 65, the administration's objections to this measure have no real meaning. What has meaning to them, Mr. President, is that their food prices have risen overwhelmingly, that meat prices are about to begin to climb again, and that rents and health care costs are too high and going higher.

I cannot, Mr. President, go back to California again, and say to the people of my State: There is no hope in sight, there is no increase in benefits coming for another 10 months—you have been traded for 2,000 overseas military bases. No, Mr. President, I cannot ask retired Californians to pay again for this administration's mistakes.

Mr. President, I am particularly pleased to join in introducing this bill with two leaders in the uphill fight for adequate social security benefit levels, the chairman of the Special Committee on Aging, Senator CHURCH, and the distinguished member of the Finance Committee, Senator RIBICOFF, the original author of the 5.6-percent increase in that committee.

We intend to offer this legislation as an amendment to one of the upcoming Finance Committee bills within the next few weeks, and I urge my colleagues in the Senate to support this most important benefit increase.

Mr. President, the administration proposed a fiscal 1974 budget that would increase overall spending by some $19 billion. Yet they would have us believe there is no room in the fiscal year 1974 budget for this social security increase.

I believe that one priority that is clearly within a responsible budget concept is the effort to meet the needs and demands of retired Americans. The administration will undoubtedly continue to oppose the immediate implementation of the 1973 social security increase—as they have opposed the past three benefit increases. At the same time, the administration is proposing that the medicare copayment be increased. Thus, the administration would have older citizens pay not just a double, but a triple price for its own markedly unsuccessful economic policies.

Mr. President, we cannot allow this disgraceful neglect to continue.

The administration argued during the consideration of H.R. 7445 that the benefit increase if made effective on January 1, 1974, might add an additional billion dollars to the projected Federal deficit for fiscal 1974. In response, I point out the recommendations of the Social Security Advisory Council which state:

> Even though the operations of the social security trust fund programs are combined with the general operations of the federal government in the unified federal budget,

policy decisions affecting the social security program should be based on the objectives of the program rather than on any effect that such decisions might have on the federal budget. The operations of the social security and other federal trust funds should continue to be identified as such and separated from the general operations of the government.

ADDITIONAL COSPONSORS OF BILLS AND JOINT RESOLUTIONS

S. 707

At the request of Mr. RIBICOFF, the Senator from New Mexico (Mr. MONTOYA) was added as a cosponsor of S. 707, to establish a Consumer Protection Agency.

S. 1401

At the request of Mr. HRUSKA, the Senator from North Carolina (Mr. HELMS) was added as a cosponsor of S. 1401, to establish rational criteria for the mandatory imposition of the sentence of death, and for other purposes.

S. 2081

At the request of Mr. NUNN, the Senator from Oklahoma (Mr. BELLMON) was added as a cosponsor of S. 2081, to amend title IV of the Social Security Act to provide a method of enforcing the support obligations of parents of children who are receiving assistance under such title, and for other purposes,

S. 2135

At the request of Mr. RIBICOFF, the Senator from Oregon (Mr. HATFIELD) was added as a cosponsor of S. 2135, to establish a Department of Energy and Natural Resources.

S. 2316

At the request of Mr. PASTORE, the Senator from Connecticut (Mr. RIBICOFF), and the Senator from Rhode Island (Mr. PELL) were added as cosponsors of S. 2316, to authorize the disposal of copper from the national stockpile and the supplemental stockpile.

S. 2359

At the request of Mr. HARTKE, the Senator from Kentucky (Mr. HUDDLESTON) was added as a cosponsor of S. 2359, a bill to amend the Social Security Act to provide liberalized benefits for the disabled blind.

SENATE JOINT RESOLUTION 84

At the request of Mr. SCHWEIKER, the Senator from North Carolina (Mr. HELMS) was added as a cosponsor of Senate Joint Resolution 84, the school prayer amendment.

SENATE JOINT RESOLUTION 132

At the request of Mr. GURNEY, the Senator from North Carolina (Mr. HELMS) was added as a cosponsor of Senate Joint Resolution 132, calling for the designation of "National Family Week."

SENATE CONCURRENT RESOLUTION 44—SUBMISSION OF A CONCURRENT RESOLUTION RELATING TO THE AWARDING OF THE PURPLE HEART

(Referred to the Committee on Armed Services.)

Mr. HARTKE. Mr. President, today I submit a concurrent resolution expressing the sense of the Congress that the Secretaries of the military departments concerned should award the Purple Heart posthumously to the members of the Armed Forces of the United States interred in the Tomb of the Unkowns at Arlington National Cemetery.

These servicemen were chosen to represent the men who fought and died with valor while defending the United States in World War I, World War II, and the Korean conflict—but whose names are known but to God. The National Cemeteries Act of 1973, recently acted upon by the Congress, also authorizes the burial of an unknown soldier from the Vietnam conflict.

These soldiers have been honored with many medals, including the Congressional Medal of Honor and the highest award from many of the nations that struggled for freedom as our Nation's allies. What this resolution expresses is that the Purple Heart, this country's oldest military decoration, given only to those men who are wounded in combat, should also be awarded posthumously to these brave men.

Gen. Douglas MacArthur stated:

> The Purple Heart is unique; . . . it is the only decoration which is completely intrinsic in that it does not depend upon the approval or favor by anyone. Enemy action alone determines it. It is a true badge of courage, and every breast that wears it can beat with pride.

When the Purple Heart was created by Gen. George Washington on August 7, 1782, it was also our country's sole decoration and the highest military award of the land. This award was revitalized as a military decoration on the 200th anniversary of Washington's birth, February 22, 1932, by Executive order of President Herbert Hoover. The medal as we know it was designed to replace Washington's original Badge of Military Merit—the "figure of a heart in purple cloth on silk, edged with narrow lace or binding."

In the years since its creation in 1782, the Purple Heart has been supplanted by other decorations that now rank higher, but it remained exclusive in a very special way. A man may be awarded even the Medal of Honor and yet not be eligible for the award of the Purple Heart.

Mr. President, I believe it to be an oversight on the part of the Government that the Purple Heart was not awarded to the Unknown Soldier. I believe that this Nation should rectify this oversight.

Mr. President, I ask unanimous consent that the text of the resolution as introduced be printed in the RECORD.

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

S. CON. RES. 44

Resolved by the Senate (the House of Representatives concurring), That it is the sense of the Congress that the Secretaries of the military departments concerned should award the Purpule Heart posthumously to the members of the armed forces of the United States interred in the Tomb of the Unknowns at Arlington National Cemetery Virginia.

ADDITIONAL COSPONSOR OF A CONCURRENT RESOLUTION

SENATE CONCURRENT RESOLUTION 41

At the request of Mr. TOWER, the Senator from Kansas (Mr. DOLE) was added as a cosponsor of Senate Concurrent Resolution 41, establishing the policy of the United States vis-a-vis the Democratic Republic of North Vietnam and the Provisional Revolutionary Government.

ADDITIONAL COSPONSOR OF RESOLUTIONS

SENATE RESOLUTION 160

At the request of Mr. HUMPHREY, the Senator from Illinois (Mr. PERCY) was added as a cosponsor of Senate Resolution 160, to establish a temporary select committee of the Senate to conduct a study and investigation on regulatory commissions and the U.S. economy.

SENATE RESOLUTION 166

At the request of Mr. DOLE, the Senator from South Carolina (Mr. THURMOND), the Senator from Texas (Mr. TOWER), and the Senator from Florida (Mr. GURNEY) were added as cosponsors of Senate Resolution 166, relating to the Select Committee on Campaign Activities.

ORGANIZED AMATEUR ATHLETIC COMPETITION WITHIN THE UNITED STATES—AMENDMENTS

AMENDMENTS NOS. 469 AND 470

(Ordered to be printed, and to lie on the table.)

Mr. BEALL submitted two amendments, intended to be proposed by him, to the bill (S. 2365) to regulate interstate and foreign commerce as it relates to the conduct of organized amateur athletic competition within the United States and the participation of American athletes in international amateur athletic competition.

DEPARTMENTS OF LABOR AND HEALTH, EDUCATION, AND WELFARE APPROPRIATIONS, 1974—AMENDMENTS

AMENDMENTS NOS. 471 AND 472

(Ordered to be printed and referred to the Committee on Appropriations.)

Mr. HARTKE. Mr. President, I submit two amendments to the Labor-HEW appropriation bill (H.R. 8877) and ask that they be appropriately referred.

Briefly stated, one of these amendments raises the appropriation for university-affiliated mental health centers from $4,250,000 to $9,250,000. The other amendment provides $2 million in additional appropriations for the fight against measles and rubella.

REFORM OF CONGRESSIONAL PROCEDURES—AMENDMENT

AMENDMENT NO. 473

(Ordered to be printed and referred to the Committee on Government Operations.)

A LEGAL COUNSEL FOR THE CONGRESS OF THE UNITED STATES

Mr. HARTKE. Mr. President, today I submit an amendment to establish a legal counsel for Congress to assist the legislative branch in the performance of its duties.

The Founding Fathers of our Nation provided that the powers of the U.S. Government be distributed among the legislative, executive, and judicial branches. By this separation of powers and a number of checks and balances, the writers of the Constitution hoped to avoid excessive concentration of power which would lead to abuse. This system has stood the test of time, because it has allowed for flexibility and change in a world in which enormous changes have taken place. To meet the changes, major shifts of power from the States to the Federal Government and from the legislative branch to the executive branch have taken place. These shifts in power have to some extent been necessary to cope with the problems of our age. The courts have kept in step with the times by challenging the encroachment of the Federal Government upon the rights and liberties of citizens. The executive has grown to meet the demands of a modern society. However, the legislative branch has not kept in step with these developments and has not acted to preserve its domain in a changing world. Consequently the doctrine of separation of powers and the doctrine of checks and balances are threatened by the fact that the legislative branch has not developed the means of dealing with the vast amount of power in the executive bureaucracy.

As the volume of business, size, and number of agencies and departments in the executive branch has proliferated, Congress has been forced to allow the executive branch to develop its own rules, regulations, and procedures, while at the same time relying more and more upon the executive branch to supply it with the information needed to legislate on complex subjects. As the size of this executive leviathan has grown to powerful proportions, Congress has done little to see that it remains responsive to congressional oversight and thus to the people. Today the legislative powers of Congress are in fact threatened by the vastness of the executive complex.

There is an increasing need for Congress to expand its watchfulness not in order to interfere with the proper functioning of the executive branch, but to insure its proper functioning by timely action to prevent abdication of its powers and abuse of powers delegated to the executive agencies. When Congress has been specific in its delegations of power, the agencies concerned have tended to be more able to apply themselves to the tasks at hand. By the same token, agency performance should be improved if Congress has a means to indicate wnen the departments and agencies have lost sight of the direction Congress has set forth.

The conflicts between the interests of Congress and those of the executive branch have increased with the proliferation of departments and agencies designed to serve special constituencies. These constituencies represent separate interests, which makes it increasingly necessary for Congress to have someone who can speak not for the constituencies which become involved in the daily administering of legislation, but for the Congress and the people who sought the legislation in the first place. Congress has always depended upon the courts and litigation to control the executive branch, and upon the Justice Department which is simply another arm of the executive, to represent the view of Congress before the courts. However, in view of the vast changes which have taken place in recent years, the time has now come to equip Congress with the tools needed to challenge the growing supremacy of the executive in this area.

There have been cases in which there has been a sufficient conflict of interest between Congress and the executive, or sufficient special interest by Congress, to make it desirable for special counsel for the Congress to be appointed to appear before the courts as amicus curiae. It is the duty of Congress to enact legislation, and there is certainly enough work in this area to keep it busy, but Congress needs assistance in seeing that the legislation once passed actually becomes the law and remains the law. This is not to suggest that the enforcement of laws or the interpretation of laws is the proper domain of Congress, nor that the courts have an obligation to read statutes the way Congress reads a statute. Indeed Congress does not always have one clear intention, nor has its intention always been expressed clearly in the law it enacts. However, in an age where executive powers have become so extensive, the courts should be eager to seek the viewpoint of Congress on its laws in order to offset the growing power of the executive, and it should be the practice for Congress to present its view before the courts if it so chooses.

At present the Justice Department represents the United States in court proceedings, and this is as it should be. However, the courts, like the framers of the Constitution, have always been concerned about the absolute power of the man who not only enforces the law, but can also make the law he will enforce. Thus, since the Justice Department acting as a party to a case often presents the view of the executive branch that has made the regulations involved in the outcome of the case, it would seem to be only appropriate for the courts to consult Congress which made the law as to whether those regulations were an appropriate exercise of its delegation of authority. A counsel for the Congress would not be in the business of enforcing the law, but rather he would provide an authoritative interpretation of the laws on behalf of the institution of Congress, rather than for the courts to rely solely upon the Justice Department or another party to the case. The court in the final analysis is to make the decision in the case as to which view of the law will be held valid, but it will be after listening to arguments, not only by the executive branch, but by the Congress as well.

Thus, in some cases, a remedy to abuse of executive powers may be found by the presentation of congressional intent to the court. However, there often is no real remedy to be obtained from a court. In these cases which involve resolutions on foreign affairs or cases which are still at an earlier stage of executive rulemaking, if Members and committees of Congress could obtain the legal opinion of its counsel upon matters in dispute, some restraining influence might be exerted upon the executive branch.

To summarize, Congress needs a voice after legislation has been passed. This voice is that of a lawyer who will go before the courts and represent the Congress just as a private lawyer does, but he will not, except in exceptional cases such as contempt of Congress, actually intervene or initiate a case. Like a private lawyer, he will have functions as an adviser to Congress and in the presentation of legal opinions to committees or Members of Congress he will indicate whether the laws which Congress has adopted are being respected by the executive branch of the Government. I am today introducing legislation to establish a legal counsel for Congress.

The counsel of Congress should be the finest legal counsel Congress can obtain. Although this proposal limits his term of office to 4 years, it is probable that he would remain in office even as the composition of Congress changes. That is not only because his appointment is to be made without regard to political affiliation, but also because Congress would hesitate to remove a man who conscientiously attempted to ascertain the meaning of legislation and represent the interest of Congress as an institution. Congress would hesitate to politically devalue an office which would be so valuable to it. It is not, however, inconceivable that Congress may decide that its counsel has failed to maintain those high standards which it hopes. In such cases, it would be in congressional interest to name a new man. Thus, the power of the congressional counsel would be directly proportional to his loyalty to ascertaining as accurately as possible the meaning and intent of legislation.

There are certain built-in checks on the counsel general. First, he must have the authority of either the House or Senate Judiciary Committee to enter a court as an amicus. Secondly, his position as an amicus is limited to presenting the viewpoint of Congress on the constitutionality of its laws and to representing Congress in assisting the courts to ascertain the meaning of its legislation. To the extent that his views on the meaning of legislation are soldily based, he will become respected by the courts. However, to the extent that he would come under control of some political faction, he would tend to be disregarded by the courts.

There will be a great deal of restraint acting on any man who dares to present the legislative intent of Congress and act as the lawyer representing Congress. Like a private lawyer he must represent his own client, and also be persuasive to the court. It is indeed the quality of the counsel which would determine his success. Furthermore, there is essentially nothing new in his function since the Congress already has someone interpreting its intent in the form of the Attorney

General. However, no matter how fine a lawyer he may be, the Attorney General is still a part of the executive branch which the Congress is seeking to control and cannot escape representing the interests of the executive branch. In an age where the volume of business has become so great that Congress cannot maintain a watchful eye over all the executive agencies, the idea that the Attorney General can present the view of congressional intent is in effect to allow the administrative agencies of the Government to have more and more opportunity to promulgate law at variance with the will of Congress. Much of the history of administrative law centers around the question of the delegation of authority of a growing and complex society. This delegation of authority has often been necessary. However, the courts in their development of administrative law have laid down limitations on the powers of the legislative agencies to make their own law. The delegation doctrine may at times seem rather broad, but the idea remains that Congress must not abdicate its powers wholesale to the executive branch. The congressional counsel general might be considered as an additional check against the executive power in support of that doctrine.

The precedent for such an officer in the legislative branch comes in part from the existence of the General Accounting Office which functions as an agency of Congress. The General Accounting Office under the Comptroller General makes independent examinations of the way that Government agencies fulfill their financial responsibilities. The Comptroller General has access, with limited exceptions, to the papers of all departments. He also determines accounting procedures, settles accounts for disbursing and collecting officers, and renders decisions on the legality of expenditures of public funds. In many respects the congressional counsel general would be far more limited than the Comptroller General in that he will have no access to papers nor will he have any decison-making powers affecting the other branches of the Government.

THE FUNCTIONS OF THE CONGRESSIONAL COUNSEL GENERAL

The Counsel for Congress under my amendment will perform functions at several stages of the legal process subject to "such rules as the Committees on the Judiciary of the Senate and House of Representatives may prescribe jointly from time to time."

First of all, the congressional Counsel General would "perform such duties with respect to legislative review of executive actions as shall be prescribed by such rules." Congress often fails to take into account all the factors which later arise in the administration of legislation. In order to encourage the administrative agencies and departments to respect congressional legislation, Congress must do a far better job of legislative oversight. Thus, the Counsel of Congress could assist Congress in the initiation of new and corrective legislation. By reviewing the actions of courts and administrative agencies, he will uncover areas of policy where there is no existing legislation, where the existing legislation is unclear, or where legislation is in effect being made by the executive. Each year, the Counsel could present to Congress an agenda of law revisions with recommendations and alternatives to be considered. This would greatly help Congress perform its oversight and legislative review function. Emphasis upon this particular role of the Counsel General may very well reduce the role he will have to play in subsequent court proceedings.

Second, the Counsel of Congress would "render to committees and Members of Congress advice with respect to the purpose and effect of provisions contained in acts of the Congress or to be inserted in proposed legislative measures." Thus, the Counsel would provide upon request confidential advisories on the effects and constitutionality of proposed legislation during the legislative process so that legislation will have more likelihood of having effect and being enforced.

Third, the Counsel of Congress would "render to committees, Members, and disbursing officers of the Congress, and to the Comptroller General, legal opinions upon questions arising under the Constitution and laws of the United States." The Congressional Counsel General, through the rendering of legal opinions upon the laws of Congress to committees of Congress, will provide a way for Members and committees of Congress to present an authoritative viewpoint to executive departments and agencies upon the validity, but not the merit, of regulations such as the new antidumping regulations or various income tax regulations. In this capacity the Counsel will speak authoritatively in the sense of being the Counsel representing Congress. However, he will have no dictatorial powers inasmuch as any department or agency will still be able to promulgate any rules it wishes and then test their validity in court.

In this capacity the Counsel of Congress could maintain, with the coordination of the respective committees of Congress, the history, purpose, and intent of legislation so that after enactment of legislation there will be a complete and authoritative legislative history. This legislative history would become part of the material to be sent to the President with a bill and entered into the the Federal Register or a similar publication. This will not only enable the executive to perform its function better, but also assist future Counsels of Congress in performing their functions of rendering legal opinions and representing Congress before the courts on the meaning of its laws. It should be noted that the proposal does not seek to integrate the legal staffs of the committee or legislative counsel. This is deliberate in order to maintain the pluralism of views within the Congress which the present system provides.

Fourth, the Counsel would "appear as amicus curiae, upon the request, or with the approval, of the Committee on the Judiciary of the Senate or House of Representatives, in any action pending in any court of the United States in which there is placed in issue the constitutional validity or interpretation of any act of the Congress, or the validity of any official proceeding of or actions taken by either House of Congress or by any committee, Member, officer, office, or agency of the Congress." The courts will still have the right to determine who may appear as amicus curiae, but this section will make it possible for the courts to accept the Congressional Counsel General in the capacity of lawyer for Congress.

Fifth, the counsel would "represent, upon the request, or with the approval of the Committee on the Judiciary of the Senate or House of Representatives, either House of Congress or any committee, Member, officer, office, or agency of the Congress in any legal action pending in any court of the United States to which such House committee, Member, office or agency is a party and in which there is placed in issue the validity of any official proceeding of or action taken by such House, committee, officer, office or agency." The congressional counsel general would be authorized to replace the Attorney General in this capacity. The reason for this stems from the peculiar interest of Congress in these cases, and the right of Congress to prosecute its own contempt cases. Although this authority has been in the past delegated to the Justice Department, the existence of a full-time congressional counsel would only make it appropriate that he be responsible for a case within the traditional powers of Congress.

The purpose of these provisions is to restore the authority of Congress to make valid law. Individual Congressmen or committees could follow the course of a bill after its enactment, but Congress already has its hands full with current legislation. Furthermore, no one Congressman can speak with much authority, nor can a committee coordinate these efforts without a large staff working in this area exclusively. On the other hand it has been suggested that the Justice Department could be made into an independent agency, but the question would then arise as to how to control it and make it responsible to the people. The congressional counsel general would be tied directly to the legislative branch.

In summary, the proposal to create a congressional counsel general is perhaps a novel one, but one which is necessitated by the growth of administrative bureaucracy. It is a means to assist Congress internally by assisting it in performing its oversight function, by review of executive and judicial acts as well as by assisting in improving its legislation. It is also a means to assist Congress externally by keeping the administrative departments and agencies responsive to Congress from which their authority is derived. In both his internal and external functions the congressional counsel general will assist in making Congress a more effective branch of our Government and thus strengthen the principle of separation of powers.

Mr. President, I ask unanimous consent that the text of my amendment be printed in the RECORD at this point.

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

AMENDMENT No. 473

At the end of the bill add the following new title:

TITLE II—OFFICE OF COUNSEL GENERAL

DECLARATION OF PURPOSE

SEC. 201. The Congress finds and declares that there is a need for a professional legal counsel to the Congress learned in the law, the Constitution and the legislative process; that the Congress is a co-equal branch of the United States Government with specific powers under Article I of the United States Constitution; that the enactment of laws necessitates the continual review of such laws under the United States Constitution; that representation of the Congress in the co-equal Judiciary branch in all matters of law and fact is now a function of the co-equal branch, the Executive; that to ensure the continued equality of the three branches of Government under the United States Constitution and to advise Members of the constitutionality of proposed legislation, it is hereby declared to be the intent of Congress to establish within the legislative branch an Office of the Counsel General which will carry out the purposes herein set forth.

ESTABLISHMENT

SEC. 202. (a) There is established in the legislative branch of the Government the Office of Counsel General (hereinafter referred to as the "Office");

(b) There shall be in the Office a Counsel General (hereinafter referred to as the "Counsel") and a Deputy Counsel General (hereinafter referred to as the "Deputy Counsel"), each of whom shall be appointed by the President pro tempore of the Senate and the Speaker of the House of Representatives and confirmed by a majority vote of each House;

(c) The Counsel and Deputy Counsel shall be chosen without regard to political affiliation and solely on the basis of fitness to perform the duties of the Office;

(d) The Office shall be under the control and supervision of the Counsel, and shall have a seal adopted by him. The Deputy Counsel shall perform such duties as may be assigned to him by the Counsel, not inconsistent with this Act, and during the absence or incapacity of the Counsel, or during a vacancy in that office, shall act as the Counsel;

(e) The annual compensation of the Counsel shall be the same as Members of Congress. The annual compensation of the Deputy Counsel shall be at the rate provided for level IV of the executive schedule in Title 5 of the United States Code;

(f) No person may serve as Counsel or Deputy Counsel while a candidate for or holder of any elected office, whether local, State, or Federal, or while engaged in any other business, vocation, or employment;

(g) The terms of office of the Counsel and the Deputy Counsel first appointed shall expire on January 31, 1977. The terms of office of Counsel and Deputy Counsel subsequently appointed shall expire on January 31 every four years thereafter. Except in the case of his removal under the provision of subsection (h), a Counsel or Deputy Counsel may serve until his successor is appointed;

(h) The Counsel or Deputy Counsel may be removed at any time by a joint resolution of the Senate and House of Representatives, when, in the judgment of the Congress, either has become permanently incapacitated, or has been guilty of any felony, misconduct, or any other conduct involving moral turpitude.

DUTIES OF THE COUNSEL GENERAL

SEC. 203. (a) It shall be the duty of the Counsel General, under such rules as the Committees on the Judiciary of the Senate and the House of Representatives may jointly prescribe from time to time, to:

(1) Render to committees, Members and disbursing officers of the Congress, the Comptroller General and other officers exclusively within the legislative branch, legal opinions upon questions arising under the Constitution and laws of the United States;

(2) Render to committees and Members advice with respect to the purpose and effect of provisions contained in Acts of the Congress, or to be inserted in proposed legislative measures;

(3) Perform such duties with respect to legislative review of executive actions as shall be prescribed by such rules;

(4) Appear as *amicus curiae*, upon the request, or with the approval, of the Committee on the Judiciary of the Senate or the House of Representatives, in any action pending in any court of the United States in which there is placed in issue the constitutional validity or interpretation of any Act of the Congress, or the validity of any official proceeding of or action taken by either House of Congress or by any committee, Member, officer, office, or agency of the Congress; and

(5) Represent, upon the request, or with the approval, of the Committee on the Judiciary of the Senate or the House of Representatives, either House of Congress or any committee, Member, officer, office, or agency of the Congress in any legal action pending in any court of the United States to which such House committee, Member, officer, office, or agency is a party and in which there is placed in issue the validity of any official proceeding of or action taken by such House, committee, Member, officer, office or agency.

(b) Upon receipt of written notice from the Counsel to the effect that he has undertaken pursuant to subsection (a)(5) of this section to perform any such specified representational service with respect to any designated action or proceeding pending or to be instituted in a court of the United States, the Attorney General shall be relieved of responsibility and shall have no authority to perform such service in such action or proceeding except at the request or with the approval of the Counsel General.

ADDITIONAL COSPONSORS OF AN AMENDMENT

AMENDMENT NO. 448

At the request of Mr. GURNEY, the Senator from Maryland (Mr. BEALL), the Senator from Florida (Mr. CHILES), the Senator from Rhode Island (Mr. PELL), the Senator from New York (Mr. JAVITS), and the Senator from Kansas (Mr. DOLE) were added as cosponsors of amendment No. 448 to the bill (S. 1866) to provide increases in certain annuities payable under chapter 83 of title 5, United States Code, and for other purposes.

NOTICE OF HEARINGS ON PROPOSED CONSTITUTIONAL AMENDMENTS

Mr. BAYH. Mr. President, the Subcommittee on Constitutional Amendments will resume its hearings on the proposed constitutional amendments on prayer on Monday, September 24, in room 2228, Dirksen at 11 a.m. The proposals to be considered are Senate Joint Resolution 7, Senate Joint Resolution 10, Senate Joint Resolution 15, Senate Joint Resolution 57, Senate Joint Resolution 84, Senate Joint Resolution 89, and Senate Joint Resolution 122.

Anyone wishing to appear at these hearings or to insert a statement or additional material in the hearing record should contact J. William Heckman, Jr., chief counsel, Subcommittee on Constitutional Amendments, room 300, Russell Senate Office Building, Washington, D.C. 20510.

NOTICE OF HEARINGS ON FAIR CREDIT REPORTING ACT

Mr. PROXMIRE. Mr. President, the Subcommittee on Consumer Credit of the Committee on Banking, Housing and Urban Affairs will commence hearings on the Fair Credit Reporting Act at 2 p.m. on October 1, 2, and 3, in room 5302, New Senate Office Building.

All persons wishing to testify should contact Mr. Kenneth A. McLean, room 5300, New Senate Office Building; telephone 225-7391.

NOTICE OF HEARINGS ON POTENTIAL HEATING OIL SHORTAGE

Mr. HUMPHREY. Mr. President, I announce that on September 19 and 20, the Subcommittee on Consumer Economics of the Joint Economic Committee will hold hearings to inquire what can be done about the ominous prospect of severe heating oil shortages next winter.

Supplies this winter will be very tight, and any unfavorable development such as prolonged cold weather or bottlenecks in imports would cause heating oil shortages from January through April. Most refineries have been running full tilt with minimum maintenance, and a major breakdown there also could bring on shortages.

A Joint Economic Committee staff analysis indicates shortages easily could run 5 to 7 percent in February on a nationwide basis and could grow to 10 or 15 percent, or even more, in March.

If Government policies to allocate fuel are not extremely effective, shortages could run 25 percent or more in certain parts of the country that rely heavily on independent suppliers and are beyond the most profitable distribution radius of the major refineries. Such a development would bring normal life to a halt in those areas. I am very doubtful, however, that the administration's voluntary oil allocation program can handle this perilous situation. We cannot afford to get serious only after the trouble begins.

The subcommittee also will inquire whether the large increases in oil prices since the start of this year can be stopped. The new price control regulations, designed to permit higher priced imports to be averaged into each firm's ceiling prices, are controversial and should be reviewed early on to assure that they are neither stifling imports nor permitting consumers to be gouged. As the controls are now designed, it appears that only major domestic refiners can afford to bring in the high-priced foreign products.

Finally, oil industry and Government spokesmen are urging that States and Federal clean air standards be relaxed to permit greater sulfur emissions from oil, and we want to hear the views of the environmental protection authorities on this issue.

The hearings will begin each day at 10 a.m. in room S-407 in the Capitol. Listed below is the schedule of witnesses:

Wednesday, September 19—10 a.m.: John A. Love, Director, White House Energy Policy Office; Duke Ligon, Director, Office of Oil

and Gas, Department of the Interior; John Dunlop, Director, Cost of Living Council; and Larry G. Rawl, executive vice president, Exxon.

Thursday, September 20—10 a.m.: Hon. Wendell Anderson, Governor, State of Minnesota; John R. Quarles, Jr., Deputy Administrator, Environmental Protection Agency; Lee C. White, Chairman, Energy Policy Task Force, Consumer Federation of America; and William F. Kenny, president, Oil Heat Institute of Long Island.

Members of the subcommittee are:

Senate: Hubert H. Humphrey, Democrat of Minnesota, Chairman; William Proxmire, Democrat of Wisconsin, Abraham Ribicoff, Democrat of Connecticut, Jacob K. Javits, Republican of New York, and Charles H. Percy, Republican of Illinois.

House of Representatives: William S. Moorhead, Democrat of Pennsylvania, Martha W. Griffiths, Democrat of Michigan, Henry S. Reuss, Democrat of Wisconsin, Hugh L. Carey, Democrat of New York, William B. Widnall, Republican of New Jersey, and Clarence J. Brown, Republican of Ohio.

ADDITIONAL STATEMENTS

THE PRESIDENT'S MESSAGE ON ENERGY

Mr. BENNETT. Mr. President, the President's submission of a new state of the Union message today represents a challenge to the Congress to face up to its responsibilities in a number of critical legislative areas which have been buried under the obsession of Watergate.

It is now time to turn our attention to other problems of the Nation, and I believe the Congress should welcome the task in the spirit of cooperation and urgency reflected in the President's message.

As far as Utah is concerned, the President's proposals on energy have particular significance. The President has asked his top energy adviser to meet with State officials to seek temporary modifications of air quality standards to meet crucial fuel and power needs.

While details of any agreements relaxing air quality standards may not be known for some time, the tone of the President's message would seem to have a significant effect on two current controversies within my State over the proposed Kaiparowits powerplant and the proposed air quality implementation plan for the Wasatch Front Area.

Last June the Interior Department issued a task force report on powerplants in the southwest region of the country. In an accompanying press release, the Secretary of the Interior announced that for environmental reasons he would reject all applications for permits to construct a large coal-fired powerplant on the Kaiparowits Plateau near Lake Powell in the southwest corner of Utah.

I greeted this decision with great dismay, first because the Department had failed to consider an exhaustive environmental impact statement prepared by the companies involved before making its final decision, and second, because I believed that the Kaiparowits plant was marked as the sacrificial lamb of the Southwest energy study because it was the only one of six powerplants included in the study which was not yet under construction.

Since then I have joined other State officials in requesting the Secretary to reconsider his decision on Kaiparowits. Up until now we have not been optimistic that the ruling would be reversed, but the President's emphasis on the need for new power sources and the need to utilize our vast coal resources will hopefully breathe new life into the Kaiparowits plan.

I am, therefore, asking other members of the Utah congressional delegation to join me in requesting the Secretary to reconsider his decision on Kaiparowits in light of the policy outlined in the President's message today. I am sending similar letters to the President's chief adviser for domestic affairs, Mr. Melvin Laird, and his chief adviser on energy, Gov. John Love. This is an extremely important matter which should be discussed and decided at the highest levels of the administration. I am hopeful that in line with the President's restatement of our critical energy needs the Kaiparowits plant will be constructed.

The second area which the President's energy message may affect in Utah is the implementation of the Wasatch Front air quality plan proposed by the Environmental Protection Agency.

Public hearings on this controversial plan were conducted in Salt Lake City on July 27. Utahans were united in their belief that the plan, which called for severe restrictions in traffic and parking in the State's largest metropolitan areas, represented a case of bureaucratic overkill.

It is not yet clear whether the relaxation of air standards as proposed by the President will include both stationary and nonstationary sources of pollution, but I am hopeful that the spirit of his message will result in a more reasonable and practical plan for implementation of air quality standards in the Wasatch Front area of Utah.

Mr. President, in conclusion I want to emphasize that I recognize and share the deep concern over protecting the environment. However, I believe that with our technology and resources we can clean up the environment and produce the energy we need to avoid dangerous shortages. The President obviously shares this belief, and I welcome his comments on energy. It is in the highest national interest that we cooperate with him in achieving the goals stated in his message.

THE GENOCIDE CONVENTION: UNDERSTANDING THE UNDERSTANDINGS

Mr. PROXMIRE. Mr. President, much of the opposition to U.S. ratification of the Genocide Convention stems from misconceptions and misunderstandings with regard to the treaty's provisions. In order to alleviate this problem, the Senate Foreign Relations Committee has agreed to recommend three understandings to the full Senate.

According to a 1971 State Department memorandum—

> A statement made in or accompanying the ratification of a treaty which merely explains or clarifies the meaning of the provisions of the treaty but does not exclude or vary their legal effect would constitute an understanding.

The first understanding simply stresses that the "intent to destroy, in whole or in part, a national, ethnical, racial, or religious group, as such" is essential in proving a charge of genocide. Moreover, further evidence is required to show that the alleged genocidal acts were committed "in such a manner as to affect a substantial part of the group concerned."

The second proposed understanding interprets the phrase "mental harm" in article II as meaning "permanent impairment of mental faculties." This is in keeping with the meaning of the words as they are generally understood and accepted. In other words, "mental harm" is not to be construed as applying to various lesser forms of mental harassment suffered by minority groups.

And lastly, the third understanding is specifically based on the treaty's history of negotiation. It interprets article VI in such a way that the right of a state to bring to trial in its own courts any of its citizens for acts committed outside the state shall not be abridged.

It is important, of course, to understand precisely what the provisions of the convention mean. What areas of uncertainty may have existed are clarified by these three understandings. Mr. President, there is no reason for the Senate to delay any further on the ratification of the Genocide Convention.

LIMITATIONS ON PRIVATE PENSION PLAN CONTRIBUTIONS

Mr. DOLE. Mr. President, on August 21, the Committee on Finance reported S. 1179, dealing with reform of the private pension plan system.

This bill contains certain provisions providing limitations on contributions to these plans. Because there has been such widespread interest, I ask unanimous consent that section I of the report, dealing with these features of the bill, be printed in the RECORD.

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

[Rept. No. 93-383]

PRIVATE PENSION PLAN REFORM—REPORT OF THE COMMITTEE ON FINANCE, U.S. SENATE, TOGETHER WITH ADDITIONAL AND SUPPLEMENTAL VIEWS ON S. 1179

I. LIMITATION ON CONTRIBUTIONS

(Secs. 702, 704, and 706 of the bill and secs. 72, 401, 404, 412, 414, 1379, and 6691 of the Code)

Present law

Under present law, different rules are provided for employer and employee contributions in the case of plans for self-employed individuals (H.R. 10 plans), plans of "regular" corporations, and plans of electing small business corporations (subchapter S).[1] These are described below.

[1] All the types of plans must, in addition to the rules described below, meet the general reasonable compensation tests (sec. 162). The statute does not specify limitations on the benefits which may be paid under a qualified pension plan. However, in Rev. Rul. 72-3, 1972-1 CB. 105, the Internal Revenue Service ruled that pension benefits from a qualified pension plan are intended as a substitute for compensation, and that in general a plan which provides benefits in excess of an employee's compensation is therefore not qualified.

H.R. 10 plans.—The amount of deductible contributions to an H.R. 10 plan on behalf of a self-employed person cannot exceed the lesser of 10 percent of his earned income[2] or $2,500 (sec. 404(e)). In addition, nondeductible contributions may be made in certain cases, but these contributions on behalf of owner-employees may not exceed the lesser of 10 percent of earned income or $2,500. Allowable voluntary contributions by employees of self-employed individuals must be at least proportionate to allowable voluntary contributions for self-employed (sec. 401(e)(1)(B)(ii)).

"Regular" corporate plans.—In the case of a "regular" corporate plan there are no limitations on how much may be contributed by the employer. There are, however, limitations on the amount of the contribution that is deductible. Different limitations apply to profit-sharing and stock bonus plans and to pension plans.

In the case of profit-sharing or stock bonus plans, the amount of the contribution that is allowable as a deduction is not to exceed in the aggregate 15 percent of compensation to employees covered under the plan. Contributions in excess of the 15-percent limitation may be carried over to future years. In addition, within certain limits, to the extent that an employer does not make the full 15-percent contribution in one year he may increase the amount of his deductible contribution in a future year.

In the case of pension plans, the amount of the contribution that is deductible is not to exceed 5 percent of the compensation to employees covered under the plan, plus the amount of the contribution in excess of 5 percent of compensation to the extent necessary to fund normal pension costs and remaining past service costs of all employees under the plan as a level amount or as a level percent of compensation. In the alternative, the taxpayer may compute the limit on his deductible contributions by limiting his deduction to his normal cost for the plan plus 10 percent of the past service cost of the plan (sec. 404(a)). In practice, these limitations have very little effect in limiting contributions to regular corporate pension plans

Where an employer contributes to two or more retirement plans which are governed by different limits on deductions (pension, profit-sharing or stock bonus, or employee annuities), the total amount annually deductible under all the plans cannot be more than 25 percent of compensation otherwise earned by the plan beneficiaries. If any excess is contributed, it may be deducted in the following year; the maximum deduction in the following year (for carryover and current contributions together) is 30 percent of compensation. A carryover is available for additional excess contributions which are deductible in the succeeding taxable years in order of time.

Subchapter S plans.—The limitations on the deductibility of contributions to a subchapter S corporation plan are the same as those in "regular" corporate plans. However, a shareholder-employee (an employee who owns more than 5 percent of the outstanding stock of such a corporation) must include in his gross income the amount by which the deductible contributions paid on his behalf exceeds the lesser of 10 percent of his compensation or $2,500 (sec. 1379(b)).

Professional corporations.—Generally, lawyers, doctors, accountants and certain other professional groups in the past have been unable to carry on their professions through the form of corporations because of the personal nature of their responsibility or liability for the work performed for a client or patient. Consequently, their contributions to retirement plans were limited by the rules governing self-employed persons. In recent years, however, all States have adopted special incorporation laws which provide for what are generally known as "professional corporations." These have been used increasingly by groups of professional persons, primarily to obtain the more favorable tax treatment for pensions generally available to corporate employees. The Treasury Department, in the so-called Kintner regulations, held that professional corporations were not taxable as corporations. A number of court cases, however, have overturned the regulations and the Service has now acquiesced and generally recognizes these professional corporations as corporations for income tax purposes.

General reasons for change

Many self-employed people, especially professionals, feel that they are discriminated against as compared with corporate executives and proprietary employees of corporations in regard to the tax treatment of retirement savings. This is because, at present, there is no comprehensive limit on the amounts the corporate employer can contribute on behalf of its executives and proprietary employees. Self-employed persons, on the other hand, are subject to the contribution limits described above.

In addition, many of the self-employed argue that, as a result of these contribution limits, it is difficult for them to provide adequately for their retirement, particularly as many professionals have a limited number of years of peak earnings, in which it is comparatively easy to set something aside. It is also argued that the $2,500 limit is no longer appropriate, since in the approximately 10 years since H.R. 10 was first enacted, there has been a substantial inflation factor in the economy. Furthermore, it is contended that the present law in the retirement plan area creates an artificial incentive for the incorporation of businesses which more traditionally, and perhaps more appropriately, have been conducted in unincorporated form. For all of these reasons, the committee believes that a substantial increase in deductible contributions for self-employed individuals is justified at the present time. Under the committee bill, the present limits would generally be increased to 15 percent of earned income, up to a maximum deduction of $7,500 per annum.

At the same time, it is clear to the committee that the formation of professional corporations, a practice which has proliferated enormously in recent years, has had the effect of circumventing the limitations which Congress intended to impose on deductible contributions by persons who are essentially in most respects, self-employed. In many corporate plans a much larger percentage of the contributions and benefits go to "rank and file" employees than is the case with regard to most H.R. 10 plans. In such corporate plans, if large contributions are made for executives, then the antidiscrimination provisions of present law (sec. 401(a)(4)) require that proportionate contributions be made on behalf of rank and file employees. Not only does this "financial drag" effect tend to impose practical restrictions on the size of contributions made for the highest level employee, but it also means that, if large contributions are made for this group, then lower level employees will also benefit. Thus, it appears that many corporate plans are subject to practical limitations which do not apply in the case of self-employed plans. The absence of such practical limitations is the reason that it has been thought necessary to impose legal limitations upon self-employed plans.

However, it appears to the committee that the current method of limitations does not apply equally to all situations where "financial drag" is very small or nonexistent. Also, the committee feels that the present system discriminates in favor of those who choose to incorporate, and against those who do business in the more traditional partnership form. Similiarly, other small businesses in corporate form are treated differently for pension plan purposes depending whether or not they are under subchapter S, and without regard to whether most of the benefits under the retirement plan go to rank and file employees.

The committee bill would correct this situation by putting the regulation of retirement benefits on a realistic basis, applying limitations where they are appropriate, whereas the current system depends too greatly on the form of business operation. Thus under the committee bill, limitations on contributions would be imposed not only on self-employed plans, as under present law, but also on proprietary employees holding a two percent or greater interest in an incorporated business, but only where all such persons, in the aggregate, have more than a 25-percent interest in benefits under the plan.

Explanation of provisions

The committee bill increases the maximum deductible contribution on behalf of self-employed persons to the lesser of $7,500, or 15 percent of earned income. (A similar, although not identical, rule is applied in the case of defined benefit pension plans.) However, no more than the first $100,000 of earned income may be taken into account in applying the percentage limits. The $100,000 ceiling on the earned income rates base means that a self-employed person with more than $100,000 income will have to contribute at a rate of at least 7½ percent on behalf of his employees if he wishes to take the full $7,500 deduction on his own behalf (in order to comply with the antidiscrimination requirements).[3] A self-employed person earning more than $100,000 who wishes to contribute $5,000 for himself will have to contribute at least 5 percent on behalf of his employees.

The committee bill also extends the application of these provisions to plans for the benefits of "proprietary employees." In general, a "proprietary employee' would be any individual owning either directly, or through attribution rules (those prescribed in sec. 1563(e)), at least 2 percent of the total combined voting stock of the corporation, or 2 percent of the total value of all shares of stock in the corporation. However, the provisions does not apply unless all proprietary employees who are active participants, as a class, have more than 25 percent of the total account balances for active participants under a defined contribution plan (such as a money purchase plan), or in other cases have more than 25 percent of the present value of all accrued benefits under the plan (whether or not vested) for active plan participants.[4] The committee believes that porate plans on a more realistic and equitaportate plans on a more realistic and equitable basis—where most of the benefits under the plan are for individuals who are not proprietary employees, the contribution ceiling will not apply, but where a substantial portion of the plan benefits are for proprietary employees, the ceiling will apply.

[2] "Earned income" is generally defined as being equivalent to "net earnings from self-employment"—the kind of income that may be subject to self-employment taxes in lieu of FICA taxes (secs. 401(c)(2) and 1402).

[3] The limitations on nondeductible contributions on behalf of owner-employees in a self-employed plan is not increased, however.

[4] In a case where a corporation has two or more plans, an individual will be a proprietary employee for purposes of all the plans, if the more than 25 percent test is met with respect to any of the plans.

The new rules are also to apply in the case of subchapter S corporations. Under the committee bill, section 1379 is repealed. However, subchapter S corporations would remain subject to limitations under the same rules applicable to other corporations. Thus, if more than 25 percent of the benefits under the plan were for individuals who each held at least 2 percent of the stock in the corporation, these stockholders would be considered to be proprietary employees, and would be subject to the 15 percent—$7,500 limitation. But if less than 25 percent of the benefits were for these individuals, these limitations would not apply.

As is the case under present law with respect to an owner-employee, a proprietary employee (or a group of two or more proprietary employees) who controls more than one business would be required under the bill to group together all controlled business activities for the purpose of determining whether all employees of the proprietary employee are covered by a retirement plan on a nondiscriminatory basis, and also for the purpose of assuring that the limitations on contributions are not exceeded. As a result of this requirement, a proprietary employee could not make contributions under two or more retirement plans, which, when totaled together exceeded $7,500. This provision ensures that a proprietary employee may not exceed the limitations on deductible contributions by splitting his activities among two or more businesses and establishing retirement plans in each, nor could he divide his business and set up a retirement plan in one business where, for example, he is the only employee.

The bill also provides that—like an H.R. 10 owner-employee under present law—an individual who is a proprietary employee in a business (whether or not he controls the business), and is also a proprietary employee in another business which he controls, may not be covered under the plan of the first business unless he has established a plan for the employees of the business which he controls. The plan for the business which he controls must provide contributions and benefits for employees which are at least as favorable as the contributions and benefits provided for him under the plan of the first business.

The rules outlined above also apply in cases where an individual is an owner-employee in one firm and a proprietary employee in a second business.

Define benefit plans—limitation on benefits.—The committee bill also contains a provision, which applies in the case of all defined benefit plans (including corporate plans without proprietary employees), generally limiting the annual benefits which can be paid out under these plans (as of age 65) to 100 percent of the participant's average compensation from the employer during his highest 3 consecutive years of earnings. A pension is essentially a substitute for earning power during the retirement years and the committee believes that no qualified pension plan should pay defined benefits which are higher than an employee's average earnings during his highest 3 years. It is the understanding of the committee that this provision is consistent with present law (Rev. Rul. 72-3, 1972-1 C.B. 105) and by this provision the committee only intends to clarify and make more explicit present law.

The plan could, however, provide for a cost of living adjustment over and above the 100 percent limit. However, benefits paid in the event of early retirement would have to be scaled down from the 100 percent of salary level on an actuarial basis. In general, in the case of any defined benefit pension plan which does not pay benefits in the form of a straight life annuity, commencing at age 65, or which provides ancillary benefits, the 100 percent limitation would have to be adjusted in accordance with regulations.[5] In the case of a contributory plan, upward adjustments in the benefit schedule would be permitted in accordance with regulations, to reflect the fact that part of the annuity had been purchased with the employee's own after-tax dollars.

In the case of an employee who is a participant in both a defined benefit pension plan and a money purchase pension plan, the maximum 100 percent of salary benefit under the defined benefit pension plan would be reduced under the committee bill by multiplying 100 percent of the participant's average compensation by a fraction, the numerator of which is the percentage of compensation contributed under the money purchase plan, and the denominator of which is 20. (Under another provision of the committee bill, 20 percent would be the maximum tax-excludable contribution under a money purchase plan.)

For example, if an employee had an average high-three-year salary of $20,000, and a 10 percent of salary contribution had been made on his behalf to a money purchase plan, his maximum yearly benefit under the defined benefit pension plan could not exceed $10,000 (10/20ths of $20,000). This would prevent the situation where an employee might seek to circumvent the limitations on benefits under a defined benefit plan, or on tax-excludable contributions under a money-purchase plan, by setting up two different types of plans for himself. (In cases where the rate of contributions to a money purchase plan fluctuated over the career of the employee, or were made for certain years when he was a participant under the defined benefit plan, but not for others, appropriate adjustments to this formula will be made in accordance with regulations.)

As a further adjustment, in the case of an employee who participates in a defined benefit plan for less than 10 years, the defined benefit otherwise allowable in accordance with the rules described above is to be reduced by multiplying the otherwise allowable benefit by a fraction, the numerator of which is the proprietary employee's years of active participation in the plan, and the denominator of which is 10. For example, if an individual who was an active participant for 3 years under the plan had an average high-three years salary of $50,000 (and no other adjustments were required) his maximum benefit could not exceed 3/10ths of $50,000, or $15,000 per annum.

This would prevent a situation where an individual might receive an extremely high pension, even though he had only a few years of active service under a plan.

Defined benefit plans for proprietary employee corporations.—At present, many small corporate plans are defined benefit plans, although most self-employed plans are defined contribution plans because of the limitations on contributions imposed on self-employed persons under present law. The committee was concerned that in extending the contribution limits to certain proprietary employee corporate plans, the committee bill might inadvertently take away, as a practical matter, the option of having defined benefit plans from these corporations. As a result, the committee bill contains a formula (which under the bill may also be used by self-employed individuals) which would allow proprietary employees, in effect, to translate the 15 percent—$7,500 limitations on contributions, to which they would otherwise be subject, into limitations on benefits which they could receive under a defined benefit plan. (Of course, all employees of all corporations, and all self-employed individuals, remain subject to the 100 percent of salary limitation, discussed above.)

Under the formula, the basic benefit for the employee (that is, a straight life annuity commencing at the later of age 65 or 5 years from the time the participant's current period of participation began, with no ancillary benefits) is not to exceed the amount of the employee's compensation which is covered under the plan (up to a maximum of $50,000) times the percentage shown on the following table.

Age at participation	*Percentage*
30 or less	6.5
35	5.4
40	4.4
45	3.6
50	3.0
55	2.5
60 or over	2.0

The percentages in early years are higher to reflect the fact that contributions made during these time periods earn interest for a longer period prior to retirement than contributions made in later years. The Secretary or his delegate is to have authority to prescribe regulations in cases of plans which provide something other than the "basic benefit." Also, the regulations are to specify percentage for individuals who become participants at ages other than those shown on the table. In addition, the Secretary or his delegate is given authority to prescribe new percentages, to be used in years beginning after December 31, 1977, based on changes in money rates and mortality tables occurring after 1973.

To illustrate how this formula would work, assume that a self-employed person enters a defined benefit plan at age 30, and participates in the plan for 5 years, with income covered under the plan of $20,000 per annum. At age 35, he leaves the plan, but at age 50, he again becomes a participant. For the first 5 years his covered income is $30,000 per year, then $40,000 for the next 5 years, and finally $50,000 for the last five years prior to his retirement.

The calculation would work as follows:

Age	Compensation per year	Rate	Benefit earned per year	Total benefit
30-35	$20,000	6.5	$1,300	$6,500
50-55	30,000	3.0	900	4,500
55-60	40,000	3.0	1,200	6,000
60-65	50,000	3.0	1,500	7,500
Total				24,500

Thus, the maximum benefit which could be paid to the individual under the plan in the form of a single life annuity commencing at age 65, with no ancillary benefits would be $24,500 per year.

The committee bill also provides that for purposes of the antidiscrimination rules, the maximum amount of compensation which is to be taken into account is to be $100,000. (This is the same ceiling provided in connection with contributions to a money purchase plan.) For example, if a self-employed person established a defined benefit plan for himself at age 50 (where a 3 percent rate would apply) and earned $100,000 per year, benefits under the plan for his employees could be earned at the rate of 1.5 percent of covered compensation and the plan would not be considered to be discriminatory. In other words, the maximum benefit which could accrue per year for the self-employed person would be 3 percent of $50,000, or $1,500, which is equivalent to 1.5 percent on a $100,000 base. Thus, the self-employed person would be permitted to make contributions which would purchase a 1.5 percent benefit for his employees. However, even if the self-employed person's earnings were $200,000, benefits earned for the employees

[5] The committee expects that the adjustment for ancillary benefits will be substantially equivalent to the adjustment now provided under present law for a plan which is integrated with social security.

under the plan could not drop below the 1.5 percent rate.

Limitations on contributions to money purchase plans.—The committee bill also contains a provision which would limit tax excludable contributions under a money-purchase plan. Cases have been found where the stockholders of small corporations invest very substantial percentages of their income in what is, in effect, a deferred compensation arrangement. As discussed above, the Internal Revenue Service has ruled (Rev. Rul. 72–3, 1972–1 C.B. 105) that a pension is essentially a substitute for earning power during the retirement years and that, in general, a pension plan does not qualify in cases where the pension benefit is more than the employee's highest average salary. The committee agrees with this interpretation of present law, but the 100-percent-of-salary limitation is difficult to apply in the case of money purchase plans because the amount of the pension benefit which will ultimately be received cannot be determined with precision. Thus, the committee bill, as a corollary to the 100-percent-of-salary limitation for defined benefit plans, also contains a provision that tax excludable contributions to a money purchase or other defined contribution plan cannot exceed 20 percent of the employee's compensation. Any additional contributions on behalf of the employee must be included in income by him.[6]

To enforce these provisions, employers or pension plan custodians would be required to report to the Service, in accordance with regulations, whenever contributions in excess of the 20 percent limitation had been made, and a penalty ($10 a day up to a $5,000 maximum) would be imposed for each instance of unexcused failure to comply with these reporting requirements.

Any amount included in gross income under this provision would be considered as part of the employee's investment in the contract for purposes of computing the taxable amount of a distribution from the plan to the employee. However, these contributions would be considered to be made by the employer for purposes of qualification of the plan. If the employee's rights under the plan should terminate before tax excludable payments under the plan equaled the amounts included in gross income under this provision, a tax deduction would be allowed equal to the unrecovered contributions.

Integration rules for plans benefiting proprietary employees.—Under present law, any H.R. 10 plan which benefits owner-employees is subject to certain additional rules with respect to integration. If more than one-third of the contributions under the plan are made on behalf of owner-employees, the plan is not permitted to integrate with social security. On the other hand, if less than one-third of the contributions are made for owner-employees, and the owner-employee treats the self-employment taxes which he pays as contributions on his own behalf under the plan, the plan may integrate by treating the employer's social security contributions on behalf of his employees as contributions made under the plan (sec. 401(d)(6)). By contrast, a qualified employer plan may integrate by treating social security benefits as benefits provided under the plan (within certain limits).

Under the committee bill, essentially these same provisions would be applied in the case of plans for proprietary employees. Otherwise, it was apparent to the committee that professionals and other would still have a substantial artificial tax incentive to incorporate rather than to do business in more traditional forms. In addition, it seemed reasonable that the same general considerations which led the committee to conclude that it was desirable to extend the limitations on contributions to certain corporate plans, also suggest that employees of those corporations should have the extra protection against erosion of their pensions through integration that the special rules afford.

Therefore, under the committee bill, it is provided, in general, that in any plan for the benefit of proprietary employees, the plan may not integrate if more than one-third of the account balances or accrued benefits under the plan are for the benefit of individuals each of whom holds 10 percent or more of the stock in the corporation. Other proprietary employee plans may integrate, but only on the same basis as an owner-employee plan could integrate (that is, by treating social security taxes paid for the employees as contributions paid on their behalf under the plan).

At the same time, the committee recognizes that there are many small corporate plans, already in existence, which now use integration, and which might be seriously affected if the rules in this area were to be altered too abruptly.

The committee bill provides a transitional rule, under which any proprietary employee plan which was in existence on July 24, 1973, may continue to integrate (in plan years beginning before January 1, 1980) at the same level of integration (if any) as was in effect under the plan on July 24, 1973, but the level of integration may not increase. (For example, when the social security rate base rises, the plan must still continue to integrate at the old level.) However, any self-employed plan which elects to convert to a defined benefit basis (using the table and formula described above) and any new proprietary plan, created after July 24, 1973, which elects a defined benefit approach, may not integrate. Also, any proprietary plan in existence on July 24, 1973, which shifts from a defined contribution plan to a defined plan may not integrate.

Other special rules for proprietary employee plans.—The committee bill also extends certain other provisions which apply to H.R. 10 plans under present law to plans for the benefit of proprietary employees as well. For example, payments under a qualified pension plan to a proprietary employee would have to begin by the time he attained age 70½, and the employee's account would have to be paid out at least ratably over the life of the employee or the lives of the employee and his spouse (sec. 401(a)(9)). Also, if a proprietary employee should die before his entire interest in the plan had been distributed to him, the plan would generally be required to distribute that interest, or purchase an annuity for his beneficiaries, within 5 years after his death (sec. 401(d)(7)).

Also, excess contributions on behalf of any proprietary employee would have to be prohibited by the plan (although, as under present law, nondeductible employee contributions could be made by a proprietary employee, up to $2,500 per year, in plans where such contributions may be made by employees who are not proprietors) (secs. 401(d)(5)(A) and (B), and 401(e)(1)). Any excess contributions which were made inadvertently would have to be repaid by the plan to the corporation within 6 months after mailing of notice of the overcontribution by the Internal Revenue Service (secs. 401(d)(8)(A) and 401(e)(2)(C)).

Also, death benefits paid by a qualified plan to a proprietary employee would not qualify for the $5,000 death benefit exclusion for purposes of the Federal income tax (sec. 101). Proprietary employees (and individuals who had been proprietary employees at any time within 5 years prior to the distribution) would be treated the same as self-employed persons for purposes of the rules with respect to the income tax treatment of lump-sum distributions (sec. 72(n)).

In addition, if a proprietary employee borrows money, pledging his interest in the pension plan as security, the portion pledged as security shall be treated as a distribution under the pension plan to the employee (sec. 72(m)(4)). The purpose of this rule is to prevent the employee from engaging in an arbitrage type of transaction, in which he makes a tax deductible contribution to the pension, which also earns tax-free interest, then gets the money out of the plan, in effect, by means of a loan secured by his portion of the plan assets, and also receives a tax deduction for the amount of interest paid on the loan (subject to certain limitations on excess investment interest (sec. 163(d)).

Time for making contributions.—Under present law, contributions to a self-employed plan must be made by the end of the taxable year in order to be deductible for that year. Often this can create difficulties for the self-employed person, who may not have at hand all the information necessary for him to determine how much he is permitted to contribute on his own behalf. In order to meet this problem, the committee bill provides that tax deductible contributions to self-employed plans (and all other qualified plans) may be made at any time up to the point when the Federal income tax return (corporate or individual, as the case may be) for that year is due (including any extension). This rule should provide the additional time necessary for the individuals involved to make the required calculations and determine the amount of the maximum deductible contribution which is permitted for the taxable year in question.

Custodial Accounts.—Under present law, a custodial account may be treated as a qualified trust, but only if the custodian is a bank, and the investments are made solely in the stock of regulated investment companies, or solely in annuity, endowment, or life insurance contracts (and certain other conditions are met) (sec. 401(f)). The committee believes that present law is too restrictive in this respect and the committee bill would allow the custodian of the account to be someone other than a bank, provided, however, that the custodian would have to establish, to the satisfaction of the Internal Revenue Service, that it would manage the assets of the account in a manner consistent with the intention of the tax law. (For example, it would have to be shown that no premature distribution prior to age 59½ would be made to owner-employees.) Also, a formal custodial account would no longer be necessary under the bill. Any similar arrangement having appropriate safeguards could be used if approved by the Secretary.

Also, the committee bill would provide that someone other than the trustee or custodian, including the employer, can have authority to control the investments of the plan account, either by directing the investment policy of the plan, or by exercising a veto power.

Generally, the requirement of the bill would be satisfied in a situation, where, for example, a regulated investment company or other investment advisor might make investment decisions with respect to the assets of the account, but an independent third party, which might be a bank or some other responsible institution, would administer the plan, and handle distributions. The committee is desirous of affording extra flexibility in this area, and reducing the cost of pension plan administration, but it also

[6] The only exception would be in the situation where a contribution was made by the employer at a 20 percent rate (or less) for his employees, but the contribution happened to exceed 20 percent of the employee's actual compensation due, for instance, to a termination of employment.

wishes to preserve the safeguard of a plan administrator which is independent with respect to the employer.

Withdrawal of voluntary contributions by owner-employees.—Under present law, amounts received from a retirement plan before retirement are tax free to all participants other than owner-employees to the extent of all nondeductible contributions made to the plan by the participants. Thus, all participants other than owner-employees may, if the plan permits it, withdraw their voluntary contributions prior to retirement. The committee bill would extend this same treatment to owner-employees.

Effective date

Generally, these provisions would take effect in plan years beginning after December 31, 1973. However, in the case of proprietary employee plans in existence on July 24, 1973, that will be made subject under the bill to certain rules and limitations which, under present law, apply only in the case of owner-employee plans, the committee believes that a transitional period is necessary to allow time for plan amendments. Thus, proprietary plans in existence on July 24, 1973, will generally be made subject to the contribution limits for plan years beginning after December 31, 1974. Extension of H.R. 10 owner-employee plan restrictions to proprietary employee plans in existence on July 24, 1973, will also generally take effect in plan years beginning after December 31, 1974. In addition, proprietary employee plans which were integrated on July 24, 1973 may continue as integrated plans, but may not increase the level of integration.

The repeal of the special subchapter S limitation (sec. 1379) is effective for plan years beginning after December 31, 1973, and subchapter S corporations will then become subject to corporate rules (including the rules on proprietary employee plans) in this area.

The treatment of proprietary employees as self-employed persons for purposes of the death benefit income tax exclusion (sec. 101) and the rules on lump-sum distributions (sec. 72(n)) will apply to taxable years beginning after December 31, 1973.

The amended rules, with respect to custodial accounts apply to plan years beginning after December 31, 1973.

Revenue effect

By increasing the maximum amount that self-employed persons will be allowed to deduct as contributions under H.R. 10 plans to 15 percent of earned income up to $7,500 a year, an increased revenue loss is estimated that will amount to $175 million annually. The provision in the bill that allows individuals who are not covered presently by pension plans to deduct up to $1,000 a year as contributions to personal retirement plans will reduce revenues by an estimated $270 million a year. A revenue gain of $125 million is estimated to be the result of the provision that applies to certain proprietary employees of corporations the same limitations on deductible pension contributions that apply to self-employed individuals under H.R. 10 plans. The net result of these three provisions that are designed to equalize tax treatment under pension plans is a revenue loss of $320 million. These estimates assume 1973 levels of income and employment.

DÉTENTE—OR REPRESSION?

Mr. JACKSON. Mr. President, the Soviet Government's renewed campaign against individual liberty and human rights has raised profound questions about the course of détente, and produced some realistic reassessments. The world community has been properly concerned and legitimately outraged by the implications of the current Soviet program of repression, intimidation, and harassment. While attention has been focused on outstanding and courageous individuals such as Andrei Sakharov and Alexander Solzhenitsyn, it is important to remember that the ordinary citizen in his daily affairs also feels the weight of the Soviets' repressive apparatus.

Mr. President, people around the world have understood the gravity of the situation. I ask unanimous consent that the transcript of Dr. Sakharov's August 21, 1973, press conference, and a representative sampling of press opinion on recent Soviet developments, be printed in the RECORD.

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

[From the Times, Sept. 5, 1973]

DR. SAKHAROV: THOSE WHO OCCUPY THE TOP LAYER OF OUR SOCIETY HAVE A SORT OF SEPARATE THINKING

In view of the controversy that has arisen in the Soviet Union over the press conference which Dr. Andrei Sakharov, the nuclear physicist and critic of Kremlin policy, gave to Western correspondents in his Moscow flat on August 21, *The Times* publishes below the full text of that conference as supplied and translated by the Associated Press.

Sakharov: All those present are familiar with the record of my conversation (on August 16) with the Deputy General Prosecutor of the Soviet Union, M. P. Malyarov. I would like you to consider that record an introduction to our conversation today. I would like to make a few additions and comments.

First, about the institution of so-called "warnings." Recently, various forms of "warnings" have become common in the practice of the KGB and associated organizations in respect to dissidents. In some cases they precede arrests or, on the contrary, the issuance of permission to leave the country. That particular form of warning to which I was exposed on August 16 is undoubtedly more serious than my talk in the KGB last March regarding the offer of myself and my wife to be guarantors in the case of Yuri Shikhanovich.

On the other hand, we know of even more severe types of warnings. Recently, it became known that some persons were "warned" that their fate depends on their behaviour at forthcoming trials. If their behaviour in the capacity of witnesses is not that desired of them, then they will not "leave the courtroom."

Even more ominous—resembling the institution of hostages—were the widely rooted warnings that for every future issue of the *Chronicle* [*Chronicle of Current Events*], appropriate people would be arrested, and that those already under arrest would be sentenced to long terms. Articles regarding myself, which have been published in the Soviet press, are also very likely meant as warnings from the KGB's point of view. When the KGB talked with me about Shikhanovich, I was told that Shikhanovich had also been warned without drawing the appropriate conclusions. What was meant, apparently, were the searches of his home.

In general, a warning is intended as a reminder that there exists a force, based on the supposed "right of the state to self-defence", that does not allow any deviations from the desired line. If this interpretation of the "institution of warnings" is correct, then such an institution is symptomatic of the type of thinking of the police agencies, but has no relation whatever either to democracy, or to the right of one's conviction, or to the law, or to humanity.

Two, with regard to the NTS [People's Labour Front, an émigré group] and Possev [West German publishers], accusations that writings or appeals are being used in the anti-Soviet publications of Possev for anti-Soviet, subversive purposes have become the main bogyman of the KGB and their like, the principal accusation and the principal means of intimidating and exerting pressure on public opinion. Even accidental possession of any one of the Possev publications is considered criminal.

It is, therefore, very important that there be clarity on this point. For my part, in my talk in the prosecutor's office, I welcomed the publishing and enlightenment activities of Possev without any regard to the NTS programme or any actions and statements by individual representatives of that organization, to whom I owe nothing and with whom I cannot have any solidarity.

Third, with regard to the Deputy Prosecutor General's statement that my meetings with foreigners are not compatible with my previous pledges. In 1950, when I went to work in a secret institution, I did, in fact, sign a commitment making me responsible for any meetings with foreigners "in an extralegal matter", that is, outside of office duties.

The maximum extralegal penalty is dismissal from work. And yet, I was dismissed from work as early as 1968 after publication of my *Reflections on Progress and Convergence*, long before I ever met with any foreigner. I can only repeat here what I told Malyarov, namely, that meetings with foreign journalists have nothing to do with any violations of state secrets and that I never, and under no circumstances, would regard such violations as permissible.

Q. How did you interpret the warning from Malyarov and the Tass attack after the interview with Swedish radio?

A. I think the interview with Swedish radio was the straw that broke the camel's back. And somebody gave orders or permission authorizing such an interview (with Malyarov) that could have come from the very top or maybe not such a high level, but an intermediate level. In that case it could mean an attempt to avoid the approach that no warning has been given and that no specific work has been done in that case. In that case, it was done by someone just to avoid eventual responsibility. But I think it's very likely that the first version is the correct one.

Q. Do you believe the authorities see any difference between your activity on the Human Rights Committee and critical remarks about the Soviet regime in general?

A. Both are inacceptable but to different degrees. In the first place the committee is not my personal affair. I am just one of the members, and by itself the committee is a totally loyal association. During the interview (with Malyarov) I pressed my personal opinions, which I don't attribute to anyone. But probably this opinion was fundamentally inacceptable.

Q. Do you think KGB would like you to leave the country?

A. This has never been told to me in an open way and neither was it told to me in this conversation. The phrase that "you're still a Soviet citizen" might have been an answer to what I have said previously when I said that I wished contacts with Soviet authorities, and may also be understood as meaning that, well, you have all possibilities of contacting Soviet authorities as a Soviet citizen. You're still a Soviet citizen, so go ahead and contact Soviet authorities. The literal meaning is that you have to stop what you are doing in this country but not leaving this country.

Q. Were there other threats during the Malyarov meeting?

A. No. I tried to write down practically everything that was said during this conversation. There was nothing more. Maybe they thought I could understand things well enough.

Q. Have you personally considered leaving this country?

A. To this question I always answer that I'm not ripe for such a decision—yet.

Q. What do you think will be the authorities' next step?

A. I want to have the chance to say that the thing I dread most are the forms of pressure that are not addressed directly to me but indirectly can be unbearable for me—and inadmissible. I mean my family and also some of my close friends. It's impossible to predict . . . but something might also be done against myself directly. But you can't make any predictions.

I would like to believe that the perfectly loyal character of my activity would be understood. In the literal sense, loyalty to the law.

Q. What are your means of support, and what kind of work do you still do?

A. My means of subsistence consist of the following. In the first place I draw a salary at the Institute of Physics of the Academy of Sciences, where I am a senior research worker, which is the minimum rank they can give. And besides that I am getting money as a member of the Academy—400 rubles [a month] as an academician and 350 as senior researcher. I already had a chance to say that all the savings I had I gave to the State Fund in 1969, to the Red Cross for the construction of a hospital. It was a very large sum, 139,000 rubles, to be exact.

Q. For what reasons did you do that?

A. I now consider this action incorrect and I don't think it was right to do it, so I won't give the reasons.

Q. And your work?

A. I had a long interruption in my work in theoretical physics and I worked in applied science, and my internal disquiet, let's say, does not help in my work. The last few years have been very unproductive. I still don't lose hope, It's just a temporary recess and I still will be able to do something, though I can't pretend to hope to do much.

Q. Do you go to your office?

A. Yes. I go there. But my work in theoretical physics is mostly work at home with a sheet of paper and a pen.

Q. What about your relations with former colleagues?

A. They have been very weakened. I see them much less and I see very few of them.

Q. Has any pressure been applied by your colleagues to change your views?

A. No, nobody has tried to do it, with a very few exceptions, isolated ones.

Q. Is silence a form of approbation?

A. (Chuckle). More as reluctance to take sides.

Q. How widespread is the feeling among intellectuals for democratization?

A. It's hard to answer for all intellectuals. What is needed is sociological research with a very complicated system of research.

Q. Is your family under pressure?

A. Those members of the family on my wife's side. My wife's daughter has been dismissed from the last year of university studies. The son of my wife this year could not enter university, which is also a sign that he is "marked". A more indirect form has appeared in the fact that the daughter's husband, after he applied at the same time as my wife's children for a visa to the United States to study there, he was forced to leave his work. As to the examination of these applications, which is extremely important for us, for five months now there has been no answer whatever. It has not even been confirmed that the application has been received.

Q. What are their ages and names?

A. The daughter of my wife: Semyonova, Tatayana Ivanovna, with the name of my wife's first husband. Born in February, 1950. The son was born in August, 1956, Alexei Ivanovich Semyonov, and Tatayana's husband was also born in 1950, in June. His name is Yefrem Vladimovich Yankelevich. He graduated from the Institute of Communications. His speciality is theory of communications. He no longer works in that specialty. He has a temporary job in a geophysical expedition.

All three were invited to come to the Massachusetts Institute of Technology in Cambridge, near Boston. They were promised scholarships and possibilities of work and study.

All three applied to go. The invitation came under the signature of Dr. [Jerome] Wiesner, president of MIT. The application was handed in on April 6, almost five months ago. I tried several times to get some information but no answer was forthcoming. The answer was that it was not a matter of considering a short trip to a nearby region, to Penza, and they had to take their time about it. They didn't even say that they accepted the application.

They can say anything at any time. In general, this kind of trip is an unusual thing in this country. But in this coutry everything is unusual. But there is an agreement between the United States and the Soviet Union on the exchange of students and they shouldn't consider this as something totally unusual.

Q. Do you have such an invitation?

A. Yes. I was invited to Princeton University for one academic year. I was very much interested in this invitation and I was very proud of it and I would be glad to go. But so far I haven't started any procedures in this direction.

Q. Do you intend to?

A. There are many complications which arise in this respect and so far I haven't done it.

Q. Are there any discernible patterns in the authorities' actions against dissidents?

A. I think that a great number of factors intervene and are considered concretely with every particular case. But the combination of three methods (imprisonment/mental hospital/exile abroad) gives the maximum possibilities of action.

Q. What observations would you make on the current state of the "democratic movement".

A. It is always difficult for me to speak or think about the "democratic movement". What I most preferred in the way of action you could hardly call a "democratic movement". It was namely help to certain people who fell victim to injustice, attempts to protest against unjust trials, unjust detentions in insane asylums, and further, friendly help to families of such people. It's not a movement. It's normal human activity, which does not have the character of any political activity.

But there is another aspect. Some people claim liberty of convictions for themselves and others. And those convictions can be very different. So here also you can't speak of any movement. If you look at the bottom there is no movement because there is no political aim such as a struggle for power. If you look from above, I also think there is no movement.

In my opinion, the authorities shouldn't have any reasons for disquiet, and especially none for reprisals. Any reason for disquiet is inside themselves.

Q. How would you compare dissident activity now to, say, two years ago?

A. If we think of people, of whom we speak and think very much, we must admit that the ranks are getting thinner, simply as a result of much stronger reprisals against this group in these last two years. It's a great injustice and a great tragedy, a personal tragedy for a great number of people, which has a very negative effect on the psychological climate inside the country—not the political—but the psychological, and has a very bad effect on the international policy positions of the country.

I think that these stronger reprisals are a very unreasonable reaction on the part of the authorities. I also think very unreasonable the event whose fifth anniversary we are marking today. Exactly five years ago was the invasion of Czechoslovakia. We've all forgotten about it.

Soviet citizens learned about it on the twenty-first, that is, about the address of a "group of political and state figures" in the defence of socialist gains.

Q. If this policy is unreasonable, why do you think they keep on with it?

A. Those who occupy the top layer of our society have a sort of separate thinking. They probably can't react differently to the situation than they do.

Q. Have your views changed since you published in 1968 your book on progress and convergence of socialism and capitalism?

A. The deadlines I fixed were allegorical. The lines of convergence, or the lines of stronger confrontation, the increase of the danger of nuclear war; this opposition between the two lines still exists, and as before, I think the crucial point is the suppression of the confrontation of two worlds. The reality happens to be more shrewd in the respect that now we are facing very concrete problems, whether in the process of rapprochement there will be democratization of Soviet society or not. . . .

Detente without democratization, a rapprochement when the West in fact accepts our rules of the game in this process of rapprochement, such a rapprochement would be very dangerous in that respect, and would not solve any of the world's problems, and would mean simply a capitulation to our real or exaggerated strength. It would mean an attempt to trade, to get from us gas and oil, neglecting all other aspects of the problem. I think it's very dangerous.

By liberating ourselves from problems we can't solve ourselves, we could concentrate on accumulating strength, and as a result, the whole world would be disarmed and facing our uncontrollable bureaucratic apparatus. I think that detente without any qualifications, accepting our rules of the game, would be very bad.

That would be cultivation and encouragement of closed countries, where everything that happens goes unseen by foreign eyes behind a mask that hides its real face. No one should dream of having such a neighbour, and especially if this neighbour is armed to the teeth.

I suppose most western politicians understand this and it has already been confirmed at the Helsinki conference, that detente has to take place with simultaneous liquidation of isolation.

The adoption of the Jackson amendment looks like the minimum step, which is important not only by itself, but as a symbol of the fact that detente with the Soviet Union does not preclude some kind of control on this country so that it could not become a danger for its neighbours.

The question of emigration of Jews . . . [interruption by journalists pointing out that the Jackson amendment does not refer only to Jews but to general, free emigration] I know, I know, I know. The Jackson amendment deals with emigration of all, and only a small fraction of the problem concerns Jews.

But very often people try to connect the issue of the Jackson amendment only to the emigration of Jews. Such thinking is very advantageous to our propaganda, but essentially very wrong. But I don't want to say I minimize the significance of the emigration of Jews. I think that this is a very important and justified phenomenon in our life which has many reasons in the history of the Jewish people and in the conditions of our country. But it is very important that the problem should not be reduced only to that.

Q. What if 10 per cent of Soviet scientists decided to leave?

A. In the first place, I am sure that 10 per cent will never have this idea, so it's not real-

istic, that question. But if a number of scientists larger than at present wished to emigrate, I think it would be natural. Many scientists leave all countries, all throughout the world. The problem of brain drain is widely discussed, but in the end it does not lead to any catastrophic results or consequences. Science is international, technology is also becoming international, and the place of residence of a scientist is now a personal matter for each one.

Q. When might the dissident trials take place?

A. Apparently some trials will be held during the next few months, in September, judging by the situation, though we have no direct or indirect information about it. I think Yakir and Krasin, probably. Probably those trials have been postponed several times. And preparations were made unknown to us. It's very hard for me to tell you how it will look, because obviously plans have been changed several times.

Possibly the question might arise then that the activity of Yakir and Krasin, and those related to them, was exploited with anti-Soviet aims by anti-Soviet organizations. What I said in my first statement, as an introduction to the interview, reflects my point of view on this problem.

Q. Any news on General Grigorenko?

A. The news is that there is no news, that he is still, as before, at Chernyakovsk in horrible conditions. And though by a decision of the appeal court he was supposed to be, according to the law, transferred to a normal hospital, now this is postponed and his wife—who was given no explanations—was told that the head of the hospital is away and that he will be back only on September 10. The head of this special insane asylum. His name is Bochkov. So far, we still must hope that he (Grigorenko) will be transferred. So it will be a little bit easier for a man who for four years now has endured horrible sufferings.

Q. What was the aim of this press conference?

A. I thought that my summons to the Deputy General Prosecutor's office is very demonstrative and is a definite threat to me and to my family. I also thought that in this conversation I had there, the text of which you have, very important questions might be reflected.

[From the Christian Science Monitor, Aug. 22, 1973]

DÉTENTE AND REPRESSION

(By Robert R. Bowie)

The onset of the cold war was dramatized in 1946 by Churchill's Fulton, Missouri, speech which deplored the lowering of the "Iron Curtain" across Europe. This graphic metaphor became the symbol for the suppression of political and civil liberties in Eastern Europe and U.S.S.R. and the erection of tight barriers to block the movement of people and information between East and West.

Now detente has supposedly ended the cold war. The West has accepted the position of Germany, the Communist regimes in Eastern Europe, and the Soviet dominance there. Quite naturally, many had hoped that detente would raise the Iron Curtain, and open the way for the freer flow of people and information. That would be good in itself, and would foster the confidence and understanding necessary for coping with the urgent problems of an interdependent world.

The news of the last two weeks, however, makes it clear once more that the Soviet leaders do not view detente in these terms. At home, as they see it, detente creates both the necessity and opportunity for greater repression, as was noted in January by Andrei Sakharov, the distinguished Soviet nuclear scientist. Thus after Richard Nixon's visit to Moscow last year, the Soviet regime clamped down more harshly on citizens seeking greater political and civil freedom. Now Leonid Brezhnev's trip to the United States has been followed by a new wave of repression.

Sakharov himself has been bitterly attacked for his social and political views. Andrei Amalrik, who recently finished a three-year sentence in Siberia for his political writings, has been recommitted for another three years. Zhores A. Medvedyev, the famous geneticist, has been deprived of his citizenship, for the publication in the West of his book which described his detention in a lunatic asylum for advocating civil rights. Vladimir Maximov, a popular young author, was expelled from the writers' union in late June, for the publication abroad of several novels condemned as "anti-Soviet." Apparently the current campaign extends to many more cases. As the Monitor sums it up: "Cultural repression has reached a new high in the U.S.S.R." In Eastern Europe, the situation varies somewhat among the several countries but is broadly comparable, according to an article by Leopold Labedz in the June issue of Encounter.

The Soviet leaders (and the East European) see a similar threat in lowering the barriers to wider exchanges of people or ideas between East and West. At the Helsinki conference on security and cooperation Andrei Gromyko insisted that any contacts and exchanges must be governed by "each state's laws and customs"—that is strictly controlled and limited.

The denial of human rights and contact is of course regrettable in itself, as it is in Greece or Spain. But in the Soviet case, the effects are more serious: they severely limit the prospect for genuinely better relations. Freer flow of people and information is the foundation for the understanding and trust essential for cooperation.

In his Nobel Prize lecture, Alexander Solzhenitsyn made the point: "This information blockage between the different parts of our planets is a deadly peril . . . [it] makes a mockery of international agreements and treaties; within the jammed zone no problem at all to reinterpret a treaty, and even simpler to suppress it as if it had never been (something that Orwell understood very well)."

Lowering the barriers to freer exchange will take a long time. It is intimately linked to the dependence of the Soviet and East European regimes on domestic repression to maintain one-party rule. Major change will be feasible only as the regimes come to rest on the consent of their citizens for their legitimacy. That evolution will be slow at best, and will depend mainly on internal forces; but it can be helped along to some degree.

For example, Radio Free Europe and similar facilities which broadcast to Eastern Europe and the Soviet Union can play a constructive role by providing objective information. The Soviet campaign to silence them as contrary to the "spirit of detente" is utterly self-serving and should be ignored. Senator Fulbright's view that these are merely relics of the cold war sadly misconceives the actual process of evolution of the Communist regime.

The reconvening next month of the conference on European security will give the Western nations an opportunity to press for progress. They should not hesitate to utilize the obvious Soviet desire for trade and technology as leverage for some concessions on freer movement. The experience with Jewish emigration from the U.S.S.R. to Israel shows that such pressures can have affirmative results.

The Soviet Union will certainly denounce all such efforts as reviving the cold war. The truth is just the opposite. Progress in this field is indispensable to really ending the cold war.

[From the Christian Science Monitor] Aug. 25, 1973]

QUESTION: HOW FAR SHOULD DÉTENTE GO?

(By Joseph C. Harsch)

"Detente" is the catchword of the day in the power world, but it is not doing the long-suffering people of the Soviet Union any good.

As so often before in the tortuous story of the Russian peoples and their subjects, the hand of the all-powerful state is heavy upon them; heavier, it seems, now that the pressures from outside are relaxed.

If the Russians matched this lifting of outside pressures by a lowering of the barriers they have put around their own people, if ideas could flow freely across the frontiers of the Soviet state, if the peoples of the vast Soviet Union could meet and talk with other kinds of people—then the West could be more confident that detente is a good thing for all concerned. For once the barriers come down it is harder to put them up again.

But the barriers are not really coming down. And so the peoples and their leaders in the West may now begin to consider how much farther they really want the detente to go.

DEFENSE AT STAKE?

Has it already gone as far as safety permits?

Some are already thinking that it has gone too far. So far indeed that it undermines defense planning.

So far the Nixon administration, and most Americans seem to have been enjoying the detente too much to begin to think about possible dangers inherent in it. Perhaps that will change now. Henry A. Kissinger is going to move from the White House where detente is a proud political success story to the State Department where a lot of professional foreign policy experts are increasingly concerned about too much detente.

The environmental change for Mr. Kissinger will be enormous. At the White House the detente was treasured as the last best antidote to Watergate. At the State Departmen Watergate is something unpleasant off in the distance of no direct concern to any professional policymaker.

MERITS STRESSED

Mr. Kissinger is himself a great believer in the detente on its merits. After all, he is the architect and builder. And Mr. Nixon will still be treasuring the detente as his best way to get away from Watergate and redeem his promises to the American people. This of course gives leverage to Mr. Brezhnev in the Kremlin. But as a student of European history Mr. Kissinger is familiar with the problem Russia's neighbors have always had in managing to live in the same part of the world with Russians. He knows as well as any other expert in these matters that getting too close to the bear risks the embrace of his large and powerful arms. It will be fascinating to see how much and in what direction Kissinger's views of detente change as he settles into the role of being "Secretary of State of the United States."

LIKE THE CZARS

At home, the latest deeds of the Soviet state are reminiscent of the past. Russia's greatest living novelist, Alexander Solzhenitsyn, is refused a permit to live with his family in Moscow. Zhores Medvedyev, a geneticist, has had his passport revoked. He is fortunate. He is in London. Andrei Amalrik is less fortunate. He has just had a three-year prison sentence in Siberia renewed for another three years.

It was like this often enough in the days of the czars. Perhaps the 17th century is the parallel. Earlier, under Ivan the Terrible, such persons would have been killed instantly. By the 17th century the state was

anxious to populate the vast and empty reaches of Siberia.

EXILE TO SIBERIA

Exile to Siberia, banning from the capital city, suppression of writings, isolation of foreigners, minimum contact between Russians and foreigners—all these are as Russian as borshcht or shashlik. Any czar would nod in approval. The Communist regime is in some ways as czarist as the czars—at least in matters concerning personal freedoms. But the degree sometimes changes.

There was much relaxation under Nikita S. Khrushchev, then a hardening immediately after his overthrow, then a spring freshet of some respite. Now there is another season of chilly repression. The outside world is not to be allowed to reach out to the minds of the Russian people.

Yet if the Russian state can turn human freedom on and off at will at home, what assurance is there that it won't also turn detente on or off at will?

[From the Washington Star-News, Aug. 26, 1973]

TELLING IT LIKE IT IS

It is ironic in these days of detente and the 33-cent loaf of bread (brought to us by the same wonderful people who gave us Watergate) that the only people with the courage to tell the truth about the Soviet Union are the Russians themselves.

Thus we have the novelist Vladimar Maximov denouncing the poet Yevgeni Yevtushenko, who has been well received by American critics, as a "petty political marauder, travelling literary salesman and demon of spiritual parasitism," which is a rather accurate description of a man who accepts the privileges of a state income and foreign travel while his fellow artists languish in prison or, like Maximov, are expelled from the Writers Union and threatened with incarceration in a mental institution.

Thus we have physicist Andrei Sakharov, the father of the Soviet Union's hydrogen bomb, warning Western newsmen that acceptance of detente by the West on Russia's terms would not enhance the prospects of peace but would amount to "a dangerous capitulation."

Thus we have novelist Aleksandr Solzhenitsyn, refused the right to live in Moscow with his wife and two sons, warning the Soviet minister of the Interior that serfdom has been abolished (theoretically) in Russia for 112 years; yet he and millions of others must live and work where the state dictates.

As Lincoln remarked 115 years ago, "A house divided against itself cannot stand." The President went on to say that "this government cannot endure permanently half slave and half free." Those words were prophetic. Is there any reason to believe that there can be meaningful detente, that there can be lasting peace in the world, so long as the governments of the Communist bloc deprive their citizens of the most rudimentary rights such as freedom of speech, of residence and of travel? And must those who make this point always be those with the most to lose, rather than those who have the freedom to champion liberty?

[From the New York Times, Aug. 27, 1973]

QUESTIONS ON DÉTENTE

In his new post as Secretary of State, Henry A. Kissinger may find it necessary to take a fresh look at his conception of détente with the Soviet Union. It envisions that increasing relations between American and Soviet citizens will build mutual trust, with benefits for both countries. From Moscow's point of view, the anticipated fruits of détente include massive transfers of American capital and technological know-how to speed up Soviet development and—inevitably—the growth of Soviet power.

The Kissinger conception has now been fundamentally challenged from a startling source. Academician Andrei D. Sakharov, who invented the Soviet hydrogen bomb in the early nineteen-fifties and who more recently has become an outspoken advocate of Soviet civil liberties, attacks the Kissinger thesis at its weakest point—its failure to insist that détente move the Soviet dictatorship toward greater democracy and responsiveness to public opinion. In effect, this eminent Soviet dissenter asks Americans to ponder the possibility that, after they have helped strengthen the Soviet Union, they will find the Kremlin rulers of the nineteen-eighties more dedicated to world domination than even their authoritarian predecessors. Sakharov's warning is that détente without Soviet democracy could be suicidal for world freedom.

Point was added to this somber notice by two reminders last week of how much repressiveness is still standard in Moscow. The disgraceful treatment accorded the Israeli team at the World University Games there and the open violence directed against Soviet Jews who wished to cheer the Israelis provided one shock. Equally disconcerting was the brutal decision of Soviet bureaucrats to deny Aleksandr Solzhenitsyn permission to live in Moscow where his wife and two sons are legal residents. As Solzhenitsyn rightly points out, this decision and the law on which it is based derive from the implicit assumption that the Soviet people are serfs of a state which really owns them.

Progress toward détente is threatened by the anxieties such developments arouse on whether the Soviet Union ever intends to become a genuinely open society.

[From the Christian Science Monitor, Aug. 27, 1973]

WARNING TO THE WEST

At grave personal risk, Soviet nuclear physicist Andrei Sakharov has just reminded the West of the starker aspects of dealing with the Soviet Union.

He chose a government-defying session with 11 foreign newsmen in Moscow to issue his warning. The personal motives behind Dr. Sakharov's action are complex. Soviet authorities have been escalating their warnings against his outspokenness on civil liberties for Soviet citizens. His and his wife's children have lost jobs or posts as students. Invitations to the children to study at Massachusetts Institute of Technology are being thwarted by a lack of visas. By urging the West in his bid to gain guarantees of greater liberty for Soviet citizens, Dr. Sakharov has thrust his own case on the front line of the negotiating struggle of detente.

His remarks that the West should be wary in arms and trade deals with his own country were widely reported in America. His warnings were noted soberly by much of the public. Despite the rightful measure of relief that the Nixon-Brezhnev visits and other symbols of detente have brought, there persists a suspicion that the West, and particularly the United States, may be in danger of being suckered by Soviet maneuvers. The bargain grain deal for the Soviet Union has fed this suspicion.

One does not need to question the basic value of detente to argue for alertness in pursuing it. It is vital to keep in mind the priorities of the two sides. The perceptive Swiss Review of World Affairs, a monthly publication of the Neue Zuercher Zeitung, puts the Soviet motivation in this way:

"The Soviet Union is haunted by the Chinese problem and its own economic insufficiency. It aims to open up Western economic potential for its own purposes. And in addition it desires to protect its empire in East and Central Europe from latent dangers by obtaining Western confirmation of that empire in the form of non-aggression pacts or the like, by blocking undesirable influences and forces of attraction from the West, by maintaining a rigorous and totally repressive domination, by maneuvering America out of its European outposts and by weakening and dividing the Western European allies."

The West, according to the same Swiss analysis, must maintain the European-American partnership while seeking disarmament and preserving security. But more important, the West must seek by detente . . . "a step-by-step improvement of inhuman conditions, the elimination of barbed-wire fences and prison walls at the borders and at least a beginning of freedom and mobility throughout divided Europe, with a consequent loosening of the totalitarian grip."

From the West's point of view, a closed and repressive Soviet Union with less to worry about militarily on its European flank and bolstered economically by Western capital and technology, could be a worse threat than ever.

Dr. Sakharov's warning that the West must insist on greater Soviet openness to balance off Western concessions is well taken. It comes at a moment when the Soviet Union is fighting as hard as ever to maintain its ideological isolation. Internally, repression of dissidents continues. Last month, for example, the young Soviet writer Andrei Amalrik was sentenced to an additional three years in a labor camp.

External influences are just as rigorously being resisted. A campaign against the Voice of America is in full swing, both by attempts to jam it out of Soviet airwaves and by labeling listening to it as subversive. Deep doubts exist too about the sincerity of the Soviet Union's agreement to put the issue of freer East-West contact on the agenda of the European Security Conference.

The Soviet Union runs its own risk in seeking a dual policy of detente and repression. The case of Dr. Sakharov illustrates this risk. To silence him now would emphasize how antithetical the Soviet regime is to the Western democratic lifeline of freedom of expression and conscience. Silencing him would make all the more mandatory the West's insistence that penetration of Soviet isolation be a price Moscow must pay for detente.

[From the International Herald Tribune, Aug. 29, 1973]

INTERNATIONAL OPINION

DÉTENTE AND HUMAN RIGHTS

So great is the world's legitimate need for a relaxation of international tensions that a "policy of détente" has become a fundamental axiom to which there is no reasonable alternative. Large segments of the public have as a result forgotten how to pose certain questions—such as whether all the parties involved really mean and want the same thing when they use the same word.

Recently the prominent Soviet physicist Andrei Sakharov displayed admirable courage, daring in the middle of Moscow to present his own interpretation of the aims and possible consequences of this policy. He declared that, if the West "accepts détente under Soviet conditions," it may find itself faced by a "Soviet Union armed to the teeth." This man should know whereof he speaks, far better than some of the omniscient optimists talking from the safety of other shores.

Sakharov risked his neck by openly uttering such grave words. And the policy of détente has not reduced the risk factor for him and other free spirits in the Soviet Union. On the contrary, there are growing signs that détente is bringing an increase not of freedom but of repression inside the U.S.S.R. There is a grisly logic to this. By its own definition, to the Kremlin a policy of détente is primarily a means to strengthen

its own domination. Liberalization, which could and would mean an easing of that domination and thus endanger the discipline within the East bloc, would thus be "counter-productive."

It remains vital that Soviet policy be confronted with emphatic demands that détente be linked to the granting of elementary human rights. To yield on this point for the sake of a fictitious period of diplomatic fair weather would be, as German author Heinrich Boell has said, "the falest consequence of Ostpolitik."

—*From Neue Zuercher Zeitung (Zurich).*

[From the New York Times, Aug. 31, 1973]

UNIVERSITY OF MICHIGAN,
Ann Arbor, Mich., Aug. 22, 1973.

TO THE EDITOR:

Academician Sakharov's concerns about U.S.-Soviet reconciliation [news story Aug. 22] seem well-founded. When Sakharov, who has a greater familiarity with the workings of Kremlin minds than most other Soviet dissidents, warns against too open-handed an approach. Washington is well-advised to listen.

Already a military giant, the U.S.S.R. is seeking "trade relations" with the U.S. on a basis of unilateral advantage more fit to an underdeveloped nation. How much is offered in return?

The Soviet "civilian" economy is underdeveloped, especially in critical areas of technology and automation, but those who feel that injections of Western expertise and hardware in return for future deliveries of Soviet gas and oil will yield "profits" in internal liberalization and long-term international relaxation should attend to the quite explicit cues emerging from Moscow and the other East European capitals.

A Soviet Union relieved of any significant *quid pro quo* for what amounts to foreign aid 's all the better in a position to insulate itself against demands for internal liberalization, and to deal with figures like Sakharov, Solzhenitsyn and Amalrik who represent those demands.

That this is the official Soviet stance is clear from Yuri Zhukov's recent statements warning listeners to Western radio and from the immobilism of Communist negotiators on the issue of free exchanges of "people and ideas." Yet a lasting détente depends on such issues and becomes less likely (even for the distant future) when any American readiness to gloss over them is manifested.

Brezhnev's appeal for massive Western assistance, while ruling out any internal concessions and any modification of the "doctrine" for Eastern Europe that bears his name, violates a cardinal principle of international negotiation: that agreements between equals should produce fairly equal mutual benefits.

At a time when Washington has shifted from "crusade" to *realpolitik*, it is surprising that this fact is so often ignored.

(Prof.) WALTER D. CONNOR.

[From the Washington Post, Sept. 2, 1973]

A KREMLIN ATTACK ON DIGNITY AND DÉTENTE

Is the Kremlin planning to lop off the last to prominent Soviet dissenters with contacts with the outside world, and then to proceed on—in relative immunity from external scrutiny—to isolate and silence the remaining free spirits within the Soviet Union? This is the chilling prospect presented by the new campaigns being mounted by the Kremlin's police against Nobel laureate Alexander Solzhenitsyn and famed physicist Andrei Sakharov. Both have ignored ominous official warnings and have issued warnings of their own to the West. Mr. Solzhenitsyn, saying that his life has been threatened by the KGB, reports that in the event he is imprisoned or killed, he has made provision for publication of "the main part" of his works, heretofore unpublished. Mr. Sakharov is under attack in a way indicating the groundwork is being laid either to throw him into a mental asylum—a common punishment for Soviet dissenters—or a jail. Meanwhile, two other dissenters, having evidently been broken by the KGB, have received show trials whose purpose is to portray legitimate expression as false, hostile and inspired from abroad.

The particular convolutions of Kremlin politics which are responsible for these latest barbarisms are difficult to discern. Outsiders cannot yet know whether General Secretary Leonid Brezhnev has grimly joined a common Kremlin effort to prevent the warm rays of detente from melting Communist Party controls at home or whether he is paying for his liberal foreign policy by throwing the dissenters to the conservatives. What is clear, however, is that an extraordinary crackdown is in progress. The authorities are trying to punish and intimidate all of those courageous enough to stand up for truth and decency. They must know that, for cutting down world figures like Alexander Solzhenitsyn and Andrei Sakharov, they will incur strong criticism. Perhaps they hope to weather the blasts and then to turn on other dissenters, who are largely unknown and who cannot hope to have the same access as a Solzhenitsyn or Sakharov to the Western public.

Domestic policy can no more be divorced from foreign policy in the Soviet Union than in the United States. The Kremlin crackdown is sure to make many Americans ponder what kind of "detente" is possible with a government which treats the appearance of Western humanistic values inside its borders as cause for fear and loathing. How can a government which wishes to impress others with its maturity and trustworthiness be credited with those qualities when it displays such a fundamental sense of insecurity? The spectacle of the Kremlin closing off the few openings which a handful of its citizens have had to the West, even while Soviet leaders profess a desire to improve relations with the West, is extremely disquieting. It is not sentimentalism but hard self-interest, which requires this to be pointed out.

[From the New York Times, Sept. 9, 1973]

TERROR IN MOSCOW

Kremlin terror tactics have almost extinguished the visible Soviet dissident movement, but not quite. That became evident yesterday when three Soviet citizens came publicly to the defense of Academician Andrei D. Sakharov and suggested him—very appropriately—for the Nobel Peace Prize.

The bravery of this trio—mathematician Igor R. Shafarevich and writers Vladimir Y. Maksimov and Aleksandr A. Galich—is underscored by the fact that the only other prominent Russian willing to speak out against the current Kremlin campaign of intimidation has been Nobel Prize winner Aleksandr Solzhenitsyn.

Until yesterday the Soviet press was full of statements denouncing Academician Sakharov, many of them signed by outstanding Soviet scientists, writers, musicians and other intellectuals of whom the world had a right to expect more decency. The intensity of Kremlin pressure has been so enormous that even men of such global renown as Academician Pyotr Kapitsa, the physicist, have felt it impossible to do more than keep silent. They can only hope that the world will realize the meaning of the absence of their signatures from the shameful lists.

The ruthlessness of the drive to stamp out dissent is epitomized in Mr. Solzhenitsyn's revelation that a Leningrad woman hanged herself after being forced by five days of continuous secret police questioning to reveal the whereabouts of a major underground Solzhenitsyn manuscript. Nevertheless, the Kremlin is clearly worried about negative Western reaction to its barbarous return to Stalinism of the nineteen-thirties.

That fear was made plain when the Soviet Government suddenly held a press conference at which the freshly convicted former dissidents, Pyotr I. Yakir and Viktor A. Krasin, were called upon to reconfess their "crimes" in public. Their first confessions in the courtroom were apparently so poorly rehearsed that the Kremlin dared not let foreigners view the trial. Unfortunately for the Kremlin, the parallels between the Yakir-Krasin frame-up and the caricatures of judicial process in the purge trials of the thirties are too close to allow this latest example any credibility.

A wave of revulsion against the Moscow terror has swept much of the civilized world. In France, for example, the French Communist party has been hurt by Moscow's primitive behavior and is striving frantically to minimize the damage it suffers. In the United States, by contrast, the response in official quarters has been peculiarly ostrichlike. Thus, at the height of the program, the Secretary of Health, Education and Welfare has visited Moscow, where he last week held a news conference with the Soviet Health Minister. In addition, the Administration has made plain that its efforts to expand Soviet-American trade are going ahead full steam.

Secretary of State-designate Kissinger has disclosed that he was "very moved" by the Sakharov statement urging that the United States go slow on détente until the Soviet Union showed some sign of democratization. However, Mr. Kissinger insists, in effect, that the United States must ignore everything Sakharov said and go right ahead building up Moscow's economic resources.

Some may feel that Watergate has so undermined President Nixon's moral status that he is in no position to critize anybody else. Yet, by his silence on Moscow's excesses, the President is stumbling into another and even more serious trap.

In last week's news conference Mr. Nixon pleaded against any cut in the military budget lest this nation be deprived of bargaining leverage at SALT II. But his present policy of expanding Soviet trade, making advanced American technology available to Moscow and encouraging American businessmen to plan multi-billion dollar investments there are all designed to increase Soviet strength—military as well as economic.

As Academician Sakharov has pointed out, helping a completely regimented Soviet Union become stronger could ultimately be the road to American suicide. On its side, the Kremlin does not interpret détente as requiring ideological disarmament. Why is the White House acting as though détente requires it to approve of every Moscow horror?

OIL PIPELINE THROUGH CANADA

Mr. STEVENS. Mr. President, one of the major points of controversy concerning an oil pipeline through Canada is the immediate willingness of the Canadian Government to negotiate on this point. In turn, this depends upon, among other things, the speed with which Canadian Native land claims can be settled.

Much confusion has recently existed on this point. Part of the confusion has been due to the complex legal nature of the claims and the varying interpretations of governmental policy concerning Canadian Native land claims.

On August 8, the Honorable Jean Chretien, the Canadian Minister of Indian Affairs and Northern Development, the Cabinet official charged with the responsibility for formulating governmental policy on this issue, made a major statement. And let me state that Mr.

Chretien impressed upon me, in a recent meeting, his dedication to secure justice for the aboriginal people of Canada. In this statement he indicated,

As the Government pledged some years ago, lawful obligations must be recognized.

These include the treaties between Canadian Natives and the Canadian Federal Government.

Minister Chretien quoted Queen Elizabeth, who spoke to the Indians of Alberta in Calgary, Alberta, last July 5. At that time the Queen of England stated:

You may be assured that my Government of Canada recognizes the importance of full compliance with the spirit and terms of your Treaties.

Minister Chretien traced this obligation back to 1763 and indicated that not only Canadian Indians are included, but so are Inuits Eskimos. He said:

These premises are restated now to emphasize that nothing in the following policy enunciation is intended to alter them. The government wants to reassure the native peoples concerned, and the people of Canada generally, that its policy in this regard is an expression of acknowledged responsibility.

The Minister's statement went on to embrace nontreaty groups as well as groups covered by treaties. He asked all groups having claims to submit them to the Federal Government and indicated that the Federal Government would attempt to settle these claims:

It is basic to the position of the Government that these claims must be settled and that the most promising avenue to settlement is through negotiation.

It is envisaged that by this means agreements will be reached with groups of the Indian and Inuit people concerned and that these agreements will be enshrined in legislation, enacted by Parliament, so that they will have the finality and binding force of law.

The Government is now ready to negotiate with authorized representatives of these native peoples on the basis that where their traditional interest in the lands concerned can be established, an agreed form of compensation or benefit will be provided to native peoples in return for their interest. . . .

The Minister stated also that not all of the lands are under the jurisdiction of the Canadian Federal Government. The Territorial and Provincial Governments also have certain duties to the Canadian native peoples and must enter into the negotiations and be willing to provide compensation.

Settlements with Indian and Inuit groups in those provinces can only be satisfactorily reached if the provinces concerned participate along with the Government of Canada in the negotiation and settlement. . . .

He continued:

It is in the interest of those provinces and their residents that claims respecting land in the provinces be settled and it is, therefore, reasonable to expect that provincial governments should be prepared to provide compensation. . . .

He cited several examples of cases in which the Federal Government is at the moment prepared to enter into immediate negotiations. One of these is in the Northwest Territories.

He summarized the new policy:

In all these cases where the traditional interest in land has not been formally dealt with, the Government affirms its willingness to do so and accepts in principle that the loss and relinquishment of that interest ought to be compensated. It sees this goal being most effectively attained by means of settlements freely negotiated by all the parties concerned. . . .

In calling Minister Chretien's statement to the attention of Congress, I would like to point out several things:

First, that the Canadian Government is willing to enter into immediate negotiation with Native groups whose "traditional interest in the lands concerned can be established." Several examples, including certain Northwest Territories Natives were cited. But this prerequisite that the claims to the lands must be established is a considerable stumbling block. In the present lawsuit in the Northwest Territories, the Government is having a very difficult time deposing the few living witnesses to treaties which were signed nearly a century ago. The problems of proof, while they may not be insurmountable, are likely to be very time consuming. The legal interpretations are likely also to require additional time.

Second, negotiations are also likely to take considerable time. This is particularly true because: first, in many cases the provinces and territories must participate in the settlement. Their legislatures and cabinets will likely have to take affirmative measures to permit their participation. This will also take considerable time. Second, the form of the compensation must be fashioned, not only to provide a monetary settlement, but also to—

Contribute positively to a lasting solution of cultural, social, and economic problems that for too long have kept the Indian and Inuit people in a disadvantaged position within the larger Canadian society.

Third, because Federal legislation will be necessitated, additional time will be required to pass the necessary legislation in Parliament.

Thus, although it does appear that the Canadian Federal Government is willing to move forward on the complex Native Land Claims issue, any solution will require some time to reach. We all look for a speedy resolution but the process outlined is not one in which time is of the essence.

I request unanimous consent to print in the RECORD the August 8 statement of the Honorable Jean Chretien.

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

STATEMENT BY THE HONORABLE JEAN CHRÉTIEN, MINISTER OF INDIAN AFFAIRS AND NORTHERN DEVELOPMENT ON CLAIMS OF INDIAN AND INUIT PEOPLE, AUGUST 8, 1973

OTTAWA, August 8, 1973.—Many Indian groups in Canada have a relationship with the Federal Government which is symbolized in Treaties entered into by those people with the Crown in historic times. As the Government pledged some years ago, lawful obligations must be recognized. This remains the basis of Government policy.

The Federal Government's commitment to honour the Treaties was most recently restated by Her Majesty the Queen, when speaking to representatives of the Indian people of Alberta in Calgary on July 5. She said: "You may be assured that my Government of Canada recognizes the importance of full compliance with the spirit and terms of your Treaties".

This assurance and the present policy statement signify the Government's recognition and acceptance of its continuing responsibility under the British North America Act for Indians and lands reserved for Indians. The Government sees its position in this regard as an historic evolution dating back to the Royal Proclamation of 1763, which, whatever differences there may be about its judicial interpretation, stands as a basic declaration of the Indian people's interests in land in this country.

At the same time, by judicial interpretation, the Federal Government's jurisdiction in respect of Indian people has been extended to include the Inuit or Eskimo people.

These premises are restated now to emphasize that nothing in the following policy enunciation is intended to alter them. The government wants to reassure the native peoples concerned, and the people of Canada generally, that its policy in this regard is an expression of acknowledged responsibility.

The present statement is concerned with claims and proposals for the settlement of long-standing grievances. These claims come from groups of Indian people who have not entered into Treaty relationship with the Crown. They find their basis in what is variously described as "Indian Title," "Aboriginal Title," "Original Title," "Native Title," or "Usufructuary Rights." In essence, these claims relate to the loss of traditional use and occupancy of lands in certain parts of Canada where Indian title was never extinguished by treaty or superseded by law.

Since taking office in 1968, the Government has provided funds to the Indian and Inuit people, and other assistance, so that they could conduct the necessary research to support their claims to traditional interests in land.

The Government has received claims from some of those native groups and is aware that corresponding claims are being prepared by others. The lands in question lie in British Columbia, Northern Quebec, the Yukon and Northwest Territories.

In reviewing its position on the claims of Indian and Inuit people, the Government has had the benefit of, and taken into account, submissions made by their organizations, views expressed by them and others in the Standing Committee on Indian Affairs and Northern Development, and recent proceedings in the courts in connection with Indian claims.

The Government has been fully aware that the claims are not only for money and land, but involve the loss of a way of life. Any settlement, therefore, must contribute positively to a lasting solution of cultural, social and economic problems that for too long have kept the Indian and Inuit people in a disadvantaged position within the larger Canadian society.

It is basic to the position of the Government that these claims must be settled and that the most promising avenue to settlement is through negotiation. It is envisaged that by this means agreements will be reached with groups of the Indian and Inuit people concerned and that these agreements will be enshrined in legislation, enacted by Parliament, so that they will have the finality and binding force of law.

The Government is now ready to negotiate with authorized representatives of these native peoples on the basis that where their traditional interest in the lands concerned can be established, an agreed form of compensation or benefit will be provided to native peoples in return for their interest.

Not all of the lands in question are the sole concern of the Federal Government. In the Yukon and Northwest Territories, the Government has authority, to be exercised in full consultation with the Territorial Governments, to deal with interests in land. But

for claims arising in the provinces concerned, provincial lands are involved and so are rights of Canadians living in those provinces. Settlements with Indian and Inuit groups in those provinces can only be satisfactorily reached if the provinces concerned participate along with the Government of Canada in the negotiation and settlement.

It is in the interest of those provinces and their residents that claims respecting land in the provinces be settled, and it is, therefore, reasonable to expect that provincial governments should be prepared to provide compensation. The Government has informed the provincial governments concerned of its position and urged them to take part in the negotiations envisaged.

In the claims received from the native peoples, there are some variations. There may be others in the future. These variations arise mainly from the proposals put forward for settlement. They suggest and require a flexibility of response which the Government is prepared to consider.

About a year ago, the Union of British Columbia Chiefs submitted its claims for compensation based on the loss of traditional use and occupancy of land in that province. Since then, the claim of the Nishga Indians which related primarily to lands under the jurisdiction of the province, has been dealt with by the Courts. The Government is now ready to negotiate the claims of Indian people in British Columbia and regards the participation of the provincial government as a necessary ingredient for a satisfactory settlement.

With respect to Northern Quebec, some very important legal issues related to native claims there are now before the provincial courts. The Federal Government still believes that negotiation is the best way to achieve the results desired by all parties concerned and it will continue in its efforts to resolve the problems. But because those matters in Quebec are at present before the Courts, it would be inappropriate for the Government to make any further statement concerning them at this time.

The Government has already agreed with representatives of native people in the Yukon to enter into negotiations concerning their claims. Negotiations about proposals for settlement have commenced. The Government is equally ready to negotiate claims with the Indian and Inuit groups in the N.W.T. relating to interests in land not covered by Treaties. The Government for some time has emphasized its desire to fulfill all of its obligations and its willingness to consult with the people concerned in doing so. The Inuit people in the Northwest Territories, as in the case of Indian groups in Canada, have received funds from the Government specifically for the purpose of research on land claims.

In all these cases where the traditional interest in land has not been formally dealt with, the Government affirms its willingness to do so and accepts in principle that the loss and relinquishment of that interest ought to be compensated. It sees this goal being most effectively attained by means of settlements freely negotiated by all the parties concerned.

There are other areas of the country where no treaties of surrender were entered into, such as southern Quebec and the Atlantic provinces. The Government's view is that land claims in these areas are of a different character from those referred to earlier in this statement. The Indian people have submitted claims respecting their interests in land in these areas and the Government is examining them. The Government is providing funds to enable them to undertake the necessary research.

The Commissioner for Indian Claims, Dr. Lloyd Barber, was appointed in 1969. He has been able, in a number of instances, to assist the Indian people and the Government in arriving at a mutually satisfactory accommodation. It is the Government's hope that the good offices of the Commissioner will continue to be used as required to facilitate settlements of all kinds.

The Government views this claims policy in the context of other policies intended and designed to remove the sense of grievance and injustice which impedes the relationships of the Indian and Inuit peoples with the governments concerned and with their fellow Canadians.

THE TRUTH ABOUT DAN MITRIONE

Mr. BAYH. Mr. President, the September 9, 1973 issue of the Indianapoils Star carried a tremendously important article by Dr. Ernest W. Lefever concerning the vicious distortions and outright lies in a currently popular film purporting to depict the events surrounding the assassination of a great American, the late Dan Mitrione.

Dr. Lefever, a distinguished scholar on the staff of one of our most prestigious research institutions, the Brookings Institution, demonstrates with precise detail that the film, "State of Siege," far from being a factual account of the struggle of heroic Latin American revolutionaries against U.S. imperialism, is a shameless and coldblooded piece of far-left propaganda. In this connection, Mr. President, it is worth noting that the "heroes" of the film, the Uruguayan revolutionaries called Tupamaros, have been denounced by the Uruguayan Communist Party as "insane fanatics" and by Moscow's leaders as "loudmouthed thugs" using "gangster tactics." So we are not dealing here with traditional Communist propaganda but with that species of leftist fanaticism represented by the murderous "Black September" movement as well as by the Tupamaros.

The most savage of the distortions in "State of Siege" is the portrayal of Dan Mitrione as, in Dr. Lefever's words:

> A ruthless, calculating, deceitful man . . . a CIA superagent willingly serving U.S. political and financial interests by installing reactionary, repressive, semi-fascist regimes in Latin America.

In fact, however, Dan Mitrione was a deeply respected, much loved resident of Richmond, Ind., who joined the Agency for International Development after a distinguished career as a police officer, rising from patrolman to chief in just 11 years. The father of nine children, a devoted family man and church member, he was active in a wide variety of Richmond charitable and social service activities. A colleague of his during his AID service has described him as "unusually compassionate. He was considerate. Brutality was foreign to his nature. The Uruguayans who got to know him held him in affection and respect."

And yet this film, which explicitly claims to be factual, shows the character based on Dan Mitrione as an instructor and advocate of torture, a conscienceless agent of Fascist-style repression, the instigator of rightwing acts of terror against people struggling to be free.

The real Dan Mitrione was not only wholly different as a human being, his job in Uruguay was the perfectly legitimate one of helping to train local police officials in advanced techniques of administration and crime detection. And it is worth reminding ourselves, Mr. President, that the Uruguay in which he served was the model democracy of Latin America, a free and open society characterized by genuinely democratic political institutions and extensive social welfare programs. In addition, Uruguay was a staunch supporter in the United Nations and the Organization of American States of U.S. policies, and therefore no American policymaker in his right mind would have thought it desirable, much less have attempted, to replace the existing government with a Fascist-type dictatorship—this being one of the principal reasons, according to the film, for Mitrione's presence in Uruguay.

The fully documented article by Dr. Lefever details a great number of other distortions and lies in this self-proclaimed factual film. He concludes that:

> "State of Siege" is in fact a cynical propaganda tract masquerading as a documentary.

That is, perhaps, the kindest way to put it. It is an unspeakable slur on the memory of a good and decent man, and it is from beginning to end a vile calumny on the policies and purposes of the United States. One does not have to be an unquestioning supporter of every one of this Nation's foreign policies to label as a vicious lie the claim that we are sending Americans around the world to teach torture and bring down democratically elected governments.

I do not want to be understood, Mr. President, as denying any filmmaker the right to make and exhibit any political propaganda he wishes. If someone wants to put together a movie purporting to show that Adolf Hitler was a true and beautiful humanitarian and that nazism was dedicated to the highest ideals of Western civilization, we should not deny him a license. But those who view this film ought not to suppose that what they are seeing is a scrupulously accurate documentary, a genuine contribution to history.

That, unfortunately, is the widely disseminated notion about "State of Siege." Its director, Mr. Costas-Gavras, knows exactly what he is doing; too many of those who reviewed the film and recommended it to the American public do not.

So to the extent that Dr. Lefever's article can serve as a vitally needed corrective to the brutal dishonesty of "State of Siege," it deserves the widest possible currency. I, therefore, ask unanimous consent that it be reprinted in its entirety in the RECORD.

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

THE TRUTH ABOUT DAN MITRIONE

(By Ernest W. Lefever)

Washington.—At 4:15 a.m., Monday, Aug. 10, 1970, the body of a stocky, unshaven 50-year-old man was found in the back seat of a stolen Buick convertible parked on Calle Lucas Moreno at Montevideo, Uruguay.

Blood was dripping through the floorboards and running toward the curb. He had been shot twice in the head and twice in the body. His eyes were bandaged. His left armpit bore deep bruises close to a half-healed gunshot wound. His inner arms were pitted by 16 needle-punctures.

This 12th murder—and fifth kidnap—vic-

tim of the Tupamaro terroists was Dan A. Mitrione, former police chief of Richmond, Ind., devoted Catholic father of nine who was a U.S. public safety adviser in Uruguay.

Kidnaped 11 days earlier, Mitrione had been "tried" by a Tupamaro "peoples court" and accused of being a CIA or FBI agent, of teaching Uruguayan police advanced torture techniques and of organizing a campaign of repression against "revolutionary" leaders. For these "crimes" he had been condemned to death.

Three years later, Mitrione's good name has been besmirched and his family anguished by a viciously anti-American film designed to malign him and what he stood for, and "prove" that the Tupamaros who killed him were justified.

"State of Siege" was authorized by two apostles of Europe's intellectual left—Constantin Gavras (who now calls himself "Costa-Gavras"), a craggy-faced film director of Russian-Greek parentage, and Franco Solinas, gifted Italian Communist scriptwriter.

It reportedly was bankrolled by Donald S. Rugoff, Madison Avenue film distributor, who has a taste for radical themes and whose wife plays a role in "State of Siege."

Costa-Gavras, the "Hitchcock of the left," has spared little effort in his attempt to convince American critics and the world that his film is a factually exact account of the life, kidnaping and death of Mitrione.

"The events in this film actually took place in a South American country," says the opening line, followed by a close-up of a light green Cadillac with a Montevideo license plate.

"State of Siege," like Costa-Gavras's previous box-office hit, "Z" (which Rugoff also reportedly underwrote to the tune of $600,000), makes use of a documentary format. Costa-Gavras and Solinas (who wrote "Battle of Algiers") intended it to be dramatic journalism, accepted as fact, not fiction.

This claim that "State of Siege" is factual, at least in essentials, has been accepted at or near face value by many American reviewers. A few took the opposite view but most critics never faced the issue directly.

This mixed reception raises two questions: Is "State of Siege" an honest documentary, a fictional thriller, an anti-U.S. propaganda tract, or a combination?

Will it exert, as critics who praised it have suggested, a constructive impact on Washington's policy toward Latin America by shocking U.S. citizens into awareness of "torture and repression" that the Agency for International Development (AID) allegedly carries out their name?

These questions can be answered only by comparing the film with the facts—the flashing, disjointed, confusing images of "State of Siege" with a straightforward march of events that led to the murder of Mitrione.

Uruguay in 1970 was, to begin with, anything but the reactionary police state pictured by Costa-Gavras and Solinas. On the contrary, it was one of the most democratic and open societies in the world. Its president and parliament were popularly elected.

The most notorious group was the Tupamaro Liberation Front, a small paramilitary terrorist organization dating from 1962, similar to the Weathermen in America and the Black September killers in the Midwest. In 1970, there were fewer than a thousand Tupamaros, with about 150 in prison or awaiting trial. Their social goals were not clear, but they seemed to seek a revolutionary order a la Castro or Mao.

The day after Mitrione's murder, a Uruguayan Communist leader denounced the Tupamaros as "insane fanatics." In 1971, Moscow called them "pseudo revolutionaries" and "loud-mouthed thugs" using "gangster tactics."

Through interrogation, flashback, inference and published "documents," Costa-Gavras portrays Dan Mitrione as a CIA superagent willingly serving U.S. political and financial interests by installing reactionary, repressive, semi-fascist regimes in Latin America.

"Your methods are war, fascism and torture," cries his interrogator.

Mitrione is presented in the film as a ruthless, calculating, deceitful man "who never had any sentiments." He is the over-patriotic, self-righteous immigrant, a kind of "convinced Stalinist" of the right, in contrast to "good immigrants like Sacco and Vanzetti," as Yves Montand, who plays Mitrione, says in the book. He is armed at all times. The cover of the Ballantine-Random House paperback, "State of Seige," shows him with dark glasses, shoulder-holster gun, and a Humphrey Bogart drooping cigarette.

Yet the real Dan Mitrione's background and temperament hardly prepared him for the James Bond role Costa-Gavras and Solinas cast for him.

Mitrione did not smoke cigarettes or carry a gun, he seldom drank and, despite the film, it is unlikely that he ever saw the inside of a night club during his year in Montevideo.

Mitrione was a home-centered man of simple tastes—"a staunch family man," recalls a fellow adviser in Uruguay, "And unsually compassionate. He was considerate. Brutality was foreign to his nature. The Uruguayans who got to know him held him in affection and respect."

Mitrione was born in Italy in 1920. The following year, his parents emigrated to Richmond, where he grew up and attended public and parochial schools. From 1942 to 1945, he served honorably in the Navy as an aviation machinist's mate. In 1943, he married Henrietta Lind, and they had nine children (not seven, as in the film).

Out of the Navy in 1945, he joined the Richmond police force as a patrolman and 11 years later had risen to be its chief. In Richmond, he was active in youth, social service, church and other charitable work.

According to "State of Siege," Mitrione was well prepared for alleged "secret missions" in Brazil, the Dominican Republic and Uruguay by special training and extensive traveling in Latin America.

His double mission in Brazil, says Costa-Gavras, is to overthrow the "undemocratic" (read left-meaning) Goulart regime with the help of the Brazilian military and substitute a regime with the "blessings" of Cardinal Spellman and "the American God"; and to teach sophisticated torture techniques to military officers.

Mitrione is directly linked to a lurid scene showing nude males being tortured by electric shock before an audience of army officers.

During his alleged two years in the Dominican Republic, he is portrayed as responsible for installing, with the help of "40,000 U.S. Marines," a reactionnary junta "financed by the CIA."

In real life, however, Mitrione never had any training to be a secret or any other kind of agent. He travelled very little in Latin America and never set foot on Dominican soil. The Dominican involvement depicted by "State of Siege" is a total fabrication.

(So, incidentally, are the "40,000 U.S. Marines" supposedly occupying the country from 1965 to 1967. The peak number of Marines at the height of the Dominican intervention was 5,500; every single Marine had left Santo Domingo by June 6, 1965.) In July 1960, Mitrione joined the Agency for International Development as a public safety adviser, spending his first seven years in Brazil, five in the provincial city of Belo Horizone and two at Rio de Janeiro.

His job was to help local police upgrade their quality and efficiency by providing technical advice, modern gear and, when at Washington, to train them in AID's International Police Academy.

On the side, Mitrione arranged for visits by 34,000 school children to police facilities in Belo Horizonte and organized Little League baseball. After his murder, grateful citizens named a street in his honor.

The primary action in "State of Siege" is confined to 11 days, from the kidnaping of Mitrione on July 31, 1970, until his body is found on August 10. Much of this time, in film and in fact, he was being questioned by his captors. This interrogation is frequently interrupted by violent and lurid flashbacks to supposed events in Mitrione's past.

Throughout this process, his Tupamaro questioners are portrayed as young, virile, intelligent, competent and possessed of a dream of justice of compassion for the poor. They also are cast as the vanguard of liberation from fascist repression. The Tuparmaros have "a perfect organization" and are "held together by serious passionate idealism," said Costa-Gavras.

Besides these virtues, "State of Siege" presents the guerrilas as humane and considerate, turning to violence only as a last resort. They are solicitous in caring for the "accidental" gunshot wound Mitrione suffered when captured. At great risk, they are shown smuggling him through a police barricade to a hospital for a chest X-ray, by dyeing his hair, adding a fake mustache and making false identity papers.

The real Mitrione, alas, was not treated so gently by the real Tupamaros. When abducted, his car was rammed, not blocked as the film has it, and his driver stunned. Mitrione was beaten, kicked, cursed and shot from the back while lying down, helpless and unarmed.

The film makes no reference to this rough handling or the beating by a blunt instrument at that time or shortly thereafter. The kidnapers' blows broke the skin and left three distinct wounds near his left armpit that matched the shape of the butt of a .38 Colt revolver, a number of which the terrorists had recently stolen.

Mitrione was also subjected to intense interrogation while still suffering from the trauma of his initial gunshot wound and manhandling.

Every person I interviewed believes the film sequence showing Mitrione being smuggled into the hospital was a fabrication since the terrorists had their own medical personnel and X-ray equipment. Contrary to the film, no black dye was in his hair when the body was found.

The central facts of Dan Mitrione's life and death, "State of Seige" propagates a long litany of untruth and distortion ranging all the way from the Catholic church to AID's International Police Academy. Contrary to "State of Siege," the terrorists never had the support of the Catholic hierarchy. The archbishop of Montevideo did celebrate the cathedral memorial mass on August 22. On August 14, Reuters moreover quoted the outspoken leftist Brazilian bishop, Helder Camara, as saying that the crime was "absurd and inhuman."

During the ordeal while her husband was captive, Mrs. Mitrione was given a sacred medallion by the Papal Nuncio.

One of Costa-Gravas' misleading techniques was to twist and transpose times and events to vilify Mitrione and justify Tupamaro terror. For example, Mitrione is shown as pay-off man and instigator behind the "death-squad" shooting of a Tupamaro on "a very beautiful beach." Actually, the murdered adviser had nothing to do with "death squads," torture, or any other illegal activities—except to express strong disapproval of such tactics.

On July 31, 1971, however, a year after Mitrione was kidnaped, the the body of Manuel Ramos Filippini, a Tupamaro terrorist recently out of prison, was found on a beach. Leaflets left by the body suggest that he was killed by anti-Tupamaro Uruguyan vigi-

lantes. These illegal groups, widely condemned in the Uruguayan press, received no American support.

In another scene, Mitrione is associated with the alleged police "assassination" of a leader in a student strike. Yet the episode—a radical student engaged in a shakedown apparently shot accidently by an armed comrade—actually occurred on July 24, 1971, with Mitrione 11 months in his grave.

AID's International Police Academy appears in "State of Seige" as the center of a global network for a U.S. program to eliminate "democratic forces" in the Third World, for which Mitrione was supposed to have recruited Latin American police officers as U.S. agents.

Costa-Gavras and Solinas show the academy as teaching terror tactics, elimination of "progressive" leaders by bombing, shooting and planned "accidents." Lurid scenes of a "specialized course" in Texas, "in a deserted town near the Mexican border," are flashed on the screen.

By contrast, the real academy teaches a wide spectrum of above-board skills—administration, management, communications, logistics, weapons, records and identification, investigation procedure, traffic management, narcotics control, VIP protection, community relations and identification of explosives. To date, some 4,500 police (including 110 Uruguayans) have taken the courses.

Mitrione (who taught there in 1968–1969) emphasized that mistreatment was unprofessional and unethical and that, on practical grounds alone, a fingerprint or a chip of paint provided more reliable evidence than a useless confession beaten out of a suspect.

"State of Siege's" allegedly "documented" picture of Dan Mitrione as a "torturer" is a good example of left-wing truth-twisting.

Costa-Gavras and Solinas apparently base their torture chareg on a headline story that appeared first in the Jornal do Brazil in mid-August 1970, allegedly quoting Captain Alejandro Otero, a Montevideo police official, as confirming that "Mitrione used methods of repression, violence and torture."

Independent research, however, discloses that the story was surreptitiously inserted in the paper without the knowledge of any of its three Montevideo correspondents, let alone Otero. Subsequent denials by Otero and the three correspondents that any such interview took place were later run in a disavowal by Jornal do Brasil.

Mitrione is shown by "State of Siege" as an agent of either the FBI or CIA. In the film, a task force of 100 FBI agents is flown into Uruguay after Mitrione's kidnaping. Yet Mitrione never worked for either agency (though as an Indiana police chief he was one among a total of 6,800 American senior law officers who have taken 12-week courses at the FBI Academy). The United States sent no FBI agents to Uruguay in connection with the Mitrione affair and no FBI agent was stationed there.

"State of Siege" is in fact a cynical propaganda tract masquerading as a documentary.

A documentary should bear substantial resemblance to reality and it should advance more truth than error, yet "State of Siege" omits the most important facts, distorts other facts and invents "facts" to serve its single-minded purposes. It adds up to a massive massacre of the truth.

The viewers are even spared the details of how the principal character was killed. When asked why he omitted this scene, Costa-Gavras lamely said he lacked "the verifiable data," this in the face of an avalanche of facts in the public domain. The facts on these and many other issues raised by "State of Siege" were available from reliable documents and disinterested observers. But Costa-Gavras and Solinas were not interested in truth. Only a contrived mix of fact and falsehood would serve their propaganda purpose.

The reason for the film's existence, admitted Solinas, is "American imperialism, with its mechanisms of repression, its murders, its tortures. The occasion for the film was the capture and death of a person who symbolized this mechanism."

Has "State of Siege" any redeeming value? From some reviewers, the answer would be yes.

But what value can anyone extract from this grotesque caricature of U.S. policy toward Latin America? With its vivid and titillating fare of small facts and big lies, this political pornography neither informs the intellect nor quickens the conscience.

Laced with tired Marxist cliches and symbols calculated to descredit America "State of Siege" plays on the ignoble qualities of alienation, anger, withdrawal, cynicism and, of course, of credulity. The guilt-ridden, ashamed of American power and wealth, may find perverse satisfaction in the whiplash of two professional America-haters. The film will "be greeted with ecstasy wherever the premise that America is the world's No. 1 imperialist power is accepted without reservation," said Edward Behr (Newsweek.)

To angry, idealistic, frustrated students, the hypnotic simplicity of the virile, romantic Tupamaros, may suggest a way out of their helplessness and alienation.

To the Arthur Bremers and Sirhan Sirhans, it may suggest one final act of political violence that will enshrine them for immortality.

Just as Solinas' "Battle of Algiers" was used as a training film by the Black Panthers and Weathermen, his new apology for revolutionary violence may help to incite terror in American streets. If this happens, "State of Siege"—to borrow a slogan from Students for a Democratic Society—will be "playing midwife to murder."

Were "State of Siege," however angry, rooted in fact and honestly argued, it might encourage constructive self-examination. But this fraudulent fabrication can claim no such redeeming value.

MISINTERPRETATION OF REMARKS ON THE SUBJECT OF U.S. RELATIONS WITH THAILAND

Mr. GOLDWATER. Mr. President, having once been a candidate for the Presidency of the United States, having been through numerous hotly contested political campaigns and having been active in public life for more than two decades, the whole problem of being quoted out of context is nothing new to me.

Even so, I must say that the connotations placed upon my remarks during a speech in Des Moines, Iowa, on August 31 on the subject of U.S. relations with Thailand came as something of a surprise.

I was speaking, Mr. President, about the great importance, not only of Thailand but of the entire Pacific perimeter to the future of the United States. I was pointing out that the blockage of the Suez Canal had greatly increased the importance to the United States of the Straits of Malacca, explaining that oil from the Middle East currently had to be routed to this country through the Straits of Malacca. I went on to explain that the goodwill of the countries in the immediate vicinity of those straits are vastly important to this country.

I have noticed that the National Student Center of Thailand in Bangkok has protested to U.S. Ambassador Leonard Ungar about a quote of mine which said:

If we are going to have oil and fuel, we have to keep Thailand. It is to our vital national interest to protect Thailand.

Naturally, Mr. President, I was referring to the goodwill of that fine country. Since we do not possess Thailand, how could we possibly keep her? My concern has been, and still is, for the goodwill and continued support by this country of Thai interests. The idea of Thailand as a "colony of the United States" as mentioned in the protest of the National Student Center certainly never occurred to me, nor in light of my long and unrelenting opposition to superpower of any kind could it ever occur to me.

I am inserting this statement into the RECORD, Mr. President, in the hope and confident belief that responsible officials and citizens of Thailand will know that my speech had that country's best interest at heart and nothing else.

BOSTON GLOBE EXPOSES MILITARY SERVANT ABUSES

Mr. PROXMIRE. Mr. President, a team of investigative reporters for the Sunday Globe Magazine of the Boston Globe have just completed an intensive and extraordinarily perceptive analysis of the military servant program.

Their findings have been presented in the September 9, 1973 issue of the Globe. Few studies do more to highlight the abuses of the servant program than this article. You can feel the atmosphere of aristocratic arrogance and the tradition of servitude that underlies the servant program of the U.S. Armed Forces.

TYPES OF SERVANT DUTY

For example, the article states that a Lt. Gen. Kenneth W. Schultz in Los Angeles has three aides and a chauffeur. The aides do gardening, housework, and general maintenance. In addition they have built fences, cleaned the pool, planted trees, and served as bartenders for entertaining on the weekends. A woman member of the Armed Forces also comes to the general's house each day to walk the general's poodle about the Bel Air Casino Estates with its "spectacular view." She also assists the general's wife in her shopping trips in their powder blue Lincoln Continental with Florida license plates.

SERVANTS MUST BE ELIMINATED

Even though new regulations are supposed to be in effect, this type of abuse continues to take place as it will until the Congress refuses to provide servants for our military brass.

The Secretary of Defense does not have personal servants. The members of the Supreme Court do not have servants. Members of Congress do not have servants. And taxpayers must pay for their own domestic help. It is time that we stop supplying servants to the military.

Mr. President, I ask unanimous consent that the Globe article by Gerard M. O'Neill, Stephen A. Kurkjian, Peter D. Cowen, and Ellen S. Zack be printed in the RECORD.

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

SERVANTS IN MILITARY UNIFORM

The narrator, in the same kind of breathless baritone that tells about Elvis' upcoming movie at the drive-in and OK used cars, is

resonating about today's Army and its gourmet cooks.

The television commercial, which displayed culinary award "winners" on 300 stations around the country last Christmas, starts on a nostalgic note:

"Remember how in World War II meat was prepared in mess kits? Well, it just isn't true in today's Army . . . Confectionary specialists make life-like fruit and flowers out of sugar. Artistic cooks . . . can decorate a salmon with delicate petals, create a humorous figure out of the ordinary baked chicken and make a lobster the central figure in a gourmet setting . . . While Wellington roasts and squab may not appear on the daily menu, these are prepared by today's Army cooks who win top prizes.

"World War II veterans: Eat Your Hearts Out."

At ease, veterans. Stand by for new instructions regarding commissary items known as Beef Wellington and squab.

Not only do they not appear on daily menus, they are served exclusively to generals and their families by "artistic cooks" who may also be called upon to wash cars, walk dogs, pick up groceries, shine shoes, pin on medals, polish pewter, vacuum rugs, wash out bathtubs, fetch ice cubes, water plants, arrange floral pieces, mix drinks, pack lunches, babysit.

Instead of green khaki, some men in today's Army are seldom out of cook's whites and butler's waistcoasts.

They are soldier-servants whose sole function is the regal care and feeding of military brass.

The practice is a US military tradition dating back to the Revolutionary War when so-called "strikers" set up General Washington's tent like circus laborers, hauling it up and down as they moved from camp to camp. Washington also had some family-owned slaves on his personal staff.

It appears that the striker is a carry-over from the caste conscious British military where the "batman" is a traditional fringe benefit for commissioned officers. It all started in days of yore when young noblemen brought along domestic servants with them when they embarked on military careers.

Today's "strikers" are known by various euphemisms: enlisted aides in the Army, stewards in the Navy, airman aides in the Air Force and specialists in the Marine Corps.

The Marines and Army have formal training schools for aides, now being phased out under the glare of adverse publicity, while the Navy and Air Force prefer on-the-job training.

At a time when the Pentagon's budget is higher in peace-time than it was during the Vietnam War, there are 1722 officially designated aides tending to 970 high ranking officers in all the services at an annual cost of about $22 million. Most of the aides are stationed in the United States.

The training and personnel costs to the American taxpayer for military servants is enough to transport milk to 11 billion impoverished children in developing countries or inoculate 2.2 billion children for tuberculosis or provide 150 billion vitamin capsules for mothers and children.

Instead, the funds are used in part to train men how to make cute little hors d'oeuvres, like hard-boiled eggs fashioned into miniature penguins, or to prepare formal dinners, fit for a Versailles banquet table, with centerpieces such as a chariot carved out of watermelon pulled by four large lobsters.

The staff sergeant seldom saw "his" general. Rather, when he arrived at Gen Donald Werbeck's home each morning on the Richards-Gebaur air force base near Kansas City, Missouri, he would find terse notes on the kitchen table outlining his duties for the day.

The memos got right to the point: Sgt.—1. Mow lawn; 2. Shine shoes; 3. Fill wood bucket; 4. Commissary (food shopping); 5. Pickup cleaning; 6. (Prepare) salad dressing.

The sergeant has a variety of tasks done on a weekly basis and there is nothing, short of picking cotton, he was not asked to do, from bringing ice cubes to the upstairs bedroom to digging a trench alongside the carport.

Every week he washed the general's VW or Ford LTD, manicured the lawn, dusted and vacuumed all rooms. He regularly had to empty the trash; wash floors, appliances, furniture; empty ashes from the barbecue; scrub kitchen tile with an S.O.S. pad on his hands and knees and work nights as a bartender for guests with no notice.

"In short," he recalled, "I was cook, bartender, chauffeur, gardener, painter, doorman, maid, janitor, secretary, and even nightwatchman when the general and his wife were on vacation."

The sergeant put in a year before asking for a transfer and was immediately threatened, he says, with a bad report—something that would virtually eliminate further promotions.

"I told the general I had enough " he said, "and wanted out. All of a sudden, after busting my butt around there for months and doing a 'fine job,' I was going to get a bad report and his wife told me I was unsuitable for that kind of work.

"But I've got too many years in and there was no way the general was going to use me and then shaft me. I knew too much and had some friends. The report never got on my record."

Gen. Werbeck confirmed he viewed airman aides as personal servants and was critical of new restrictions that limit what he calls "gainful use of their time. . . ."

He implied the aide system has been vitiated by recent "vague" guidelines put out by the Pentagon following attacks by Sen. William Proxmire (D-Wis.): "Before, they did just about everything . . . maintain the house, inside and out . . . you know, the kind of things that I, as a homeowner when I lived off base, basically did for myself. . . ."

Ironically, Werbeck, who has utilized aides to the hilt during the two years he's been a general admitted that, with his grown children away at school, "the house sort of takes care of itself."

Using enlisted men as servants has been against military regulations since the Civil War. In 1962, it was decreed that officers had to pay soldiers acting as servants out of their own pockets or run the risk of being "cashiered." But the law became a toothless ambiguity in 1970 when the practice was merely prohibited without sanctions.

Various military court decisions over the years have ruled that aides may do servant-like duties only if it frees high ranking officers to do "essential" military functions.

The service position, reduced to basics, is that a general's or admiral's every waking moment is spent on essential military matters.

A survey by the US General Accounting Office (GAO) of scores of general officers can be condensed into a composite answer: "We are busy men who work long hours and have to attend a lot of functions. As a result, we do not have time to do these things ourselves, nor do our wives."

Frequently cited was "the need to free the officers' wives to provide leadership to women's organizations and voluntary community services."

Several aides in Globe interviews termed this, ah, baloney, and contend their jobs, in most cases, simply freed the wives to go to the beauty shop and play bridge.

A recurrent theme in interviews with past and present aides is that the generals were usually fair and reasonable but the wives were likened to Parris Island drill instructors.

One former aide from California, who has a masters' degree in management, served two generals for whom he had high regard. "But their wives were impossible. My job was to be their maid.

"The idea that the generals' wives are too involved with post or community activities to handle their families is a fallacy.

"Neither of the wives I worked for were more—in fact, less—involved than at least 50 million other wives in this country.

"The wives tried whatever means possible to get out of post activities. The work was done by lesser ranking wives in an attempt to boost their husbands' careers."

The first public hint of wide-scale use of soldiers as lackeys occurred last November when the GAO confirmed charges by Sen. Proxmire that a luxurious health club and hotel was being operated in Alaska by 24 aides exclusively for Air Force brass. It cost taxpayers $174,000 a year.

At Proxmire's request, government investigators questioned generals and aides about other possible abuses.

They found that although the enlisted aide "billet" is supposed to be strictly voluntary, one out of eight surveyed were assigned to the job.

In the Army and Air Force, aides are a time honored custom while the Navy and Marines are allotted them by military law through the Secretary of the Navy. The rule of thumb is one aide for each star on a general officer's collar. Members of the Joint Chiefs of Staff at the Pentagon have seven or eight aides apiece.

When it came time to talk to the aides, investigators found "military observers" present, who assured the enlisted men reprisals would not follow candor. They then sat silently in a corner.

One of the most notable findings of the interviews was the marked discrepancy between what the officers claimed they asked aides to do and what the aide said they actually did.

For example, only 38 percent of the Army generals said aides did gardening for them while 81 percent of the enlistees said they did such work; 56 percent of the generals admitted aides ran errands for them while 90 percent of the men said this was a regular duty; and 25 percent of the admirals said they had stewards wash their private automobiles while 49 percent of the stewards surveyed found themselves scouring cars.

A substantial number of aides confirmed they did tasks clearly out of bounds, such as chauffeuring officers' children, fixing their lunches, doing their laundry and babysitting.

Investigators also determined general officers used aides to cater informal functions on a regular basis. Throughout the four services, aides were used at private affairs on an average of 75 percent of the time.

One pat answer to justify enlisted houseboys by the military is that generals and admirals could not afford to hire outside domestic help.

Retired Marine Col. J. A. Donovan, who is now an author, takes sharp issue with this, noting upper echelon military pay has doubled in recent years to make it commensurate with business executives with similar responsibilities.

Donovan reports that a major general now receives $36,963 a year and a four-star admiral $40,563. About $4560 of the salary is tax-free. Furthermore, officers have few of the normal household expenses, especially the ubiquitous mortgage.

As a concession to critics, outgoing Secretary of Defense Elliot Richardson cut back the enlisted aide program by 28 percent and limited the use of limousines by Pentagon officials. The only concrete result to date has been the termination of Marine and Army training schools. But the status of the rollback is uncertain.

Col. James T. Moore stood in his small plywood panelled office with a pointer in his

hand and lectured beside a slide projector about the 17 food service schools he commands at Ft. Lee, Va.

The slide show lasts over an hour and is conducted, according to a female civilian public relations assistant, "because the colonel likes to bring out that the enlisted aide school is just a teensy-weensy bit of the overall program." Col. Moore says it shows the "big picture."

The teensy-weensy part, however, is overshadowing the "big picture" because an enlisted aide, in many cases is a family servant and Congress has been asking pointed questions.

So, Col. Moore walks a thin line, gingerly defending his program, while making sure he says nothing controversial to anger congressional critics or nettle generals on high.

Since Sen. Proxmire started lampooning the program as a "charm" school this year, it has been demoted from prodigal to orphan. It's an Army brat that's being mustered out.

Asked how he feels about having the five-year-old school "disestablished," Moore laughed wistfully and said, "I have no feelings. DOD (Department of Defense) instructed DA (Department of the Army) to terminate. I do what I'm told."

But Moore perked right up again and said he was "hopeful that we can get you to do a story on all the schools we got here . . . why don't you surprise the heck out of everybody and write a positive story about the enlisted aides?"

Col. Moore has been in the Army 28 years and plays his cards close to the vest. He talked at length about the 16 other schools he supervises and deemphasizes the one being cut loose while keeping his opinions to himself.

There's a sign in his office showing an abject caricature with the inscription "Why Worry About Tomorrow? We May Not Make It Through Today."

In his office, Moore runs through a monotonous practiced presentation of the schools' organization. While he's a sincere, affable man, the long monologue is turgid and technical. ". . . interfacing with civilian food service industry has been enhanced . . . The subsistence and commissary division is made up of two branches. . ."

The enlisted aide school comes last and it consists of a dazzling display of prize-winning gourmet cookery sprinkled with a dash of statistics.

At the end of the eight-week course the students stage a graduating buffet where they prepare the menu, food, seat guests according to protocol, serve the meal and clean up.

"We put them in a real live world situation," says Moore, "like at a country club. It gives them the feel of being chef, waiter and bartender."

One of the slides, he said, "sums up our philosophy." Onto the screen flashes a man and woman embracing on a porch swing under a full moon. The caption: "We learn best and retain it longer when we do it."

Moore was asked why the military's higher-ups entertained so much. Is it all really necessary?

The colonel guardedly conceded it was part of the service's high-powered public relations program, but added "if a VIP, like say, Sen. Proxmire, came here for a visit, why, we'd have to give him some dinner . . . I don't think generals make enough money to hire private staff for parties and official affairs. In addition, an officer's wife gets involved in all kinds of civic affairs like the American Red Cross, the Girl Scouts, Campfire Girls and so on. She can't do it all alone."

The fort's aide school is evenly divided between teaching the methods of caring for and feeding generals' families.

The reference library includes such books as "The Army Wife," "The Blue Goose Buying Guide," "The Correct Waitress," "Ice Carving Made Easy," and "Army Social Customs."

But the aide's bible is his 101-page guideline booklet, which is formally presented upon graduation. It covers a multitude of duties, ranging from preparing a lavish banquet to cleaning the water closet. It stresses deportment, protocol, cleaning techniques and elaborate cooking.

The aide is given guidelines on being courteous to the general's family. For example, "the aide must stand and pay attention when members of the family speak to him, except when he must answer the telephone and then he should excuse himself to answer it. After he answers the telephone, the aide should return to complete the conversation . . ."

The aide's uniforms are varied to suit the occasion. The basic wardrobe includes "butler's coats, mess jackets (white), black cummerbund, tuxedo trousers, white shirts, black bow ties, and white gloves."

A lengthy section is devoted to setting up a daily work schedule, which focuses on the need for consulting with the general's wife "concerning menus for lunch and dinner, the commissary list and instructions for any special assignments." Among five routine things to be done in bathroom cleaning is to "wash and sanitize with the appropriate cleaning agent, the bathtub, lavatory, water closet and shower area."

After lunch, the aide can "perform errands," such as delivering and picking up laundry and shopping for food and drink. The aide is expected to escort the general's wife or her friends, from banquet hall to supermarket.

The booklet also provides sample menus. Recommended for "a light lunch for the ladies" is a breast of chicken Kiev, avocado stuffed with crab meat, salmon mousse en Bellevue. A typical formal dinner might be chilled vichyssoise, fish fillet poached in wine with mushroom bercy sauce; a half cornish hen with wild rice; baby carrots in sherry sauce; broccoli buttered; molded cranberry salad, crepe suzette, parkerhouse rolls and just plain old coffee.

Whenever questions arose about aides being abused or overworked, Col. Moore never answered directly. At one point he said "in a way, we're all servants, aren't we? You're a servant to your editor and publisher and I'm a servant to the U.S. taxpayer.

"But I'm not in a decision-making position," he continued. "My job is to train. Whether a general has too many aides or what the aides do is not under my authority . . . we certainly don't teach baby-sitting or car washing. We teach the hospitality trade, a vocation these men can use in civilian life."

Q. Do you have follow-up data on how many aides go on to well-paying, skilled civilian jobs as a result of the training?

A. No.

Col. Moore coughed. Silence. Back to the slide show of culinary prize winners. Click: a lobster conductor leads a crab orchestra; Click: an oriental figure made from chicken wings and an egg "fishes" out of a bowl of onion soup; Click: the watermelon chariot; Click: a turkey practically dressed in uniform.

After the military briefing, Col. Moore leads a party to the aides schools where men are working in facsimile quarters for generals on fruit centerpieces. The afternoon training followed a morning lecture on how to make honeydew baskets, the bird of paradise centerpiece, and a grapefruit treasure chest.

The students work in medical whites making surgical cuts into watermelons, honeydews and pineapples.

PFC Donald Jacobson was working on a pineapple boat. He was asked what he'd do if, after all his training, he was told by a general to walk the dog. He didn't like the question that apparently has been asked before.

"I'm a man," Jacobson said. "And I'm willing to do a man's work. I'll take any suggestions. I'd say 'sir, I'm here to assist you in certain ways that I've received training for.' "

Spec. 5 John Miranda, asked the same question, shrugged and looked at the floor. "I wouldn't like it," he said softly. "The general I worked for was a good guy. He wouldn't ask me to do that. Most generals are good guys."

The following morning, the 14 students were lectured on the delicate art of gourmet meat dishes. Cordon Bleu was under discussion. Sgt. Guy Morris was working on a piece of veal near a sign that states "service is the cheerful giving of attention."

Mallet in hand, Morris showed how to use the flat side to spread out and thin out the veal before dipping it in flour, salt and pepper, egg whites, bread crumbs. "Remember, in that order. Now, any questions before you go to the apartments?"

One soldier asked a question that might have come from any housewife in America: "Where do I find the veal, sir?"

Premium quality veal now sells for more than $5 a pound.

The Navy, which spends $6.4 million caring for its high level commanders, appears to have the most rigid caste system of all the services.

Washington Monthly magazine once likened it to a "floating plantation" and it's anchored off the Philippines.

According to the GAO, 98 percent of all Navy stewards are Filipino. Along with the Coast Guard, the Navy has found them anxious to serve, docile, cheap.

Historically, the Navy steward evolved from the "ship's boys" and "cabin boys" who served on the larger vessels of the early Continental Navy.

Today's Navy has an unlimited, exclusive supply of servile stewards through a unique arrangement with the government of the Philippines.

Filipino citizens served in the US Navy prior to World War II under an informal arrangement that was incorporated into an agreement in 1947. By 1954, 2000 Filipinos were enlisting, a ceiling quota still in effect. Since the second world war, 26,619 Filipinos have signed on, the vast majority as stewards. They all must give up their rights as citizens in the Philippines without any guarantee of citizenship in this country.

They come aboard with a smile, glad to be out of Manila's debilitating poverty. One former officer said "it's just like the British in India. If there are 75 officers on a ship, they have 15–20 stewards to wait on you hand and foot. They are always black or Filipino. The high ranking officers have about the same number just for themselves."

Aboard ship, the stewards are houseboys who act as cook, waiter, cabin boy and dishwasher. Shore duty is no different and may be even more demanding what with lawn pruning, gardening and cocktail parties.

An officer's stewards, like his stripes, increases with promotions. An admiral is usually a three-steward man while a captain is a one-steward man.

The competition to become a Navy lackey is fierce. As many as 100,000 applications are processed each year at Sangley Point Naval Base in the Philippines. Only 1000–2000 are selected. Cmdr. J. L. Cleveland, public information officer for Navy recruiting, is uncertain just how Filipinos came to be the only foreign nationals to serve in American uniforms. "Now this is speculation on my part but it probably goes way back to when the Philippines were under our guardianship at the turn of the century. They were a territory of ours or something and their boys liked the work. We always got on. Hell (Gen. Douglas) MacArthur was there in the 1920s."

Until recently, about the only job a Fili-

pino qualified for because of a dubious "security" rating was picking up after officers.

Cmdr. Cleveland said Filipinos now qualify for 20–25 job categories (the Navy claimed 63 classifications are available in a report to Congress).

Asked what type of position would be closed to Filipinos because of national security, he paused for a moment and said, "Well, I'd guess, for example, fire control technician."

Q.—What's so sensitive about fire control?

A.—The problem is they would have access to classified manuals aboard ship. All those manuals are classified. They state where radar controls are and so on.

A former naval officer, who served on a large communication vessel, said he and some other junior officers once tried to get a Filipino who had attended medical school transferred to the hospital unit.

"We thought it would be better than having him washing our socks but the word came back 'nothing doing' because of the 'security risk.' Which was ———, of course."

Cmdr. Cleveland, asked if a Filipino could serve in a medical capacity, checked his list and said, "Sure, no problem."

While stressing the expanding opportunities for Filipinos, Cleveland acknowledged some de facto segregation exists.

"These fellas kind of stick together. They don't speak English that well and prefer to be with each other. But the standards are getting higher. I've got the recruiting manual here and it says the boys have to have a high school education or the equivalent thereof."

As in the other services, stewards do not advance in rank and pay as quickly as counterparts in other job categories. Many are, in effect, frozen into demanding, demeaning positions with little future—and retire with lower pensions.

The steward's pinnacle, perhaps, is being assigned to "Admiral's Row" in Norfolk, Va., or to serve at the White House.

At the mammoth Norfolk base, 50 stewards work for 18 admirals, most of whom live in stately plantation-like homes on a tree-lined street that runs along a golf course. (The sumptuous houses, built in 1907 for the tercentennial celebration of the English settlement at Jamestown, were purchased by the government in 1917 after the developers went bankrupt.)

The plantation milieu is reflected in the stewards' duties. One source gave this account of life in Admiral's Country:

"They are very big houses, so some admirals would use bells to call the stewards. One admiral's wife would ring just to ask the steward to close a curtain or get a pencil.

"At that time, the lady's whims set the work day. Now there are schedules because Sen. Proxmire agitated some people. But other than giving advance notice to the three stewards about weekend functions, it's pretty much the same. They work for the families . . . if the admiral goes to Washington or Europe, the wife will have house guests for parties and all three stewards have to be there to wait on them.

"During the holidays, like Thanksgiving the admiral's children and grandchildren come to Norfolk, and get around the clock service. The steward's day starts at 4 a.m., when he has to put the turkey in the oven, and gets over late in the evening. . . ."

A Navy lieutenant commander first stated that the "vast majority" of the "row's" stewards were Filipino. Asked for a precise breakdown, a different officer later said they are "eight caucasians, four blacks and 38 others." Others? "O, the others include Gwanamians, American Indians, Hawaiians, Filipinos, etc."

The White House gets an even more generous supply of help, according to information provided by the Pentagon after weeks of delay.

The President has 53 Filipinos serving his family at his various residences at a cost, for salaries and allowances alone, of $418,700 a year.

The President has more servants than 18 admirals. The stewards are shuffled from the White House to Key Biscayne to Camp David to San Clemente, depending on the President's activities.

The data was supplied after queries were bounced from the White House press office to the Pentagon and from civilians in the military public information department to the Navy. The buck stopped there.

The formal answer was: "The U.S. Navy does not have enlisted military aides. However, 52 Steward-mates are assigned to the Navy Administration Unit, Washington, D.C. to support the President. The 53 are employed at different presidential support activities in an effort to meet the changing requirements. In short, there is no breakdown by location . . . all (stewards) are U.S. citizens and of Filipino extraction. The actual make-up varies from time to time."

The black tech sergeant walked slowly from the general's home to one under construction next door and sheepishly asked for scraps of wood so he could make flower window boxes for his commander's wife.

He was embarrassed but had his orders.

After a few days, the sergeant and two carpenters, working on the $200,000 house, got to talking about his "duty station"—the luxurious private home of Lt. Gen. Kenneth W. Schultz in a posh section of Los Angeles.

The sergeant spoke bitterly about the things he was expected to do: build fences, clean the pool, plant trees and flowers, mow the lawn and work weekends as bartender for guests that have included former Los Angeles Mayor Sam Yorty.

The sergeant said he was staying on just until he could finish out his 20 years, which is not far away. He told the laborers that he knew what he was doing was against military regulations and "if I know, the general sure does . . ."

Surveillance found that Gen. Schultz, who's commander of a space and missile center near the city, has three aides and a chauffeur.

Each morning at 7, a car arrives in the neighborhood a few blocks from the general's home and the driver gets out and dusts the blue military sedan for a while. He pulls up to the house at 7:15 and waits for the general with the motor running. They usually leave about 7:30.

At 8, two or three aides arrive, one of them a woman. They do gardening, housework and general maintenance.

Frequently, the woman, in a starched uniform, walks a poodle about the Bel Air Casino Estates, with its "spectacular view." The female aide also goes shopping with the wife in a powder blue Lincoln Continental with Florida license plates.

A request to interview Gen. Schultz took a circuitous and unproductive route. A colonel attached to his staff sought unsuccessfully to screen questions because the general "likes to have a clue about what he is going to be asked."

The following day, John O'Brien, a civilian public information employee at Hanscom Field in Bedford, Mass., relayed a message from L.A.

"The general will not be able to talk about the aide matter with you. The Air Force has very strict guidelines about what commanding officers can say about aides, like the number of men they have and what regulations say about the duties they perform."

Informed that another Air Force general talked at length about the program, O'Brien said "Well, not everybody gets the word, I guess."

The Marine base in North Carolina looks like a neat housing project, with stark white barracks lining dusty roads. It's a place where you can see the simmering heat hugging the ground. Even its public information officer calls it "the end of the world."

You get to Camp Lejeune on a propeller-driven plane that takes off late, the stewardess reports cheerfully, because the captain saw something he didn't like in one of the motors.

The Marines are waiting at the airport and drive you to the base through the forlorn city of Jacksonville, with its inevitable honky-tonk strip leading up to the camp's gate.

The beginning of the briefing is subliminal strategy. The two colonels and two majors are perplexed as to why anybody would be interested in a small school tucked away in the backwoods of North Carolina.

One of the colonels, a reticent pipe smoker who offered nothing and said little, was there as the eyes and ears of the camp's general. The public information major had obviously been ordered to stay with the reporter and photographer and not let them out of sight for a second.

At the end of the day, a boyish-looking colonel asked, as an ostensible afterthought, "How you gonna splash us up so I can tell my boss?"

One of the reasons for the visit was because the school's very existence was initially denied by a Marine information officer, who was gradually forced to retreat and admit there were in fact two programs at the camp.

Q. I'm trying to get in touch with the ranking officer in charge of training enlisted aides at Camp Lejeune.

Maj. Jack McNamara: There is no such person.

Q. Is there any such program, then?

A. No.

William E. Tisdale is commander of several food training schools at Lejeune, including the elusive one for "specialists," who learn to wait on generals. He did most of the talking at the briefing.

Tisdale is a "mustang" officer who joined the corps off the streets of Brooklyn when he was 16 years old. Now he's a 40-year-old major who came up the hard way—through the ranks.

"I was kind of a rebellious kid," he said. "The corps has been mother and father to me. I'm a 'lifer.' "

Incongruously, this lean, steely eyed Post-officer poster Marine is sort of head cook at the camp in charge of all food service training.

Tisdale was asked if the pampering of generals by underlings wearing chefs' caps is compatible with the rugged chest-out, stomach-in image of the Marines.

"Look," he said, leaning forward in his chair. "I'm a cook and proud of it. You'll still find that Marines are at the rail-side of the bar and are not party-boys. We just take cooks and make them better cooks."

Tisdale is a paradoxical man who chews out a subordinate for opening the car door and gives straight blunt answers to questions while staring you squarely in the eye. Yet one of his favorite pastimes is carving dining table centerpieces out of ice. Over lunch, he explained how once, to a general's delight, he repaired an ice swan's broked wing with wire and salt at a party.

But on the touchy matter of enlisted aides' schools, Tisdale like his counterpart in the Army, refused to discuss his personal reaction to the phase-out. "I have no feelings. I do what I'm told."

The day before the interview, the school's facsimile quarters for generals was disbanded. Mannequins used for practicing "uniform

care"—proper placement of medals and ribbons—were already in storage someplace.

The "last class" was in the woods learning to set up field mess, a standard lesson for all Marine cooks. Tisdale, leading the tour, was greeted at the foot of a pathway by the supervising sergeant who informed him, with some apprehension, that the men had killed three copperhead snakes earlier in the day. "Just keep 'em the hell out of our way, then, sergeant," were the instructions.

One of the school's instructors, a black master gunnery sergeant with 29 years in the Marines, talked in the school's barren "living room." (Some 65 percent of corps "specialists" are black.)

Tisdale calls him "Top," a familiar name for a high ranking sergeant. ("No, I don't know his first name. I'll bet he's forgot it too.")

"Top, come 'er," Tisdale says, "you ever told to wash a general's car?"

"Well, not exactly," Top replied. "A general might say 'my car is dirty' but he'd never order me to wash it. But I've done it if that's what I know he wanted."

A reporter asked if he took orders from the general or the general's wife. "O, the wife," he said.

"She runs the household. Some are demanding. Some aren't."

Q. Ever clash with a general's wife?

A. Noooo, sir. I was very lucky. (laughter)

After he was dismissed, Maj. Tisdale said that "Top" was a "good fella. He isn't any uncle tom either. He'll tell it to you straight."

Tisdale, along with the Pentagon's public information officer, Maj. McNamara, portrayed the specialist school as a place used simply to improve cooking skills.

McNamara, who starting out denying there was a formal program, was finally asked if the men were trained only as cooks or to do other household chores.

"I'm not sure. I'm not going to answer (Sen.) Proxmire's charge and come back and say none of them ever walked a dog. We will come back and say what the school trains them to do."

Near the end of the interview, McNamara said "wait a minute. Let me get your name and horsepower and all that. Now, you're who from where?"

During the visit to Camp Lejeune, Maj. Tisdale downplayed cleaning and primping duties of aides and indicated that the cooks were instructed mostly in meat and potato stuff. He spoke about one general who preferred regular hamburger to ground round. "Why, he used to send the aide back to get it exchanged," he said.

Asked about training for "social activities" such as bartending referred to in the GAO report, Tisdale said tartly, "we don't teach bartending. We teach beverage preparation . . . like tea for the wives, things like that."

Riding along in a military car, he was asked why Marine generals need gourmet cooks. "You know," he said, "I hate that damn word gourmet. We're talking about prime rib or beef here, not pheasant under glass."

However, for years, generals with a taste for haute cuisine have arranged for a handful of select aides to attend the Culinary Institute of America in New York, which charges $375 for a two-week course in gourmet classical cooking.

According to its brochure, it concentrates on the "major jewels of gastronomy—truffles, foie gras, caviar, morels, filet mignon, game, cheese and classical desserts." There are no current plans, according to the Pentagon, to enroll Marines there this year.

After the briefing and tour, Tisdale was asked if, after all was said and done, the specialists were really just servants.

"That is a flat negative," he said. "There is a father-son relationship in the Marines and we take it seriously."

RHODE ISLAND BANKS PARTICIPATE IN GUARANTEED STUDENT LOAN PROGRAM

Mr. PELL. Mr. President, while students throughout the country are not able to participate in the guaranteed student loan program, youngsters in the State of Rhode Island are not having such bad luck. A recent article in the Providence Sunday Journal discussed the fact that, in Rhode Island, the banks are making the loans even though it costs them money.

The fact that the banks in Rhode Island are acting in such a selfless manner is familiar to me. In years past, when the guaranteed student loan program was experiencing difficulty, Rhode Island banks were participating to the utmost. The bankers of Rhode Island deserve our thanks and congratulations for their public-spirited work on behalf of the students in our Nation.

Unfortunately, the Subcommittee on Education has been the recipient of much bad news pertaining to the guaranteed student loan program. Due to language in the Education Amendments of 1972 strictly interpreted by the Department of Health, Education, and Welfare, the guaranteed student loan program has, in effect, been changed from loans of convenience to the middle class to loans based on need. However, this change really applied to the so-called interest subsidy only, and the banks could continue to make guaranteed loans. Unfortunately, the banks of the country have shown reluctance to make loans which are not also subsidized.

The action of Rhode Island banks in making these student loans available is one to be admired, and it was with great delight that I read the article. I ask unanimous consent that it be printed in the RECORD.

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

BANKS IN RHODE ISLAND AID STUDENTS EVEN AT "LOSS"

(By Lee Dykas)

Banks, the core of the Establishment, are proving to be among the best friends of college students in the state.

Students, often pictured as the core of the anti-Establishment, are finding that Rhode Island banks are almost eager to extend loans for tuition and education expenses even though they "lose" money in the process.

New regulations were issued last spring governing federally-subsidized loans for students and they have created headaches for financial aid officers at the nation's colleges and universities and financial uncertainty for many students.

The nub of the problem—new eligibility requirements coupled with the requirement that financial aid officers determine how much loan money each student needs.

Dick Tombough, executive director of the National Association of Student Financial Aid Administrators, said it was taking "three times as long to process loan applications because of the needs assessment."

And Donald Payton, head of the National Council of Higher Education Loan Programs, predicted that large numbers of middle-income students won't get the loans they have been counting on.

Before last March 1 any student whose adjusted family income was less than $15,000 a year could qualify for interest-subsidized loans of up to $1,500 as long as the college verified that the applicant was a student.

Now a student applying for a loan under the interest-subsidy program must show financial need. Family assets as well as income are considered in the student's need.

The net result is a mountain of paperwork for financial aid officers and often disappointment for students.

That's where Rhode Island banks enter the picture.

The Rev. John Peterson, O.P., financial aid officer at Providence College and president of the Financial Aid Officers of Rhode Island, said that the state's bankers do not limit loans to students who have qualified for the subsidy program.

"Most banks in the country," he said, "take the position that if they are going to be involved they want to be sure that the loans are subsidized.

"Here in Rhode Island the bankers don't do that. If the subsidy applies, good, if not they try to arrange a loan anway," Father Peterson said. "They seem to have adopted loans to students as one of their contributions to the community."

He added, "I cannot be too profuse in my praise of the banking community."

Thom Brown, director of student aid at the University of Rhode Island, echoed that sentiment. "We have been historically fortunate in Rhode Island with the excellent support provided by the lending institutions in support of the guaranteed loan programs."

Under all circumstances it is the banks who determine whether a loan will be issued.

Whether a student qualifies for an interest-subsidy loan is up to the college. But it is still up to the lending institutions to determine whether the loan will actually be granted.

Further, the bank can determine on its own whether the loan set by the college or university is large enough. If the bank decides a student needs more money, the bank can issue a loan for a larger amount and remain under the interest-subsidy provision.

Students who qualify for the subsidy program are those who can establish a genuine financial need. Put another way, they are from poorer families, often such as would not be able to obtain a long-term loan under any circumstances.

The state's banks could reject those applications, according to the federal regulations, but they have continued to support the program even though it means a loss of earnings.

The subsidized loans earn 7 per cent interest, paid by the government, but tie up bank funds for up to 10 years. Right now the banks could earn a higher return since prime interest rates are more than 9 per cent.

Students who do not qualify for the interest-subsidy program are those whose family incomes are high enough so that a "need" does not exist within the limits set by the new federal guidelines.

Often they are students from middle-income families too "wealthy" to qualify for the program but not "wealthy" enough to be able to absorb tuition and education expenses.

Again the banks in Rhode Island have been quick to help.

Sometimes banks have determined that a student does qualify for an interest-subsidized loan after the college has said no, Father Peterson explained, adding that that is sometimes on the basis of new information the bank obtained.

But even if a student does not qualify, he said, the banks have not refused loans simply because students don't qualify for the subsidy.

In effect, the priest said, the federal government is subsidizing the education of the lower-income students and the banks are

being among the best friends of the middle-income students.

The result is that few Rhode Island students, whether lower or middle income have to go to college or university that is not the first choice.

Students from other states are not so fortunate.

Financial aid officers across the country generally agree that many students will not have to stay out of school because of the loan situation, but most say that many rejected students will not be able to attend schools of their first choice.

William D. Rusk, director of financial aid at Whitworth College near Spokane, Wash., for example, said, "It's a knife in the back of the middle-income family, which pays taxes that allow poor kids to go to the colleges of their choice but not their own kids."

Rhode Island students, those who plan to attend one of the institutions in the state, are also fortunate in that the quality of financial aid officers is "first class," according to at least one critic.

Independently and through the organization of which Father Peterson is president, financial aid officers here anticipated the problems that the new regulations pose and tried to do something about it as soon as possible.

For example: The URI bursar's office had announced that unless student fees were paid by early August students would have no guarantee that they would have class cards waiting for them when the fall semester began.

Mr. Brown said, however, that arrangements were made so that no student affected by the loan program's delays will be rejected.

He said, "While these new regulations have caused considerable problems and delays, the combination of efforts by the financial aid officers' national association, the lenders, the Congress, the federal Office of Education—a result of that combined effort should be that students at least here in Rhode Island will get the funds they need to pay their college bills."

While they have cut delays significantly, financial officers in the state quickly add that "it might not seem that way to many students."

But elsewhere in the nation the situation was almost bleak. Determination of financial needs has resulted in mountains of paperwork and a heavy backlog of applications at many institutions.

"We're swamped," said Priscilla Parker, director of the guaranteed bank loan office at the University of Michigan, where a last-minute tuition hike further complicated matters.

And at New York University officials said the 10-member staff had processed 1,300 applications this summer in the time it previously handled 2,300 applications.

Officals in Rhode Island agree that delays remain. But, Mr. Brown said, students here are not likely to be hurt by the delays. "It (delivering the money) will be a lot later than everybody would like," he said, "but we should accomplish the end we are involved with, which is simply to help students get the money they need to pay their college bills."

THE PRESIDENT'S VETO OF THE MINIMUM WAGE BILL

Mr. TOWER. Mr. President, President Nixon's veto of the minimum wage bill is in the national interest and I commend him for it. The President best expressed this when he said in his veto message:

H.R. 7935, on the other hand, would unfortunately do far more harm than good. It would cause unemployment. It is inflationary. And it hurts those who can least afford it. For all of these reasons, I am compelled to return it without my approval.

As I argued during the Senate debate on the bill, the legislation would cause enormous problems for the small businessman, the unskilled employee, and particularly the youth of our country who would have faced insurmountable barriers in his quest for meaningful job experience and security. The President's comments on the unemployment problems facing America's youth were particularly lucid:

One major reason for low earnings among the young is that their employment has a considerable element of on-the-job training. Low earnings can be accepted during the training period in expectation of substantially higher earnings after the training is completed. That is why the Administration has urged the Congress to establish a modest short-term differential in minimum wages for teenagers, coupled with protections against using teenagers to substitute for adults in jobs. H.R. 7935, however, includes no meaningful youth differential of this kind. It does provide marginal improvement in the special wage for students working part-time but these are the young people whose continuing education is improving their employability anyway; the bill makes no provision at all for the millions of non-student teenagers who need jobs most.

In his veto message, the President urged the Congress to enact a more moderate minimum wage bill. It is unfortunate that the prime movers of this legislation together with the leaders of organized labor sought not the road of compromise, but rather the path of confrontation. I join the President in urging that the Congress recognize the need for more gradual increases in the minimum wage in recognition of the tremendous economic data supporting such a position; a meaningful youth differential; and a more careful analysis of existing exemptions from both minimum wage and overtime coverage.

EPA REGULATION ON CATALYSTS

Mr. MUSKIE. Mr. President, a key provision of the Clean Air Act is the section—section 207—which requires that auto manufacturers warrant the performance of their emission control systems for 5 years or 50,000 miles. This warranty is to apply except for reasonable maintenance.

In June of this year, the Environmental Protection Agency published a regulation declaring that one replacement of a catalyst during the 5-year or 50,000-mile life of an automobile would be considered reasonable maintenance. In effect, this Environmental Protection Agency regulation allowed manufacturers to impose upon the consumer a cost which has been estimated to be as high as $150 for catalyst replacements.

I did not view it as consistent with the intent of Congress that consumers should assume unreasonable expenses in maintaining their emission control systems. Therefore, I wrote to the Comptroller General requesting his opinion of this regulation. Today I received his response and that response states clearly and distinctly that:

. . . it is our view that replacement of the catalytic converter may not be considered reasonable maintenance so as to require that replacement be at the vehicle owner's expense. Therefore, in our opinion, the regulations allowing one replacement of the catalytic converter at the vehicle owner's expense during the warranty period is not consistent with the law and its legislative history.

Mr. President, this is an important victory for America's consumers. I ask unanimous consent that my letter and the full text of the Comptroller General's opinion be printed in the RECORD.

There being no objection, the letter and opinion were ordered to be printed in the RECORD, as follows:

JUNE 29, 1973.

Hon. ELMER B. STAATS,
Comptroller General of the United States, General Accounting Office, Washington, D.C.

DEAR MR. COMPTROLLER: The warranty provisions of the Clean Air Act are essential to effective implementation of the program.

Section 202(d) of the Clean Air Act prescribes a minimum useful life of five years or fifty thousand miles for emission control systems for light duty vehicles.

Section 207 specifies the emission control system warranty requirements, and Section 207(c)(3) states that the warranty shall include instructions for "reasonable and necessary" maintenance of the emission control system.

Thus, only "reasonable" maintenance is to be permitted for emission control systems without being covered by the 5 year or 50,000 mile warranty provision of the law.

On June 4, 1973, the Environmental Protection Agency published final regulations regarding the allowable maintenance of emission control systems on 1975 model year light duty vehicles. These regulations allow one replacement of a catalyst in the 5 year or 50,000 mile use to be considered as maintenance.

In May, the Subcommittee on Air and Water Pollution received testimony from auto manufacturers that replacement of the catalytic converters, as intended to be allowed in the EPA maintenance regulations, might cost as much as $150. In addition, the auto companies are utilizing the catalytic converters as the essential item of emission control equipment to achieve the 1975 auto emission standards. General Motors testified: "It is our assumption that the catalytic converter should be treated as much as a part of the system as the carburetor or any other part."

Because of the cost of the catalytic converter system, it appears inconsistent with the intent of the law to allow replacement of such a device to be construed as "reasonable" maintenance. The intent of the provisions of the Clean Air Act requiring that emission control systems be guaranteed for 5 years or 50,000 miles was to assure that manufacturers would introduce effective, vehicle life, emission control systems and that unreasonable costs would not be imposed on the consumer to maintain a vehicle's emission control systems. This intent would appear to be violated by these regulations in that replacement of catalytic converters at the expense of the consumer at the time of replacement would be accepted as "reasonable" maintenance.

Discussing catalyst replacement before the Subcommittee on Air and Water Pollution in May of 1972, former Environmental Protection Agency Administrator William D. Ruckelshaus stated:

"In order to achieve the standard, as I have tried to state on page eight of my decision, one replacement was necessary. It is

my belief that this ought to be paid for at the time the car is purchased. We are currently researching our authority. I am not sure that I have the authority to require this under the Act. In the event that we do, it is my feeling that the consumer is far more likely to replace the catalyst when necessary, than if we leave that replacement cost up to his own discretion, or being caught in some test that requires replacement."

Subsequently I received an opinion from the EPA General Counsel's Office which concluded:

"The Administrator may, pursuant to § 206 (a), impose as a term of a manufacturer's certificate of conformity the requirement that the manufacturer provide to the ultimate or subsequent purchaser of the vehicle a replacement catalyst at no cost to the purchaser, other than any replacement cost which may be included in the vehicle's original selling price."

Thus, EPA has stated that the intent of the law is to ensure that catalyst replacement is included in the warranty provisions (by including any prospective replacement in the initial purchase price). The Environmental Protection Agency also concluded that they have authority to impose such a requirement.

I request that the General Accounting Office review the regulations, the law and legislative history to determine if this regulation is consistent with the law requiring that only "reasonable" maintenance be demanded as a condition of fulfillment of the warranty.

To avoid undue inconvenience to the auto companies in planning for implementation of 1975 standards and to clarify this matter as expeditiously as possible, I request that this interpretation be provided to me within two weeks.

Sincerely,

EDMUND S. MUSKIE,
Chairman, Subcommittee on Air and Water Pollution.

COMPTROLLER GENERAL OF THE UNITED STATES,
Washington, D.C., September 5, 1973.

Hon. EDMUND S. MUSKIE,
Chairman, Subcommittee on Air and Water Pollution, Committee on Public Works, U.S. Senate.

DEAR MR. CHAIRMAN: By letter dated June 29, 1973, you requested our opinion as to whether the regulations issued on June 4, 1973, 38 F.R. 14682, by the Environmental Protection Agency (EPA) regarding catalytic converters in emission control systems for light duty vehicles are consistent with the applicable provisions of section 207 of the Clean Air Act, as amended by section 8(a) of Public Law 91-604, approved December 31, 1970, 42 U.S.C. 1857. As we earlier advised you, we found it necessary to obtain the views of the Administrator of the EPA prior to rendering an opinion. We received those views in a letter dated August 2, 1973, from EPA's Associate General Counsel, Air Quality and Radiation Division.

You state that in testimony given in May 1973 before your subcommittee, auto manufacturers stated that the catalytic converter, which was described as an essential and major item of emission control equipment to achieve the 1975 auto emission standards, might cost as much as $150 to replace. You point out that section 202(d) of the Clean Air Act, as amended, 42 U.S.C. 1857f-1(d), prescribes a minimum useful life of five years or fifty thousand miles for emission control systems for light duty vehicles. Section 207 of the Act, 42 U.S.C. 1857f-5a, specifies the emission control system warranty requirements, with subsection 207(c)(3)—42 U.S.C. 1857f-5a(c)(3)—stating that the warranty shall include such instructions for maintenance and use of the vehicle or engine as may be reasonable and necessary to assure the proper functioning of the emission control system. While you state that EPA has published final regulations regarding the allowable maintenance of emission control systems on 1975 model year light duty vehicles and that these regulations allow one replacement catalyst in the 5 year or 50,000 mile period to be considered as maintenance, it is your view that:

"Because of the cost of the catalytic converter system, it appears inconsistent with the intent of the law to allow replacement of such a device to be construed as 'reasonable' maintenance. The intent of the provisions of the Clean Air Act requiring that emission control systems be guaranteed for 5 years or 50,000 miles was to assure that manufacturers would introduce effective, vehicle life, emission control systems and that unreasonable costs would not be imposed on the consumer to maintain a vehicle's emission control system. This intent would appear to be violated by these regulations in that replacement of catalytic converters at the expense of the consumer at the time of replacement would be accepted as 'reasonable' maintenance."

You state that EPA has concluded that it has the authority to impose a requirement upon the approval of a manufacturer's warranty that catalyst replacement be included in the warranty provision, the cost of which would presumably be recovered in the initial purchase price of the vehicle. It is your view that this approach is consistent with, and demanded by, the terms of the Clean Air Act and you request this Office to review the law, legislative history and regulations to determine if EPA's present regulations are consistent with the statutory provisions requiring that only reasonable maintenance be demanded as a condition of fulfillment of the warranty.

As noted, section 207(a) creates a defects warranty that requires the manufacturer to warrant that each new vehicle or engine is designed, built, and equipped in conformity with applicable regulations at the time of sale and that each is free from defects in materials and workmanship which will cause such vehicle or engine to fail to conform with applicable regulations for its useful life of 5 years or 50,000 miles. Section 207(b) creates, in effect, a performance warranty which comes into effect once the Administrator of EPA determines that facilities and equipment are available to carry out test methods and procedures to assure that the vehicle or engine are performing properly. That warranty is required to provide that if the vehicle is maintained and operated in accordance with the manufacturer's instructions issued pursuant to subsection 207(c)(3), and it fails to conform during its useful life to the applicable regulations and if the ultimate purchaser or any subsequent purchaser has to bear any penalty or other sanction under Federal or State law, the manufacturer shall remedy such nonconformity at its own cost.

At this point we might note that EPA's Associate General Counsel informs us that the agency's initial proposal—requiring, in effect, incorporation of the replacement cost into the purchase price of the vehicle—was to be a condition of approval of a manufacturer's proposed maintenance and was not intended to be incorporated into either the subsection (a) defects warranty or the subsection (b) performance warranty.

The Associate General Counsel advises that the preamble to the proposed regulations, which raised the issue of requiring manufacturers to warrant the replacement of the catalysts to the owner of the motor vehicle, would have resulted in the incorporation of the replacement cost into the purchase price of the vehicle. It was thought that if the replacement had already been paid for, the vehicle owner would have been more likely to have the part replaced. He notes that the proposal was not principally designed as a consumer protection measure but to help assure replacement. As to the reason the proposal was not implemented, he explains:

"This proposal was met with almost universally adverse comments. Problems cited were the windfall benefit which would accrue to the manufacturers for replacements paid for but not made, the administrative problems involved in the reimbursement of vehicle owners or dealers for replacements, and most importantly, the expected 'tying' effect to the manufacturers' dealers and parts for the replacements, thereby cutting out independent parts manufacturers and garages. These comments are still on file, of course, and I shall be happy to make them available to you if you wish."

The Associate General Counsel further states that while EPA does not disagree that section 207(c)(3) of the Act is intended in part to restrict emission system maintenance required by the manufacturer to that which is reasonable and that in reviewing recommended maintenance instructions the costs associated with maintenance items are considered in determining reasonableness, it appears that replacement cost of the catalysts—a part of the total emission system—will be visited upon the vehicle owner at some time. He points out that the replacement cost is not expected by the agency to differ whether it is included in the original vehicle purchase price or whether it is paid at the time of replacement.

Thus, due primarily to economic considerations EPA determined that its original proposal was not feasible. Accordingly, although the agency apparently considers that it has sufficient authority to require the manufacturers to include, in effect, the replacement cost of catalytic converters in the purchase price of their vehicles, it determined that it was not required by the law to do so and that for reasons of economic policy it was not prudent to institute such a requirement. Rather, it determined it could accomplish its overall responsibilities under the Clean Air Act through other means. The Associate General Counsel explains:

"By not adopting a requirement that manufacturers cover by warranty the replacement of the catalytic converter, the Agency has had to place greater reliance upon the interest in air pollution control of the motor vehicle owning public, and upon the development of emissions inspection and testing programs by States and localities. The latter activity, which is clearly contemplated by both §§ 110 and 210 of the Clean Air Act, will presumably be utilized by the States and localities where the greatest motor vehicle pollution problems exist. The Agency believes that vehicle owners subject to these programs will be forced to make the necessary replacement, while those in less urbanized areas may not, which makes sense both from air quality and economic standpoints."

EPA's position was further set forth in the introduction to the final regulations on the matter as follows:

"The provision to require warning devices to alert the vehicle operator to the need for EGR system and catalytic converter maintenance has been included in response to comments received on means of inducing vehicle owners to perform maintenance. Comments had been requested on this issue of EPA's requiring that manufacturers warrant the cost of catalytic converter and EGR system replacement. Many comments received were opposed to warranty because its application would be anticompetitive and difficult to administer.

"Also, the loss of a vehicle and the inconvenience of bringing it to a dealer were considered to far outweigh the prepayment incentive and therefore it was argued that the recall rate would be low. No comments opposed warning devices and some groups called them the best hope for performance of maintenance. Several other groups commented that warning devices could comple-

ment the implementation of State inspection programs by providing an easy means to determine whether EGR systems and catalytic converters were functioning. Based upon these comments and its further assessment of the relative practicability of warning devices and warranties, EPA has determined that warning devices provide the best incentive at this time for the performance of maintenance on EGR systems and catalytic converters."

* * * * *

"Under the regulations the catalytic converter may be serviced once during 50,000 miles if the vehicle is equipped with a warning device that will alert the vehicle operator to the need for such maintenance; the signal shall be activated either at a specified interval or upon component failure. There are no unscheduled maintenance provisions for catalytic converters in addition to the one allowable scheduled or unscheduled servicing point. The reason for not allowing an additional unscheduled servicing of catalytic converters is that the cost of such servicing is expected to be high, and it is unlikely, since there would probably be no adverse driveability as a result of converter malfunction or failure, that owners would absorb the cost of replacement more than once during 50,000 miles." 38 F.R. 14683 (June 4, 1973)

The regulations issued on June 4, 1973, revised section 85.075-6 of part 85, title 40 of the Code of Federal Regulations as applicable to 1975 model year light duty vehicles. New subsection (a)(4) thereof provides:

"(4) The catalytic converter may be serviced once during 50,000 miles if an audible and/or visible signal approved by the Administrator alerts the vehicle operator to the need for maintenance. The signal may be activated either by component failure or need for maintenance at a scheduled point." 38 F.R. 14685 (June 4, 1973)

The major issue, as framed in your letter, is whether the replacement of the converter at an expense to the consumer of up to $150 at the time of replacement—if necessary—can be considered as "reasonable and necessary" maintenance in view of the provisions of section 202 and section 207(a) and (c)(3).

As indicated above, the pertinent provisions of law (sections 202 and 207 of the Clean Air Act, as amended) in effect require the manufacturer to warrant the vehicle and engine, including the emission control system, so that the prescribed emission standards shall be met for five years or 50,000 miles, whichever comes first, except that the manufacturer may require the owner to use and maintain the vehicle and engine as may be reasonable and necessary to assure the proper functioning of the emission system. The pertinent legislative history is contained on the conference committee report, House Report 91-1783, dated December 17, 1970, in the accompanying Statement of the Managers on the Part of the House, at pp. 50-51. In pertinent part it is stated therein:

"The House bill required manufacturers to warrant that vehicles or engines they produce are of substantially the same construction as the prototype vehicle with respect to which the certificate of conformity was issued. The Senate amendment required (effective 90 days after the Administrator establishes feasible testing methods and procedures) that manufacturers warrant that vehicles and engines will conform with applicable emission standards throughout their useful life (set at 5 years or 50,000 miles) if maintenance and certain other requirements are met.

"The Senate amendment also authorized the Administrator, if he determined that any class or category of vehicles or engines did not conform with applicable emission standards, to require manufacturers to notify purchasers of such nonconformity. Moreover, if a manufacturer discovered such nonconformity during the term of any warranty required under the Senate amendment, he was required to notify purchasers of the nonconformity and to remedy such nonconformity at no cost to the owner.

"The conference substitute adopts substantially the provisions of the House bill relating to prototype and production line testing and the provisions of the Senate amendment relating to compliance after sale and warranty. * * *.

* * * * *

"The provision for warranty follows the Senate bill except, in addition to establishing test procedures, the Administrator must find that inspection facilities or equipment are available to enforce individual vehicle compliance. Also a warranty will not become effective for a vehicle unless failure to comply with a standard subjects the purchaser to sanctions. Proper operation and maintenance are a precondition to the manufacturer's obligation. In addition to the performance warranty, the conference substitute calls for a defect warranty for materials and workmanship.

"If the Administrator determines (on the basis of inspections or studies) that a substantial number of any class of vehicles or engines, although properly maintained and used, do not meet the emission standards during the useful life of such vehicles or engines, he shall notify the manufacturer of such nonconformity, and he shall require the manufacturer to submit a plan for remedying such nonconformity. In the case of properly used and maintained vehicles and engines, this is to be done at the expense of the manufacturer. If a manufacturer disagrees with such determination the Administrator shall afford the manufacturer and other interested persons an opportunity to present their views at a public hearing. Unless, upon such hearings, the Administrator withdraws such determination, he shall, within 60 days after completion of the hearing, order the manufacturer to notify purchasers. The Administrator shall prescribe regulations concerning notification procedure. Any cost obligation incurred by any dealer is to be borne by the manufacturer and transfer of such cost obligation through franchise or any agreements from a manufacturer to a dealer is prohibited.

"If a manufacturer's advertising makes any statement respecting the cost or value of emission control devices or systems, such statement must set forth the cost or value attributed to such devices or systems by the Secretary of Labor (through the Bureau of Labor Statistics). The manufacturer shall furnish such written instructions for maintenance and use of any vehicles and engines by ultimate purchasers as are necessary to assure proper functioning of emission control devices or systems. * * *."

Considering the language of the statutory provisions in question and the pertinent legislative history, it appears that the Congress intended that the cost of keeping the vehicle and engine, including the emission control system, in conformance with applicable emission standards during the useful life (five years or 50,000 miles) of the vehicle and engine was to be at the expense of the manufacturer except for "reasonable and necessary" maintenance. Thus, as indicated above, the question that arises here is whether the replacement of the catalytic converter described as an essential and major item of the emission control system—at a cost of up to $150—during the warranty period may be considered as "reasonable" maintenance.

Since the catalytic converter apparently is a major part of the emission control system, it is our view its replacement would constitute something more than "reasonable maintenance." To put it another way the replacement of the catalytic converter is the replacement of a major part of the emission control systems rather than "reasonable maintenance" of such system or of the vehicle and engine. While it may be that if the Administrator had required replacment to be at the expense of the manufacturer, such cost would have been included in the price of the vehicle, that does not require the conclusion that replacement of such an item constitutes reasonable maintenance. In fact if replacement of the catalytic converter be considered reasonable maintenance, we question whether the Administrator could require replacement at the manufacturer's expense, since under the law reasonable maintenance necessary to assure proper functioning of the emission control system is to be at the vehicle owner's expense.

In light of the foregoing and based on the record presently before us, it is our view that replacement of the catalytic converter may not be considered reasonable maintenance so as to require that replacement be at the vehicle owner's expense. Therefore, in our opinion, the regulations allowing one replacement of the catalytic converter at the vehicle owner's expense during the warranty period is not consistent with the law and its legislative history.

Sincerely yours,

ELMER B. STAATS,
Comptroller General of the United States.

ENERGY POLICY SHOULD BE EXPLAINED

Mr. MUSKIE. Mr. President, President Nixon's announcement that he will seek suspension of air pollution emission standards in answer to the threat of a fuel shortage is apparently based more on politics than on fact. Not only did the President fail to justify this proposal, but I have been unable to obtain from administration sources any analysis of the basis for, or implications of this policy.

The Congress and the people deserve a complete explanation of what the President, through his Energy Policy Office, intends to do. Therefore, I have today initiated an invitation to Gov. John Love, Director of the Energy Policy Office, to appear before the Subcommittee on Air and Water Pollution in the next week.

The President has clearly decided to abandon the environmental safeguards which some States and localities have adopted with the encouragement of the Federal Government. This step should not be taken lightly.

On the same day that the President recommended that we reduce our clean air effort we were told that the people of North Birmingham, Ala., have to fight to breathe because of the dirty air.

The people who must breathe dirty air have a right to ask whether the President has considered other alternatives. Who produced this policy? What were the facts taken into consideration? How was the decision made? Were alternatives such as fuel conservation considered? Would a mandatory allocation program work as well or better in providing fuel, while not endangering people's health? These are just some of the questions I hope Governor Love will answer.

The President has not explained what States will be affected or for how long. He has not explained the legal basis for his action.

He has not specified the amount of the fuel shortage, or how dirty the substitute fuel will be.

All the President has said is that we should abandon environmental safe-

guards rather than get tough with the oil industry. He has said he would prefer to sacrifice the health of the people rather than impose mandatory fuel allocation requirements on the oil industry.

I want to know why.

Mr. President, I ask unanimous consent that my letter of invitation to Governor Love, a newspaper article on the air problems in Birmingham, and other related newspaper articles be printed in the RECORD.

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

U.S. SENATE,
Washington, D.C., September 10, 1973.

Hon. JOHN LOVE,
Director of Energy Policy,
Washington, D.C.

DEAR GOVERNOR LOVE: I have read with deep concern the press reports regarding the effort which you will make in the near future to gain relaxation of state air pollution standards. I understand that the justification for this attempted action relates to the availability of low sulfur fuels to meet home heating needs this winter.

As you know, many states have adopted stringent air pollution emission standards in response to legislation which has been developed by the Congress over the past decade. In many instances, state standards and deadlines for their compliance have been incorporated in approved air quality implementation plans which, in effect, means that they have become Federal standards and deadlines. Whether or not this is the case in the specific instances which you will address when you confer with the Governors is not clear.

In order to provide the Subcommittee on Air and Water Pollution with a complete evaluation of the justification for and impact of this proposed effort, I would appreciate your appearance at a hearing of the Subcommittee prior to your scheduled meeting with the Governors, hopefully before the end of this week or early next week. I cannot understate the importance of a timely public discussion of the policies which you have been directed to implement.

I would appreciate a response to this invitation by the close of business Tuesday, September 11, in order that the necessary arrangements can be made for the hearing. I realize this notice is short, but the nature of the issue underscores the urgency of the hearing. If you have any questions regarding this invitation, please contact Leon G. Billings of the Subcommittee staff at 225-7859.

Sincerely,

EDMUND S. MUSKIE,
Chairman, Subcommittee on Air and Water Pollution.

[From the Washington Post, Sept. 9, 1973]

POLLUTION CHOKES NORTH BIRMINGHAM—ALABAMA CITY GETS EPA HELP IN PROGRAM TO CLEAN UP AIR

(By Stuart Auerbach)

BIRMINGHAM, ALA.—Della Thomas, who lives in the shadows of iron forge stacks that belch acrid smoke day and night, woke up at 1 o'clock the other morning "smothering"—as if someone were holding a pillow over her face.

"She just about died. She was gasping for every breath," said her daughter, Kathleen Barron.

Mrs. Barron rushed her mother to a nearby hospital, out of the heavily polluted area, where the older woman quickly revived. "As soon as she got into the clean air of the hospital she was better," said Mrs. Barron. "The doctors couldn't find anything wrong. They said it was just the pollution."

The air is never clean in the North Birmingham neighborhood in which Mrs. Barron and her mother live. Smoke pours continually from plants owned by the U.S. Pipe Co. on one side of the neighborhood and the American Cast Iron Pipe Co., known here as ACIPCO, on the other.

People in that area breathe polluted air no matter which way the wind blows.

"I don't see how they live out there, I really don't," said City Councilwoman Angie Grooms Proctor, who heads the council's pollution committee.

On a visit to North Birmingham last week, the air smelled like burning gunpowder and was heavy with tiny black particles of soot that collected on a reporter's suit.

Nevertheless, residents insisted that the air that day was really clean—for North Birmingham, that is.

"It's good today," said Elva Carr. "Yesterday you couldn't even get your breath. The air was so thick you could cut it with a knife."

Residents interviewed all complained of respiratory problems—wheezing, sneezing, coughing and shortness of breath.

They didn't attach medical terms to their ailments, but detailed studies by the Environmental Protection Agency show that people who live in heavily polluted areas suffer far more from such diseases as asthma, bronchitis, pneumonia, emphysema and even the common cold and flu than people who live in clear air.

Young children who live in neighborhoods where the air is constantly polluted move less air in and out of their lungs each time they breathe than children who grow up in a clean atmosphere.

An unpublished EPA study estimates the cost of excess illness due to polluted air at $3 billion a year.

But to the people who live in the shadow of stacks from Birmingham's steel mills and cement plants, pollution not only affects their health but their way of life.

They complain that they can't sit out in their front yards the way other people do, or cook dinners over barbeque grills. Houses always look as if they need a paint job, even those that have just been painted.

"It ruins the tops of the cars. You have to keep washing it off, and still the paint comes off the car," said Gladys Freeman, who lives down the street from Mrs. Barron.

Like many of her neighbors, Mrs. Freeman said walking outside makes her sneeze. Her husband, she said, coughs a lot.

"We just take cod liver oil and honey to help keep the lungs clear and drink gin to make the taste of the cod liver oil go away."

Across the street, Frances Chapman said she has so much trouble breathing that she can't walk two blocks to the nearest store without stopping to rest.

"I smother a lot," she said. "I can't breathe even when I'm sitting at home. I'm 58; that's young. I'm not so old."

Mrs. Chapman said her doctor told her she had bronchitis. But Dr. George E. Hardy Jr., health officer for Jefferson County, said the woman could be suffering from early stages of emphysema—a more serious debilitating disease characterized by the inability to breathe easily.

Emphysema, in its final stages, leaves a person almost incapacitated.

"I have a hard time shaving," said S. S. Godbee Jr., who spent his life working in the midst of heavily polluted air. He developed emphysema eight years ago. He sat in a chair during the interview, wheezing as he talked.

"I can't go to my home workshop to build things for my grandchildren. Bending over and hammering is too much for me. When I carry an eight-bottle package of Coke from the car to the front of the house, I don't have enough breath left to get up the steps," he continued.

"I've got a little five-year-old granddaughter who can do more work than I can."

There is no scientific proof that air pollution causes emphysema, which most experts believe can be triggered by many factors including heredity, smoking and occupational assaults of the lung by pollutants.

But there is clear evidence from studies done by EPA and other scientists that there is more emphysema in areas with heavily polluted air.

Dr. A. H. Russakoff, a lung specialist here, found a "direct correlation between the level of pollution in an area and the impairment of lung function among its residents."

The greatest number of lung ailments in the area came from North Birmingham.

There is something called "Birmingham lung" that a doctor can see on autopsy.

"It's a filthy lung," said Dr. Hardy. "It looks like the black lung of a coal miner."

Birmingham, spurred by an active citizens' group, has been working to clean its air. Two years ago, when Birmingham suffered one of its worst air pollution episodes, Hardy called in the EPA, which for the first time used power given it by Congress to close down the furnaces and forges until the air cleared up.

Now the manufacturing companies all have plans and schedules for cleaning the pollutants that pour from their smokestacks. By 1975, said Hardy, Birmingham will be able to meet the federal clean air standards.

There are already signs that the air in parts of Birmingham is getting cleaner. In the Midfield area, about two miles from the U.S. Steel smokestacks but right behind the stacks of the Alpha Portland Cement Co., residents noted some improvement since the cement company put antipollution devices on its stacks last May.

But the air was still heavy with a fine white dust that comes from the cement plant. "You can see it on the cars and sweep it off the porches," said Mrs. L. Y. Jaynes. "Lord, you can smell it in the air.

"But it used to be that in daylight you couldn't see that house over there"—pointing to a house clearly visible across the street.

Sandra Holley noted that her family's health had improved since the cement company began using the anti-pollution devices.

"My husband used to wake up hacking, spitting, gagging every morning. The doctor told him it was just dust and pollution. He said he couldn't do anything about it. During the past couple of months it's been better, though he still has spells of it."

[From the Wall Street Journal, Sept. 10, 1973]

HEATING OIL PLAN BY NIXON FACES SOME UNCERTAINTY

WASHINGTON.—The Nixon administration plan to free additional supplies of home heating oil by relaxing clean air requirements could help the U.S. get through the winter without serious fuel dislocations—but there are stumbling blocks.

Despite President Nixon's vigorous endorsement in an unusual appearance at a press briefing on the energy situation, the plan can't assure that Washington won't have to impose some type of mandatory heating oil allocation system.

An overriding uncertainty for Nixon energy planners is how cold the winter will be. Severe weather in the U.S. could shoot demand above normal expectations. Severe weather in Europe as well would cut back the fuel available for export by Common Market refiners, crimping supplies here.

The Mideast situation is another major concern. If Libya and Saudi Arabia carry out threats to cut off or limit their oil exports, the U.S. could face even graver supply problems in the coming months, administration officials acknowledge. In his White House statement, the President clearly attempted to convince Mideast oil nations that the U.S.

energy situation isn't bad enough to undermine foreign policy positions. Mr. Nixon said he doesn't see any "energy crisis," but only "short-term shortages." He repeated administration views that nuclear power and coal liquefaction and gasification will become viable alternatives to oil imports over the next several years.

DEVELOPING ALTERNATIVES

The U.S. would prefer to continue Mideast imports, Mr. Nixon suggested, but it "must develop the capacity (of alternatives) so no other nation has us in a position that they can cut off our oil (and) our energy."

For the present, however, the plan to avert fuel shortages through relaxation of the clean air rules doesn't jibe with efforts in Congress to fight shortages with a mandatory fuel-allocation scheme. The Senate has passed a bill requiring the administration to divvy up oil supplies among such users as utilities, independent gasoline companies and farmers. The administration opposes the bill.

Sen. Henry Jackson (D., Wash.), the bill's chief sponsor, said in a television interview yesterday that he understands House leaders "will move on it this coming week." The measure came close to a House vote before the August recess, but it hit a procedural snag.

Sen. Jackson said on ABC's Issues and Answers that "I don't believe there's a need to relax air pollution standards" if a mandatory allocation system is working and supplies of imported oil aren't reduced.

In addition to the planned relaxation of air standards, the administration energy initiatives as outlined by the President and John Love, head of the White House energy office include:

A proposal to be made shortly to the House and Senate Armed Services Committees that they approve selling 100,000 barrels daily of crude oil from the Elk Hills naval petroleum reserve to augment West Coast market supplies. The reserve, near Bakersfield, Calif., is managed and one 25%-owned by Standard Oil Co. of California and contains an estimated one billion barrels of oil. However, some administration oil officials, recalling the House committee's adamant opposition to such a move in the past, are skeptical whether chances have improved.

COST PASS-THROUGH

A pass-through of imported home-heating oil costs expected to be announced by the Cost of Living Council this week, adding about two cents a gallon to consumer costs. The Phase 4 controlled domestic bulk price for No. 2 oil, as the fuel technically is known, is 12 cents to 14 cents a gallon, Mr. Love's chief of staff, Charles DiBona, estimated. By comparison, foreign No. 2's asking price is around 25 cents a gallon. The Phase 4 number-pricing change involves a formula that would spread foreign oil costs across total U.S. sales, Mr. DiBona said, thus ending the present "disincentive" for imports.

Consultation between the White House and the Atomic Energy Commission to speed up nuclear-plant licensing. Without saying precisely how this would be done or mentioning the effect on environment factors in license cases, Messrs. Nixon and Love both asserted that the present 10-year gap between plant announcement and start-up is too long.

Relaxing the clean air standards would release supplies of clean No. 2 oil that currently are blended with high-sulphur residual oil. This process, mostly carried on by Caribbean refiners using high-sulphur Venezuelan crude, produces a fuel for power plants and industry that is low enough in sulphur to satisfy state and local antipollution standards.

VARIANCES FROM HEALTH STANDARDS

The administration program will involve the granting of variances by the Environmental Protection Agency from the health-protecting primary standards in Northeastern and upper Midwestern states, where use of blended fuels is particularly heavy, Mr. Love explained. The EPA, as permitted by the 1970 Clean Air Act, granted similar variances last winter, but this time they will be offered farther in advance of any possible shortage to allow utilities and other industrial fuel users to contract for unblended supplies.

Governors and mayors in the affected areas must approve the plan, but officials don't see any local resistance, based on last year's experience. Mr. Love described Russell Train, EPA administrator-designate, as in agreement with the proposal. In addition to the variance policy, the administration is continuing to press states to delay enforcement of secondary clear air standards. These are designed to protect vegetation and property, but postponing enforcement would permit continued use of domestic coal supplies rather than forcing utilities to seek a low-sulphur petroleum substitute.

The clean air variance plan, Mr. DiBona estimated, would free 200,000 to 400,000 barrels a day of No. 2 oil for home-heating purposes. Last winter, U.S. imports of home-heating oil averaged about 400,000 barrels daily and the additional supplies, therefore, would cover, or nearly cover, the nation's winter needs, assuming normal weather and no cutoff of Mideast supplies. This winter, officials hope that home-heating oil imports will average about 500,000 barrels daily.

[From the Washington Post, Sept. 9, 1973]

CLEAN AIR RULES MUST BE EASED, NIXON DECLARES

(By Thomas O'Toole)

In a move that is certain to run into strong opposition from ecologists, President Nixon yesterday declared that the country must retreat from its cleam air standards to avoid a fuel shortage this winter.

"It will be necessary for those standards at the state level to be modified," the President said following a two-hour meeting with his energy advisers at the White House yesterday. "Unless those standards are relaxed, we could have a very serious problem this winter."

While not spelling out which state standards must be relaxed, President Nixon almost certainly meant the restrictions that have banned the burning of coal and high-sulfur oil in the populous Northeast and in Midwest states like Illinois, Ohio, Indiana and Michigan.

The White House has no authority to override state clean air standards, but the President said he directed White House energy adviser John A. Love to meet this week or next with state and city officials to discuss moves against air pollution restrictions.

"This can be done administratively," President Nixon said, meaning that no new legislation is needed, "but it requires the cooperation of the governors because the governors have had their legislators adopt standards which are state law."

The President met to discuss the country's energy shortages with 15 administration aides, including four Cabinet members and Secretary of State-designate Henry A. Kissinger. The President described the Cabinet Room discussion as "quite spirited," though he did not go into any details about who disagreed with what proposals.

Besides calling for modified air standards, President Nixon said he would press ahead with the development of nuclear energy, the extraction of gas and liquids from coal and the construction of deep water ports to handle super-tankers carrying oil from the Middle East.

"The longer we wait here," he said of the nation's need for such ports, "the longer we are going to have to wait to have the capacity to bring in the product from abroad that we need to meet our energy needs."

But while he urged deepwater port development to handle the rising tide of imports, the President again said the United States would go all out to develop its own energy supplies to avoid over-reliance on Middle East oil.

"The United States must be in a position that no other nation can cut off our oil," the President said. "We are going to do the very best we can to work out problems with Mideastern countries, but we are also keenly aware that no nation must be at the mercy of any other nation by having its energy supply suddenly cut off."

Most of the President's moves on the energy front yesterday came as promises, but he did bring forth one concrete proposal to make more oil available for the country this winter. This was a move to produce and sell at least some of the oil on land set aside as petroleum reserves for the Navy in time of war.

Specifically, the President said he would "consult with the Congress" to authorize the sale of oil from the Elk Hills Naval Reserve outside Bakersfield, Calif.

One of four such oil preserves in the country, Elk Hills is the only one developed enough to produce oil quickly. Elk Hills could produce as much as 100,000 barrels of oil a day, which would ease considerably any oil shortages that might crop up this winter west of the Rocky Mountains.

While the President came out hard on the side of the nuclear power program, he was somewhat vague about what the White House might do to speed its development. One White House aide said he wanted to loosen licensing procedures to hurry up atomic construction time, but the Atomic Energy Commission already has under way a program to do just this.

The AEC is down to 15 months from two years on granting construction permits with a goal of one year projected. It now takes eight years to build an atomic power plant in the United States, which is down from the 10 years it had been taking.

The President made no mention of any big new research programs in energy, but he once again emphasized that the country must develop ways of using its huge coal reserves. He said the United States has almost half the world's coal, but is unable to burn it because coal is too dirty.

The White House has budgeted an extra $100 million for energy research this year, but has not yet decided how to spend it. A report submitted to the White House last week by AEC Chairman Dixy Lee Ray calls for spending $50 million of that extra money researching ways of cleaning up coal.

[From the Washington Post, Sept. 9, 1973]

INFLATION, OIL, AND THE PRESS CONFERENCE

At one point in his most recent conference President Nixon declared: "As you know, we are going into a new set of tough controls on Sept. 13." A new set of tough controls? But no new controls at all are scheduled to go into effect on Sept. 13. Food price rules will in fact be loosened a little at that time to allow processors to pass more of their rising costs on to their customers. But nothing more. It appears that Mr. Nixon simply misspoke.

Presidents make mistakes like other people. Perhaps it is surprising only that, in the tension of news conferences, they do not make more. But this misstatement was followed by other remarks that had a peculiar ring to them, as though they meant either more or a good deal less than the President apparently intended. These examples all fell into the parts of the conference in which Mr. Nixon was dealing with the economy and energy. Most politicians, regardless of party now consider inflation and the energy short-

ages to be the principal public concerns in this country. The question is whether Mr. Nixon is giving these subjects the same high priority his constituents do.

When he spoke of a possible fuel shortage this winter, Mr. Nixon cited seven administration proposals pending before Congress. His administration is working on energy policy, he said. "But essential to our success in meeting the energy needs for this winter, and particularly for the future, is congressional action." For the distant future, some of those bills are highly important. But for this winter, they will have no effect at all. They involve things like the Alaskan pipeline, which will take years to build, and ports for supertankers. Even if all this legislation were enacted tomorrow, it could not substantially improve our fuel resources until late in the decade.

Did Mr. Nixon know that? If he did, he made a particularly crude attempt to shift blame onto Congress for the coming shortages. It is hardly a useful way to enlist the cooperation of Congress on this legislation. But there is also the possibility that, among all the material his aides had been providing him, the President mislaid the point that the pending bills do not affect supplies over the coming winter. In contrast, the President was a good deal more precise when he spoke after his energy meeting at the White House yesterday. On that occasion a policy seemed to be emerging although, unfortunately, it is emerging chiefly at the expense of some states' air pollution standards.

At the press conference, the President was asked about the threats of several Arab governments to limit oil exports. In the course of his reply, he said: "Oil without a market, as Mr. Mossadegh learned many, many years ago, doesn't do a country much good." It was hardly market forces that threw Mr. Mossadegh out of office as premier of Iran in 1953. After a bitter dispute over his nationalization of the British oil concessions, he fell in a coup ably and successfully supported by this country's Central Intelligence Agency. In the customary terms of presidential pronouncements, the reference to this incident might be interpreted as a manifest threat to other governments. In this case, there does not seem to be any reason to think Mr. Nixon intended a threat. But if he did not mean it as a threat, what was the point of bringing up that very sensitive bit of recent history? Perhaps there was no particular point.

A reporter asked Mr. Nixon when the current inflation might end. The correct answer is, of course, that nobody knows because the current inflation is unlike the others that we have experienced over the past generation. Mr. Nixon said as much, but he declined to let it go at that. "I'm afraid," he said, "I can't be any more perceptive than my economic advisers have been, and their guess wtih regard to—you know the numbers insofar as inflation this year have not been very good. I do not blame them, however, because as you know we had the problems of weather in the United States and abroad, an unprecedented demand abroad which was unforeseen as far as we were concerned. That gave the impetus to food prices. And there were other factors which led to the inflationary pressures which our economic advisers did not foresee . . ." That answer has a disquieting resemblance to Mr. Nixon's explanation of the Watergate affair: he has suffered from bad advice and bad information from those he trusted. There has not been a President since Warren Harding as eager to persuade the voters that he has been badly advised by his own men.

Whenever the press conference turned to the subjects of inflation and energy, the words were strangely imprecise. The answers do not bear the kind of close examination to which a president's words are usually subjected. That imprecision is not characteristic of Mr. Nixon and it can prove very troublesome to him. At a press conference, a president is addressing a public that includes some very sharp listeners. Among others he is speaking to his opposition in Congress, to foreign governments and most particularly to his own huge bureaucracy. The most recent conference gave no one much idea where the President now wants to go on questions that have come to worry Americans deeply.

THE SURVIVAL OF FREEDOM IN AN ERA OF NEGOTIATION

Mr. TOWER. Mr. President, recently, the junior Senator from North Carolina (Mr. HELMS) attended the seventh annual Peace Through Freedom Conference held in London, England. At that meeting, he delivered an address which I think starkly reminds us of some important dangers to us even in this time of détente and negotiation. I have often said that the principal peril of the normalization of relations with the Soviet Union is the possibility that our desire for peace will lull us into a false sense of security. I am pleased to see that others recognize that danger as well. I commend Senator HELM's remarks to all Americans and ask that they be printed in the RECORD.

There being no objection, the remarks were ordered to be printed in the RECORD, as follows:

THE SURVIVAL OF FREEDOM IN AN ERA OF NEGOTIATION

(Address by Hon. JESSE HELMS)

Honored guests, ladies and gentlemen: We are living today in an era of negotiation. The evidence is indisputable. Negotiations are being conducted everywhere. We hear daily of negotiations in Paris, in Bonn, in Helsinki, in Vienna, in Saigon, and in Peking, not to mention Moscow and Washington. I think we can conclude that negotiations are very, very fashionable.

The fashion of today is quickly gone tomorrow. It would not be worth our while to take note of fashion at a gathering such as this, were it not for the fact that, when the glamour has faded, when the last television light has been turned off, and the last journalist has gone, the world may very well be a different place than it is today. My overriding cncern is that freedom must survive this era of almost obsessive negotiation in which those who have been selected to defend the cause of freedom have too often yielded in timidity and without adequately utilizing the proper and honorable leverage at hand. It is with sadness that I acknowledge it, yet candor compels the observation that my own nation has too often been willing to recede to the cunning blandishments of negotiators on the side of tyranny.

It matters not that few other nations in the world have given the United States substantial encouragement to stand up for freedom in the world. In the matter of the liberty of mankind, it is not more blessed to recede to demands of those who would destroy liberty.

The change of pace has come so swiftly that some of the free nations were taken unaware. The United States moved too swiftly. Old friends were taken for granted, and the impact of major shifts on their foreign and domestic policy was ignored. But, worst of all, we overestimated the advantages that we thought we were winning. Like tourists in a bazaar, our enthusiasm exceeded the value for what we got; and when we got it home, we wondered where to put it.

But freedom must survive the era of negotiation. And if we search out our bargains wisely and courageously, there is no doubt that the free world can come out ahead. Freedom is a dynamic principle. It releases the creative energy of the individual. In a free environment, each person can enlarge his area of action, do more things, develop new patterns of thinking, experiment with his ideas, and keep only whatever is of benefit.

In politics, freedom means room for the organic development of local traditions and interests. At one time, some people in the United States were so misguided as to think that our unique creation, a Constitutional Republic under a written constitution, was the pattern for every nation in the world. They mistook the form for the substance.

Our particular contribution was the philosophical development of the concept of limited powers. We tried to set up a system in which no one source of power could get domination over the rest. If you will study our Constitution, you will see that the powers were to be precisely divided between the Federal government and the State governments, each in its sphere. And the Federal Government has its powers separated between the three co-equal branches: Legislative, Judicial, and Executive.

As those of you who follow the news from the United States know, this arrangement is purposefully vague in certain areas, leaving the details to be worked out on the spot. First one branch leans to excess, then another; and some times all three branches lean to excess at the same time. I am sure that this sometimes mystifies our friends who come from different political traditions.

Yet, as each branch proclaims its prerogatives, we learn something about the necessity for freedom. We grow confirmed in our distrust of any human person as being the sole repository of wisdom and justice. We believe that freedom comes from the creative interaction of many interest groups; and that no group, or combination of groups, can remain so disinterested as to preserve freedom without facing a countervailing power. The inescapable requirement, the imperative common denominator, must be a broad, unyielding yearning for freedom.

I am somewhat humbled to make these remarks when our host nation is the nation that gathered its barons together on the fields of Runnymede so many centuries ago to counter the excessive power of a king. As Americans, we pay tribute to the British tradition of freedom to the role of precedent in the preservation of liberty, to the distrust of abstract principles as the pattern to which man is to be cut, and to the rule of law.

There are those who would promote the American War for Independence as the first significant revolution, and the model for revolutionary activity today. This is to misread the American tradition completely.

If our British friends will pardon the thought about what some have termed "the late unpleasantness", the American battle cry was not a rejection of the British tradition. If you read the Declaration of Independence carefully, you will see that it is a cry of anger against a king who has usurped the legal rights of true-born Englishmen. The exasperated exclamation of Patrick Henry, "Give me liberty or give me death", was based upon a reaffirmation of his legal training in Coke, Lyttleton, and the Magna Carta. Nothing could be farther from the anarchist revolutionaries of today who wish to overturn the social structure of the past and impose the yoke of socialism or Communism upon free people.

I know that it is presumptuous for me to lecture this gathering on such a topic when many of you come from nations that have suffered first-hand the deprivations of Communism. But I merely seek to explain that the free nations have an inherent source of strength so familiar to us that we often overlook it. That source of strength is the free creative power of the individual, the invention and development of alternate forms of

social organization, and the interplay of expanding spheres of activity. These are forces which can win out over centralization, group planning, and regimentation every time.

This is clearly brought out in the economic field. The wealth of the world today is being created in the free nations. One has only to look at the amazing recovery of Europe in the past twenty-five years, or the growth of Free China, Japan, Hong Kong, and South Korea. Indeed, the economic problems we are having today are dislocations created in large part by the rapid rise of living standards and economic growth in these very countries. In the Soviet Union and in Communist China and other Communist-controlled countries, economic expansion has been hindered by massive errors in central planning, and by eliminating personal incentive.

The case in point is agriculture. I have the privilege of serving on the Agriculture Committee of the United States Senate. We see first hand that Soviet agriculture has failed. We hear with monotonous regularity that bad weather has brought a short crop. What we don't hear is that blundering management on the collectives and the spectacular personal disincentives inherent in the Soviet system relieve any particular person of the responsibility of ensuring success.

Moreover, the lack of capital for investment into agricultural machinery, because of existing priorities, makes it certain that there is not enough machinery to go around. During a good harvest season, the available machines can go from farm to farm; but during a bad season, the days when harvesting can be done are too few to allow for such cumbersome management techniques. So it is always "bad weather", but never bad planning or shortage of equipment, that takes its toll when the Soviets begin to make their excuses.

Thus, periodically now, the Soviets come to the free world for food. After all, this is an era of negotiation. Unfortunately, we overlook the fact that the reason that the Soviets don't have harvesting equipment and tractors is that they have made the political decision to put their capital investment somewhere else. The reason that they don't have fertilizer is because nobody thought of cranking enough fertilizer plants into their five-year plans. The reason that they don't have modern agriculture technology is because they don't permit foreign technology to be brought in by free technicians who will impart concepts of freedom to the peasants.

If the Soviets can get food on their terms, they believe it is so much the better; but if they could not get food on their terms, they could be expected to let their people starve rather than let them be contaminated by freedom. Indeed, the day is not long gone by when millions of Soviet citizens were starved according to the central plan.

If freedom is to survive such negotiations, we must negotiate to let freedom expand. We must face up to the fact that food is scarce in the world because the Communist nations, and even many of the socialist nations, will not take the steps which are necessary to unlock the creative power of individual initiative and reward. As a result of the massive wheat purchases by the Soviet Union and now Red China, the United States surpluses have dwindled and prices of food in the United States soared into the economic stratosphere. To avoid compounding the error, we must make future sales conditional upon the Communists taking steps to dismantle the fatal error in which their agriculture is conceived. In short, we must not feed them unless they agree to help themselves, specifically making it imperative that they help themselves by restoring personal rewards and liberties, bit by bit.

Is such a plan unrealistic? Would we not be asking them to disavow their way of life?

It is *not* unrealistic. This is what the give and take in negotiations is all about. We would be asking for specific things. We could propose, for example, that demonstration farms be set up on a widespread scale, which would be run according to the principles of private initiative and reward. Obviously, the Soviets couldn't stand for this. The effect would be contagious and undermine their whole system. Or we could insist on teams of expert advisers who would go in to teach the people how to unload, transfer, store, and distribute grain efficiently—all tasks which seem to be elusive targets in the Communist system. Our only condition would be that they be allowed to have a real contact with the people in the Soviet Union, and to take with them the Bible, the Federalist Papers, and the Sears Roebuck catalogue.

The point I am making is that the Soviets are prepared to deal with the free economies when they can suck up our juices without our system coming in contact with their population; they are not prepared to do so when the germ of freedom might enter in through a crack.

During recent times when more and more overtures have been made to the West about trade, when detente is on everybody's lips, the Soviet Union has become even more repressive, cracking down on freedom of expression, political dissent, and punishing outside contacts by ordinary citizens.

We are told that the Cold War is over, but they are still shooting people at the Berlin Wall. The more desperate the Soviets become for economic benefits from the free world, the more rigidly they crack down on their people in an attempt to offset the effect of contacts with free people. Thus, the existing nature of our trade with Communists, instead of providing for more freedom, can unintentionally have the effect of contributing to oppression, instead of relieving it—unless we conduct our negotiations so as to bring liberty into the bargain. The Soviets need trade and investment more than we need the opportunities they offer. For the sake of freedom, we must not lose our advantage.

In the recent cultural exchanges signed with the United States, the Soviets resisted strongly every effort to set up a significant flow of people to and from the Soviet Union.

The cultural and educational exchange limited the number of people to ten performing groups, thirty-five individual performers, forty graduate students—for one semester or one year only—thirty language experts for a ten week summer course, ten university researchers for three to six months' research visits, and two—that's right, just two—art students for four to ten months' study periods. Thus, in a three year period (1974–1976), we would be able to send three or four busloads of people. And we must not forget that Chairman Brezhnev came personally to the United States to make these incredibly minute arrangements between two countries of combined population of about half a billion people.

What is true of Moscow is true of Peking. I was particularly discontented with the results of President Nixon's trip to mainland China. It was an ill-conceived and ill-timed journey. I have known Dick Nixon personally for many years, and my opinion of him is high enough that I think he should not have degraded himself by such an intimate association with the very captains of a bloody revolution that extinguished the lives and/or freedom of millions.

Yet the potential for opening up the mainland to free ideas is immense. One beneficial result is that enough has leaked out of the Communist oppression to give us hints of the dissatisfaction and the patient nurturing of a hidden spark of hope. As a result of the Peking visit, there have been a number of Americans of Chinese descent who have been able to visit their families and relatives in China for brief periods. It was only with a great struggle that they were able to elude the regime's regulations on visitors and obtain permission to live in a village instead of a restricted hotel. And the sentiments they hear when the party cadres have left them alone with their relatives and friends are plain enough to convince anyone who may have been confused by the highly orchetrated propaganda produced in the Western media with the cooperation of the press agents of the so-called "People's Republic".

Yet, of all the negotiations, the most important are those which affect the capacity of the Free World to defend itself militarily. Once again, we delude ourselves if we think that this new era of negotiations indicates that the Soviet Union is growing less warlike and more tractable.

The very opposite is true. At no time have the Soviets ever had a greater capacity for the manufacturing of weaponry systems of all types or a greater deployed capacity for delivering strategic weapons of destruction upon the free world.

It is rather peculiar, is it not, that Chairman Khrushchev had a reputation for saber rattling, while his successor, Chairman Brezhnev, has a reputation as a man of reason and deliberate moderation. When Brezhnev came to power, the Soviets had only 220 intercontinental ballistic missiles, all of them SS–7's and 8's. Under Brezhnev's leadership, the Soviets have run their total up to 1,600, including not only the gigantic SS–9's, but also 11's and 12's and some experimental prototypes.

And, along with this missile development goes all the associated guidance and support systems of types that were not even in existence before. We are so used to hearing these figures that we often fail to appreciate the vast allocation of scarce resources, the terrific strain on the Soviet economy, and the enforced sacrifices suffered by the people in order to meet this effort. What we see in Brezhnev is a man who is determined to build a vast war machine, no matter what the cost to his country.

It is also under Brezhnev's rule that the Soviet Union has become a major naval power, almost doubling its naval forces. The magnitude of this production effort is such that it would be a feat in itself, were it not that production in strategic forces was going on simultaneously. Not only was the Soviet Union supplying itself, but it was also building up a naval production capability that could supply modern vessels such as the high-speed Komar and Ossa class patrol boats, equipped with missiles, to her satellites at the same time she was buying her merchant vessels in the free world.

It was not until Brezhnev came to power that the Soviet Union's war production lines were able to supply two conventional wars at the same time—North Vietnam and the Middle East. Indeed, the Soviets had the capacity to supply Egypt twice. And today they are able to supply not just surplus weapons, but the most modern equipment, such as the SA 3 missiles sent to North Vietnam and Egypt. And, just recently, 1,500 new tanks were sent to East Germany. It is remarkable that even with the new Fiat plant in operation, Soviet automobile production stays about the same.

I mention these facts lest someone conclude that, because we are in an era of negotiation, the confrontation has somehow melted away. When we think back to the days of Khrushchev, we are prone to think only of the Cuban missile crisis, and his shoe pounding on the table. Yet, it was Khrushchev who tried desperately to boost agricultural output with the abortive virgin lands program.

Today, we see the very opposite: Soviet agriculture in sad shape because Brezhnev has allocated capital and productivity into building up a war machine. He has concocted a shrewd plan in which his available resources were thrown overwhelmingly into a forced-draft military build-up sufficient to enable him to challenge the free world. This is the real meaning of his call for negotia-

tions. Yet, at the same time this build-up has devoured a far greater percentage of the Soviet gross national product than any other nation in the world has ever permitted to itself. Brezhnev's drastic economic imbalance now requires a second phase in which he seeks trade financed on long-term credits and direct capital investment in the Soviet Union.

Does peaceful trade with the Soviet Union encourage the development of common benefits and advantages? I think the history of Brezhnev's leadership shows that the principal benefit which the Soviets receive from their trading partners is the opportunity to continue diverting their own capital into war material. Had the Soviets chosen to reinvest the fruits of production into peaceful development, they would not need the assistance of the free world so desperately.

What conclusions shall we draw then? Shall we refuse to deal with the Soviet Union or Red China?

By no means. The first thing we can conclude from re-assessing the position of the Soviet Union is that the Soviets have built up real power. They have positioned themselves to play for high stakes, and they will be playing with great skill. Even the United States cannot refuse to play the game. All during the SALT talks, we were aware that the longer the talks went on, the more missiles the Soviets were building. Now that a temporary SALT agreement has been signed on quantitative limitations, the play moves quickly toward qualitative limitations.

Any such agreement signed by the U.S. must receive the advice and consent of the United States Senate; and I want to assure my friends from around the world that the Senate has already spoken and demanded overwhelmingly that any such agreement must not leave the United States in an inferior position. The spirit of detente is on the wind, but cold reality will have its day.

My second conclusion is that the Soviets have a real need to strengthen their economy because of the way they have abused it for their crash military program. Thus, even though the Soviets have military strength, the strains on the other parts of their system are such that we can and must exploit those weaknesses.

My third conclusion is that, when even the United States must play the game, so must everyone else. The United States still spreads its nuclear umbrella over all its allies; but today is a different world than it was before. No country, no matter how small, can afford not to play the game. Your policy can harmonize with that of the United States, but no longer can anyone wait for direction from Washington. If you do, you will be forgotten in the crush.

My fourth conclusion, however, is that no one can play the game on the foolish assumption that the Soviets are ready for peace. As I have pointed out, just the opposite is true. The Soviets have put more energy into war-like capability than ever before; the confrontation is merely accentuated. This means that nations will have to form groups and sub-groups, particularly in the Asian regions. Japan will have to take more responsibility for maintaining the peace; and her neighbors will have to act in concert with her, putting aside old memories of former times when the situation was different. With a self-energizing solidarity, even the most anti-Communist nations will find the strength and the shrewdness to conduct their own negotiations with Moscow, Peking, Hanoi, and Pyongyang.

And, lastly, I bring you this message from the people of the United States. Only the free world has the creativity and resiliency to cope with changing situations. Let us never forget that each individual free citizen has the power which no state, no matter how monolithic and oppressive, can ever have; and that is the power to create a life that suits himself.

Some people who tire of freedom and who crave security flock to the planned society, but they won't find security in the planned society. Only freedom has the dynamic element which struggles to reach out to every man. Let our negotiations capture this dynamic struggle, and freedom will not only survive, but constantly expand.

ALCOHOLISM

Mr. HUGHES. Mr. President, on September 3, I had the privilege of being present at a preview showing of Tandom Production's fall premier show "Maude." These two segments of the "Maude" show are titled "Life of the Party." In these two half-hour segments, Maude recognizes that her husband, Walter, has a serious drinking problem. Eventually, Walter accepts the fact that he is, indeed, an alcoholic and becomes willing to accept professional help in overcoming the disease. This will be the first time that an issue of such serious social concern is being dealt with in popular format.

While I do not consider alcoholism a laughing matter, the producers of this show, Norman Lear and Rod Parker, and the writers, Bob Weiskopf and Bob Schiller, are to be commended in bringing this subject before the public in a sensitive, compassionate, and informative manner.

These shows can be seen on the CBS Network on Tuesday, September 11 and September 18. I commend them to my colleagues and to any others interested in this serious problem in our society.

DEATH OF SHERMAN DRAWDY

Mr. THURMOND. Mr. President, Sherman Drawdy who died August 24 in his home city of Augusta, Ga., was a noted banker of national renown and a great humanitarian whose life and work were of benefit to so many.

His career in banking began in Groveland, Fla., where he was born in a log cabin near the present site of Disney World, October 6, 1903, one of 10 children. He learned early in life the values of hard work and initiative which he later applied so well to business and community activities. Although he began his career as a clerk he rose to become chairman of the board and chief executive officer of the Georgia Railroad Bank and Trust Co., a nationally respected financial institution. His name was known and admired in banking circles throughout the United States. Before moving to Augusta, many years ago to associate himself with the bank he later was to head, he served as bank examiner, first, for the State of Florida, then, for the Federal Deposit Insurance Corporation and, later, with the Federal Reserve Board. At the age of 22 he was the youngest bank examiner in the State of Florida.

Although Mr. Drawdy's reputation and stature in banking circles were substantial, some of his greatest deeds were in behalf of his community and his fellow man. The services he rendered in fields of education, charity, religion, and civic improvement are etched deeply in the memory of the thousands who knew him and benefited by his life. In recognition of some of these services he received the Distinguished Philanthropic Award of a national Jewish organization, the first citizenship award ever presented by the Augusta Bar Association, the Outstanding Citizen Award of Augusta TV News Media, and Jaycees' Man of the Year Award. He was for more than 35 years an active Kiwanian and a leader in the United Fund movements in his community.

Sherman Drawdy was a man who knew success and the acclaim it brings but he used it as a means of better serving those around him. Indeed, he felt a deep sense of dedication to his community, his State and his Nation.

I had the pleasure of knowing Sherman Drawdy for many years and he always displayed the qualities of integrity, leadership, and character. He will be greatly missed, most of all by his family but also by his church, associates and friends. A lifelong Baptist, he regarded his service as deacon of the First Baptist Church of Augusta as the most responsible position he ever held.

Mr. President, at the time of his death a number of newspaper tributes were published about his life and career. I ask unanimous consent that five such accounts be printed in the RECORD at the conclusion of my remarks. They are as follows: "Sherman Drawdy Dies, Rites Sunday," the Augusta Chronicle, August 25, 1973; "Final Rites Slated For Banking Leader," Augusta Herald, August 25, 1973; "Drawdy Scholarship Is Formed," the Augusta Chronicle. August 26, 1973; "Sherman Drawdy," the Augusta Chronicle, August 27, 1973; and "Sherman Drawdy," Augusta Herald, August 27, 1973.

There being no objection, the articles were ordered to be printed in the RECORD, as follows:

SHERMAN DRAWDY DIES, RITES SUNDAY

Sherman Drawdy, banking, business, civic and church leader in Augusta for more than half his life and widely known throughout the state and nation, died Friday night. He would have been 70 years of age Oct. 6.

Funeral services will be held at First Baptist Church at 4 p.m. Sunday. Interment will be in Westover Cemetery. Platt's Funeral Home, where the body will be at rest until just before the services, is in charge.

The name "Sherman Drawdy" was synonymous with banking, in the nation as well as locally and in Georgia. He began his career in banking in his native Groveland, Fla., where he was born Oct. 6, 1903. Beginning as a clerk there, he later became cashier.

Subsequently, he became bank examiner for the State of Florida, then examiner for the Federal Deposit Insurance Corp., and still later, examiner for the Federal Reserve Board of Atlanta.

He joined the Georgia Railroad Bank and Trust Co. in 1936, as vice president and comptroller. His promotions continued and he became its president and chief executive officer in 1947. On May 8, 1973, he was elected by the board of directors to chairman of the executive committee, after serving from 1969 as chairman of the board and chief executive officer.

But as closely as his career had been allied to banking, his interests were widespread, and he was identified with many civic and religious activities.

Drawdy was a trustee for the Georgia Foundation for Independent Colleges, Shorter College of Rome, Ga., and the Medical College of Georgia Foundation. He was a trustee and member of the finance committee of St. Joseph's Hospital.

He was a past president of the Kiwanis Club of Augusta, the Augusta Community Chest, the Augusta Country Club, the Augusta-North Augusta United Fund.

He was a member and deacon of the First Baptist Church of Augusta.

His other business interests included directorships with Southeastern Newspapers Inc., Georgia Bankers Association, the Georgia-Carolina Brick & Tile Co., Castleberry's Food Co., Cato Stores, Charlotte, N.C., Cullum's Inc., Abitibi Paper Co., Pilgrim Insurance Co., and the Georgia Chamber of Commerce.

He also was chairman of the board and chief executive officer of First Georgia Development Corp., and senior chairman of the board and member of the executive committee of the First Georgia Bank, Atlanta.

He was former treasurer of the American Bankers Association. He served as Georgia co-chairman of the American Bankers Association Centennial Commission for the Observance of the 100th Anniversary of the National Currency Act and the Dual Banking System.

In 1965, Drawdy was selected by the Augusta Chapter of the Junior Chamber of Commerce as "Outstanding Boss of the Year." That same year, he was awarded the First Liberty Bell Award by the Augusta Bar Association for his outstanding contributions to the Free Enterprise System in the U.S.

He resided with his wife, the former Fairy Hester of Leesburg, Fla., at 3008 Park Ave. They had two daughters, Mrs. George A. Sancken Jr., (Ullainee), and Mrs. J. Tobin Barrett Jr., (Charlotte), both of Augusta.

FINAL RITES SLATED FOR BANKING LEADER

Funeral services for Sherman Drawdy—chairman of the board and chief executive officer of the Georgia Railroad Bank and Trust Co.—will be 4 p.m. Sunday at the First Baptist Church.

Burial will be in Westover Cemetery. The body will be at Platt's Funeral Home until just before the services.

Mr. Drawdy died Friday night, just a few weeks short of his 70th birthday, which would have been on Oct. 6. He had spent more than half of his life in Augusta, and was renown throughout the state and nation.

Mr. Drawdy had undergone an operation earlier in the week and it was successful. Complications developed which caused the fatal illness, and he succumbed late Friday night.

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The survivors also include four grandchildren, George Sancken III, Tobin Barrett III, Sherman Barrett and Marianna Barrett.

DRAWDY SCHOLARSHIP IS FORMED

The Sherman Drawdy Graduate Scholarship in Finance has been established at Augusta College as a memorial to the late board chairman of Georgia Railroad Bank and Trust Co., AC officials announced Saturday.

The scholarship, created by friends and admirers of Drawdy, will be awarded annually to a sudent in the master of business administration program at the college.

The scholarship will be administered by the Augusta College Foundation, chaired by Grover C. Maxwell, and the first award will be made fall quarter, 1974.

Gifts for the scholarship fund may be made to the AC Foundation, the spokesman said.

SHERMAN DRAWDY

Since the history of any society—whether it be nation, state or local community—is in reality an account of that people's leadership, the story of Augusta and of Georgia during the past 37 years is, in significant degree, the record of Sherman Drawdy's service and accomplishments.

Mr. Drawdy, whose death deprives us of a vigorous, civic-minded and far-seeing citizen, demonstrated in his career the truth that in America one's beginnings, no matter how modest, imposes no limitations except those of the individual's own abilities and energies. It was borne out in the success that marked his advancement in the banking field from a position of clerk in his native Groveland, Fla., to leadership in one of the Nation's most respected financial institutions, the Georgia Railroad Bank & Trust Co., and to its various associated businesses and banks. His was a career which saw him earn honors in a wide range of unrelated fields and win, more importantly, the admiration and respect of business colleagues and competitors alike.

Impressive as was his financial and business career, his dedication to the wellbeing of his fellow man also is indicated by an equally long list of services he performed in many fields—educational, religious, civic, hospital and charitable.

While his efforts never neglected the advancement of the banking responsibilities with which he was entrusted, his activities even in that field often went above and beyond the requirements of ordinary fiscal operations so as to help Augustans who clearly needed the help he could give. While this assistance to individuals was legion, his contributions to the overall wellbeing of the community were immeasurable. They are to be found in the financial, civic and cultural records of the entire area. Each is a monument to the memory of a great and good man.

As a man, Sherman Drawdy had that integrity of character which is the foundation of all successful leadership. His word—to use an old-fashioned phrase which nevertheless fits perfectly—was his bond. His dedication to his community and to the people of that community was exceeded only by his love for his family and his church. Many favors were extended to individuals because he regarded his abilities as opportunities as a trust to be used responsibly.

Without neglecting his responsibilities to his career or his community, Mr. Drawdy also found time for the relaxation and the companionship to be experienced in hunting and other outdoors activities. He never lost touch with his feeling of closeness to nature.

Above all, his attitude toward others was marked by respect, consideration and appreciation. He was, in short, a gentleman and at the same time a gentle man.

Sherman Drawdy will be sorely missed by a grieving family, community, and a wide circle of associates and friends throughout the State and Nation. We feel that loss, but at the same time we feel a thankfulness for the manner in which his life stands as an inspiration to all who would achieve in the truest and most meaningful sense.

SHERMAN DRAWDY

If it truly can be said that a community is as great as the sum of its leadership, then in only one man—Sherman Drawdy—Augusta had a more ample store of greatness than is given to most cities. For the 37 years that he lived in and helped to elevate Augusta to new heights of accomplishment, Sherman Drawdy contributed much to his city in ways that will long outlast his own and other now living generations.

Mr. Drawdy departed this life Friday only two months before he would have become 70 years of age, and his going deprives us of a man of vision, energy and assertive leadership in many fields of endeavor. His long career, stretching back to his first job with a bank in his native home of Groveland, Fla., and extending to chairmanship of the Board of Directors of the Georgia Railroad Bank and Trust Co. of Augusta and of its Executive Committee is testimony to the fact that the Horatio Alger qualities of intelligence, diligence, integrity and sound character still reap their deserved rewards in America.

Though Mr. Drawdy devoted his main career to banking, a field in which his rise to the top was swift, his interests and activities were evident in many other areas. There were few civic undertakings in which he did not actively share a worker's load; he served on numerous boards of directors of widely varying business enterprises; carried out duties as a leader in numerous charitable drives, civic and social clubs, and educational institutions; was a dedicated churchman and family man; and throughout came to be well-known in banking circles throughout Georgia and the Nation.

It has been said truly of Sherman Drawdy

that he possessed the integrity of character that is the foundation of all successful leadership, that he was always as good as his word, and that he used his abilities and opportunities as talents given him in trust, to benefit those around him who sought his aid. A man of compassion and understanding, of devotion to family, friends, career and city that was his home, his loss will be felt deeply and severely by the many thousands of persons who knew, liked and respected Sherman Drawdy. The man himself has left us, but his inspiration and the mark of his leadership live on.

PENSION REFORM: FROM PRETENSE TO REALITY

Mr. HARTKE. Mr President, the two rival bills to reform the private pension industry (S. 4 and S. 1179) which will soon be debated in this Chamber, make only a pretense to reform. I want to make pension reform real.

All civilized countries of the world shield their populations against want, illness, old age, and other problems arising out of socio-economic conditions. Our present private pension system provides only a minimum of security. It is based on the principle of the lottery—many losers and few winners.

The present bills (S. 4 and S. 1179) will not correct this glaring foible in the present system. Too many people will still be left wanting even if this legislation is enacted. The 8,500 workers who lost their pensions when the Studebaker plant in South Bend, Ind., closed its doors, would only be peripherally assisted by this so-called reform legislation.

I am committed to insuring that pension reform will be substantive. I reject the notion that pensions are a form of insurance in which most must lose so that some may benefit. A pension should not be a game of chance. It should be a just reward of hard-earned benefits.

The real pension reform I propose will come as amendments to these two bills. The amendments will increase vesting rights, make portability compulsory, and entitle a widow to receive 50 percent of her husband's full pension.

The following editorials, expertly composed by William Shannon of the New York Times, put the pension debate in proper perspective and provide informative background on the vital and pivotal issues of pension reform. Mr. President, I ask unanimous consent that these two important articles on this subject be printed in the RECORD.

There being no objection, the editorials were ordered to be printed in the RECORD, as follows:

WOMEN AND PENSIONS

(By William V. Shannon)

WASHINGTON, Sept. 9.—As the Senate begins this week to consider bills to reform private pension plans, most people are only beginning to grasp that these plans work on the same principle as a lottery: many losers and few winners.

It was never intended by the banks and pension consultants who draw up these plans and develop the actuarial tables that all of the workers for whom an employer sets aside money in the pension fund would actually collect a pension. On the contrary, these plans assume that for one reason or another, most workers will quit or be laid off long before they are 65.

The only workers to whom an employer is reasonably certain he will have to pay a pension are those over-55 workers for whom retirement is in sight. Stated another way, it is the last employer who pays the pension, and it is based only on the time spent with that company, not on the individual's whole working life.

Without stopping to think carefully about it, many workers assume that a private plan works roughly like Social Security. That is, they assume they are accumulating credits toward a pension as soon as they begin working, that the credits accumulate even though they change jobs, and that the money to pay the pension is in a safe place.

In reality, they do not usually get a "vested" interest in a pension until they have worked for one company for many years. If they changed jobs, they lose all their invested rights in the previous plans because their rights are not "portable." And rather than being in a safe place, the money to pay their pension may be invested unwisely or be inadequate to meet the fund's total obligations.

If most male employes are shortchanged by the Great Pension Lottery, women are the real losers. Because of childbearing, care of ill parents, and other causes, women have more of an in-and-out pattern in their working life. For working women over 45, their median tenure in manufacturing jobs is about eight years and in retail selling about five years. Yet private plans typically require fifteen years of service to qualify for benefits.

One-third of all working women work only part-time or part of each year. Yet the Internal Revenue Code permits pension funds to get favorable tax treatment even though they exclude "employes whose customary employment is for not more than 20 hours in any one week, and employes whose customary employment is for not more than five months in any calendar year."

The law should be changed to require that part-time and part-year work result in proportional pension credits.

Since women tend to outlive men, widowhood is a predictable event. Yet virtually all plans either make no provision for widows or require the husband to choose a lower pension in order to provide his survivors with any benefit, and that pitifully small. Significantly, only 2 per cent of widows collect a private pension. So-called joint-and-survivor options are no solution to this problem. A widow should be entitled to 50 per cent of her husband's full pension as a matter of law.

The two bills coming up in the Senate are both feeble measures. They are written to disturb the status quo as little as possible. And the main beneficiaries of the status quo are the banks and the pension consultants. Those who benefit least are the workers nominally "covered."

S. 1179 reported by the Finance Committee is marginally better than S. 4, which is sponsored by Senators Jacob K. Javits, Republican of New York, and Harrison A. Williams Jr., Democrat of New Jersey. The committee's measure would provide some vesting after five years instead of eight, would cover all plans rather than excluding those with 24 employes or less, and would forbid a pension plan from investing in the stock of its own company rather than limiting such investments to 10 per cent as the Williams-Javits bill does.

It is typical of the thinking behind the Finance Committee bill, however, that it writes in generous tax deductions for self-employed persons—lawyers, doctors, architects, writers—who have individual pension plans. These are the very workers who are least in need of special Congressional protection.

Senator Vance Hartke, Democrat of Indiana, is one of the few members of the Senate who has interested himself in pension reform, aside from the sponsors of the bills. He plans to offer important amendments that would require full vesting after 5 years and would make portability compulsory, instead of voluntary. If these amendments are adopted as well as others that may be offered dealing with the special problems of widows, part-time workers, and inflation-stricken pensioners, then the final measure would justify the honorable tag of "reform bill" that has been so loosely conferred upon these dim proposals.

PENSION PRETENSE

(By William V. Shannon)

WASHINGTON, Sept. 5.—Next week, the Senate begins debate on two rival bills to reform the private pension industry. One is S. 4 sponsored by Senators Williams (Democrat, N.J.) and Javits (Republican, N.Y.) and endorsed by the Senate Labor Committee and practically the whole liberal establishment in the Senate. The other is S. 1179 sponsored by Senator Bentsen (Democrat, Tex.) and cleared by the more conservative Senate Finance Committee.

There is only one thing wrong with these reform bills. Neither of them does much reforming. Regardless of which bill becomes law, the great majority of workers are not going to collect a dollar from whatever private pension plan currently pretends to "cover" them.

It is easy to see why these bills are more sham than reality. No economic base exists for reforms. There are 200,000 private pension plans with assets totaling more than $150 billion and fresh revenues pouring in at a rate of $15 billion a year. This money is a bonanza for the banks and pension consultants who manage it.

Businessmen do not want reform because it might increase their costs and would certainly reduce their control over their own pension plans. Most unions like the illusion of power that they now have when pensions are subject to collective bargaining and they share with management in control. As a result, they are indifferent to the reforms that would diminish the role of unions in the pension process but would genuinely protect the interests of their members, ex-members, and retirees.

Since most workers contribute nothing or only small sums to a private pension plan, they regard it as an agreeable extra, a "fringe benefit." They do not realize that in economic terms a private pension is part of the wage package and the money diverted to the pension plan could otherwise have been used to pay them higher wages. A pension later in place of higher wages now makes sense—if you collect the pension. Most workers do not.

The ordinary employe works five, or eight or ten years and then quits to take a better job. He loses his rights in the old plan and starts all over again in his new employer's plan. Or he is laid off in a recession. Or his firm goes bankrupt and the pension plan goes under. Or his firm is merged and the new conglomerate abolishes the old plan and introduces a new one for which he is not immediately eligible. Or he changes jobs and moves from a company that has a plan to one that does not. Whatever he does, he is an unwitting participant in the Great Pension Lottery in which, like all lotteries, many lose and few win.

A true reform bill would have four essential provisions. It would provide immediate vesting—credits toward a pension at 65 even if separated from the job before retirement. The Williams-Javits bill would guarantee 30 per cent of one's pension credits if one worked for the same employer for eight years. It would add 10 per cent each year thereafter, thus reaching 100 per cent after fifteen years.

But most private pension plans already

provide for vesting after ten or fifteen years. In other words, S. 4 just ratifies the status quo.

Secondly, a good bill would make pension rights portable, enabling a worker to keep his pension credits as he moved from job to job. Both bills set up a pension clearing house to be run by the Government. It would administer vested benefits that employers voluntarily put there. But employers know it is more profitable to hold this money and use it within their own fund, paying a pension—if ever—many years later. Only a compulsory system is likely to work.

Thirdly, each plan should be properly funded to make certain that it has enough assets to cover all present and future pensions. Both bills provide for funding but over a thirty-year period. Many companies merge or go out of business after less than a decade of existence.

Fourth is the need for reinsurance. This is the one glaring abuse that both bills do attempt to meet by setting up a system roughly comparable to the F.D.I.C. protection for bank deposits. That should reduce the number of horror stories of pensioners left bereft by plans that go bankrupt.

But one small improvement is not good enough. Where is the protection for older workers fired without cause so they cannot collect their pensions? Where is the vesting of proportional benefits for women who work part-time? Where is the guaranteed pension for the elderly widow?

Reform can be accomplished. Britain is about to enact a law requiring private plans to provide full vesting after five years and to pay a widow 50 per cent of her husband's pension. The Netherlands has immediate vesting. Why should Americans settle for pension plans that pay most participants no pensions? Why should the Senate settle for a reform bill with almost no reforms?

QUALITY CONTROL AND ZERO DEFECTS

Mr. TOWER. Mr. President, Kappa Sigma fraternity held a very successful convention last month in Dallas. One of the highlights of our convention was an inspirational speech by my good friend and colleague, the senior Senator from Arizona.

Senator FANNIN pointed out that although it was the United States which conceived systems for quality control and zero defects in manufacturing, it has been other nations which have been able to implement and benefit from these systems.

The Senator suggested that unless America and Americans can start applying quality control principles, we will lose our position of leadership in the world. Senator FANNIN also proposed that we apply the ideals of quality control and zero defects not only to our commercial enterprise, but to all aspects of our lives.

Mr. President, an Arizona newspaper, the Arizona Daily Sun at Flagstaff, applauded Senator FANNIN's speech by running an editorial in its August 31, 1973, edition. I ask unanimous consent that this editorial be printed in the RECORD.

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

QUALITY CONTROL REVIVAL NEEDED

Has the work ethic gone by the wayside? Has the idea that a worker should turn out with pride the best possible product become a thing of the past?

These were questions Arizona Senator Paul Fannin posed last week in a speech at Dallas before members of Kappa Sigma Fraternity. His talk zeroed in on quality control.

He said that while the United States developed the zero defects concept of quality control it has failed to capitalize on it.

That this appears to be true can be attested to by many Northern Arizona residents. There have been callbacks of spankin' new automobiles because of defects. There have been defects in many home appliances. And defects computerized record-keeping causes which become mind-torturing.

In addition, the lack of quality control contributes to the wearing out of too many products. In fact, we wonder sometimes whether the manufacturer didn't plan for the product to wear out within a period of time so that a replacement would have to be purchased.

Senator Fannin said the zero defects program to assure high quality control was borrowed from us by the Japanese and is being used with success by that country. The U.S., on the other hand, has largely confined the quality control concept to aerospace and other defense contractors, he said.

Who's to blame? The Senator asserts both management and government must share the responsibility for allowing such a situation to arise.

We concur with his statement that "There must be a rekindling of old-fashioned pride in work and workmanship."

CONGRESSIONAL BUDGET REFORM: AN ALTERNATIVE

Mr. MUSKIE. Mr. President, in a perceptive article in Sunday's Washington Post, Doctors Alice M. Rivlin and Charles L. Schultze of the Brookings Institution persuasively argued that present congressional procedures for considering the Federal budget are "incredible" and work directly against any kind of comprehensive, informed overview of national priorities. In the article, "Shaping the Budget: A Way Out of Chaos," these two distinguished former Government officials offer several thought-provoking proposals, include a 3-year budget, a procedure for Congress finally to reconcile its separate spending and revenue actions, and actions to combine the authorization and appropriations committees into single, program-oriented committees.

The authors also criticize the budget bills currently pending before Congress as measures which "would likely further discourage debate on national priorities. They would create excessively powerful budget committees that would dictate detailed spending ceilings early in each congressional session, thereby tying the hands of the other committees. Moreover, they would do nothing to remove the biggest obstacle to intelligent deliberation: the present inability of Congress to plan ahead."

Mr. President, I share many of these same reservations about the budget bill, S. 1541, currently pending before the Government Operations Committee. Other Senators on the Subcommittee on Budgeting, Management, and Expenditures, including Senators BROCK and SAXBE, had similar reservations and joined with me in offering substantive amendments which we felt would insure a meaningful debate on budget priorities early in each session of Congress at the same time that they would give individual Members of Congress and congressional committees maximum flexibility to determine firm spending controls. Although our amendments were defeated in the subcommittee, we intend to press for them when the full Government Operations Committee begins consideration of this critical legislation.

Mr. President, I ask unanimous consent that the article, "Shaping the Budget: A Way out of Chaos," and a summary and explanation of the proposed Muskie-Brock-Saxbe amendments to S. 1541 be printed in the RECORD.

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

SHAPING THE BUDGET: A WAY OUT OF CHAOS

(By Alice M. Rivlin and Charles L. Schultze)

The incredible way that Congress deals with the federal budget—never deciding whether one program is more important than another, never looking much beyond the immediate, never considering whether a budget surplus or deficit is needed, never co-ordinating anything in this blueprint for the nation—has long been noted. But not until recently did it seem that this preposterous system might change.

Now both houses of Congress are considering budget bills intended to let the left hand know what the right is doing. While this is certainly a move in the right direction, the measures being considered were drafted with great haste amid growing animosity between Congress and the executive, and they seem likely to do more harm than good.

Indeed, rather than encouraging informed decision-making by Congress, the bills would likely further discourage debate on national priorities. They would create excessively powerful budget committees that would dictate detailed spending ceilings early in each congressional session, thereby tying the hands of other committees. Moreover, they would do nothing to remove the biggest obstacle to intelligent deliberation: the present inability of Congress to plan ahead.

What is badly needed instead is fundamental reform that would let Congress deal with a multi-year budget—the only way it will be able to work its will on priorities. This would still require the creation of budget committees, though not of the all-powerful kind currently envisioned. It would also require the streamlining of Congress by combining authorizing and appropriating functions.

LIBERAL SUSPICIONS

It will doubtless be argued that such steps would be politically difficult to accomplish. That is certainly true. But the fact is that any attempt to reform the shaping of the nation's budget, including those changes currently contemplated, will encounter serious political obstacles.

One can already find suspicions among liberals, for example, about major budget-reform moves. Until a few years ago, after all, the piecemeal strategy appeared to favor liberal legislation. Major new programs—social security, Medicare, Great Society programs—could be enacted because they had small initial costs and it was not necessary to worry about how they would be financed in the future. Deep down, many liberals appeared to believe that if the problem of choosing among programs is explicitly faced—and if new social spending is seen to depend on cuts in other programs or on tax reform—the status quo will win. They are afraid that the only way to get social progress is to bring it in surreptitiously.

It would be a serious mistake, however, for them to oppose budget reform. Many voters may indeed have come to distrust social programs that concentrate on the

needs of minorities and the welfare population. But there are common problems shared by the poor, the black, the blue-collar family and the suburbanite. Health insurance, fairness in taxation, pollution control, urban congestion and decay and a fair chance at higher education are but a few. Unless budget procedures are reformed, the chances of shifting priorities to provide money for this and other legislation over the next three to five years is virtually zero.

The situation today, it must be remembered, is far different from earlier periods of peacetime economic growth, when federal revenues grew more rapidly than the cost of maintaining programs already on the books. In those days the resulting "fiscal dividend" provided the funds to finance new programs or expand old ones. Hard choices did not have to be made; taxes did not have to be increased or older programs reduced to find room for new initiatives.

This is certainly not the prospect for the years ahead. The administration's defense policies call for a substantial increase in military spending. Domestic programs are larger than they used to be, and simply maintaining them will absorb more of the growth in revenues than previously. And the tax cuts of the past decade have reduced the revenues to be expected from economic growth.

In the next several years there will be no automatic fiscal dividend available for painless financing of health insurance, day care, aid to higher education, pollution control, the search for new energy sources or other initiatives. To secure any of these programs it will be necessary to find room in a tight budget by raising or reforming taxes or slowing the growth in military or other spending. Present congressional budget procedures are not adequate to deal with these hard decisions.

BACKDOOR SPENDING

In fact, current congressional budget procedures are not adequate for dealing with any questions of priorities. When the President's budget proposal reaches Congress today, it is pulled apart and considered in fragments. Hearings are held by authorizing committees dealing with particular programs or agencies, and separate bills are reported to the floor and voted on in each house. More hearings are held in appropriations subcommittees, and appropriations bills for particular agencies are reported and voted on at different times during the year. Revenue measures to finance these outlays are handled separately by different committees.

Even if they wanted to, the appropriations committees could not act on the entire budget. More than half the domestic budget—money for highways, social security, veterans' pensions, pollution control and a host of other programs—is outside their purview, many of these "backdoor" spending decisions are not even reviewed every year. The social security program, for example, simply continues in the absence of a congressional decision to change it, with the amount spent determined by such uncontrollable factors as the number of eligible people who apply for benefits. Tax concessions to particular groups, such as oil depletion allowances, also continue in the absence of some explicit effort to change them.

At no point does Congress put these separate actions and non-actions together to see whether they make sense as a whole. A congressman or senator votes "aye" or "nay" on defense appropriations and again on housing, but gets no chance to compare the two and propose moving funds from one to the other. Spending bills are passed without questioning whether revenues will be adequate to finance them; taxes are cut without considering which expenditures will have to be sacrificed as a consequence. If appropriations appear to be exceeding revenues by more than the President regards as desirable, he vetoes the appropriations he likes least.

This situation would not be improved if Congress simply voted a ceiling on total spending that was lower than the sum of the individual appropriations. By itself, such a ceiling would hand the President authority to cut wherever he wanted and make a mockery of congressional authority over the budget. If the Congress is to impose its own priorities, it must consider the budget as a whole and make its own decisions about which expenditures are most important.

A FEELING OF POWERLESSNESS

Not only are budget decisions fragmented but they relate to one year only, and that year is frequently half over before the decisions are made. This lateness creates tremendous uncertainties, both for federal agencies forced to operate on continuing resolutions until their funds are appropriated and for recipients of federal funds. A school district, for example, usually does not know how much federal money it will receive until after the school year has started. Rational planning for the use of the money is impossible, and hasty, ineffective programs are the frequent result.

Even more important, preoccupation with the current year makes it almost impossible to make significant changes in federal priorities. Once a highway network or a nuclear carrier has been started there is tremendous pressure to finish it. Services to people—day care, mental health, manpower training—cannot be abruptly terminated or even altered without enormous disruptions in people's lives. Indeed, so many of the expenditures in the coming year have been determined by past decisions that Congress feels powerless to make major changes. This powerlessness would be greatly relieved by looking at major budgetary choices for the next three years. It would then be possible to contemplate phasing out some existing programs and using the released revenues, plus the additional funds made available by economic growth, to make major changes in what the federal government does.

The tax cuts enacted by Congress in 1969 and 1971 are good examples of the double failure of the congressional budget process: Failure to consider revenues and expenditures at the same time and failure to look ahead. The excess of projected expenditures over revenues that forced President Nixon to make such drastic slashes in his proposed budget for this fiscal year are the direct result of those earlier tax cuts. If Congressmen and senators had been forced to consider the impact of revenue reductions on future expenditures they might have shown less enthusiasm for cutting taxes.

COMPOUNDING THE PROBLEMS

These problems would not be solved by the two major bills currently being weighed. Rather, the measures—one stemming from the Joint Study Committee on Budget Control set up last year, the other from a Senate government operations subcommittee—would tend to weaken Congress' ability to make informed decisions.

Under both bills, for example, budget committees would submit for approval to each house, early in the session, overall spending ceilings for the coming fiscal year, subdivided into ceilings for each major spending category. Federal revenues and debt limit would also be fixed. Once approved by Congress in an omnibus resolution, the ceilings would be *binding*, subject to breach only by a two-thirds vote of Congress. The appropriations and other committees could work their will only within the initially set limits. Near the end of each session, the budget committees would submit a second omnibus resolution which could adjust the earlier ceilings on total spending or any of its components.

Setting such rigid and detailed spending ceilings early in the session clearly would let the budget committees lock priority decisions in place before the work of Congress had even begun. How could the budget committees set intelligent ceilings on particular areas in a short time and before any hearings had taken place? Most likely they would have to rubber-stamp the previous year's priorities.

The two current bills also would let members of the Appropriations, Ways and Means, the Senate Finance committees dominate the new budget committees. The Joint Study Committee measure provides that two-thirds of the membership be selected from these committees; the Senate subcommittee bill would draw 40 per cent of the members from these panels.

This would greatly strengthen the hold these committees already have over Congress, concentrating power in the hands of those whose interests are with the financial and conservative aspects of the budget rather than with substantive issues of public policy. Moreover, how could these committee members, already swamped by their existing duties, do justice to the awesome responsibilities of the budget committees? Because budget committees would have great power, it is crucial that they reflect the views of the * * * will never be funded by conservative-full House and Senate. The members should be picked from the Congress as a whole and serve staggered, rotating terms.

Finally, these bills would still leave the executive and the Congress with the impossible task of trying to shape priorities on the basis of a one-year budget, and they would add another layer of committees without eliminating the wasteful duality of authorizing and appropriating committees.

TWO BASIC CHANGES

There is no perfect way for 535 senators and congressmen to consider anything as complicated as the federal budget, but two basic changes must be made if Congress is to have any chance to make informed decisions.

First, it must deal with a multi-year budget. Specifically, it must require the administration to submit a three-year budget every year. Major debate and decisions should focus on the third year, although adjustments would have to be made in actions already taken for the two intervening years.

Second, Congress must have procedures for looking at all spending and revenue actions together and for making necessary adjustments to reconcile the separate pieces. Do revenues stand in an appropriate relationship to total spending? Do the cuts in some programs and the additions to others reflect the priorities of the nation as the Congress sees them?

These procedures do require the creation of a budget committee in each house to recommend to the full chamber ways of reconciling separate legislation with overall objectives. Such recommendations must be debated on the floor and be subject to amendment, but the debate must start with well-thought-out proposals, and there must be budget committees to make the proposals.

By itself, budget committees stop the already cumbersome congressional committee structure would be unfortunate. Instead, Congress should seize the opportunity to simplify the entire committee set-up. The dual system of authorizing committees and appropriations subcommittees should be replaced by a single set of "program committees" that would exercise both functions. This obviously would speed the decisions process by making it unnecessary for executive agencies to plead their case twice in each house. It would also eliminate the current farce under which authorizing committees dominated by liberals vote large authorizations which everyone knows dominated appropriations subcommittees.

THE 3-YEAR BUDGET

Under this plan, the President would be required to submit to Congress an updated three-year budget proposal every January. Last January, for example, he would have submitted proposed changes in the budgets already enacted for fiscal 1974 and 1975 and new proposals for fiscal 1976.

In each session the Congress would deal first with changes in the budget for the coming fiscal year. The basic decisions on this budget would have been made two years earlier, but reevaluation would be necessary, especially in the first year of a new administration. Even without a change in administration, reconsideration might be required by alterations in the economic outlook, natural disasters, or information that programs were not working as expected. The administraton's proposed changes would be considered by the program committees and voted on by the Congress.

The budget committees would then review all of these changes and recommend any adjustments it thought were needed to reconcile them with fiscal and priority objectives. The committee proposal could be amended on the floor, but any amendments that added or subtracted funds would have to include compensatory changes in spending or an explicit change in the surplus or deficit. This process of amending the budget for the coming year, carried out on a tight scl edule, would be over well before the end of June so that all agencies could start the fiscal year knowing exactly what appropriations they would have available.

Meantime, work would have started on more basic decisions about national priorities, those to be reflected in the budget three years hence. The main action would be in the program committees, which would hold hearings, listen to administration and opposition arguments, consider alternatives and report bills to be voted on by the full House and Senate. While the program committees would have both authorizing and appropriating functions, they would normally do their authorizing only every two or three years. In the intervening years they would consider the appropriation levels for programs they had authorized and use some time to find out how the programs were working.

The budget committees would play two roles in the process. At the beginning of the session they would provide estimates of revenues to be expected and probable costs of on-going programs and would propose a sense-of-the Congress resolution giving general guidance to the program committees in carrying out their work. This resolution would not tie the hands of the program committees, but would provide the occasion for a debate on priorities early in the session and an overall set of budgetary targets for that year's work. Time for this debate should be limited. Program committees would then act on the areas within their jurisdiction.

RECONCILING ACTIONS

At the end of the session the budget committees would play a crucial role in reconciling actions taken on the floor and reconsidering the priorities implied by these actions. Funds appropriated and revenues voted would be added up. All types of spending authority would be included—not only regular appropriations but various "backdoor" authority like social security and the highway trust fund.

The budget committees would consider the results and recommend changes in the totals or in the parts. They might recommend increasing income tax rates to bring revenues into line with fiscal needs or cutting appropriations proportionately to hold down spending. Or they might recommend cutting defense outlays to hold the tax line and still have room for new housing and education programs enacted earlier in the session.

These proposed changes would provide another opportunity for full-scale debate on major issues of priorities, a debate that would culminate in a vote on the budget three years ahead. A conference procedure would, of course, be needed to resolve differences between the House and the Senate.

Throughout the process both the budget and program committees would be aided by substantially increased staffs charged with analyzing administration budget proposals, developing alternatives, and commissioning studies to evaluate existing programs or develop new ones. These staffs, especially those attached to the budget committees, would provide analysis and information designed to elucidate budget decisions not only for committee members but for the rest of Congress as well.

Shifting to such a system would focus the attention of the Congress, the executive and the public where it belongs: on the major decisions that must be made now if budget priorities are to be altered three years in the future. It would provide a mechanism for debating future priorities as well as for adjusting short-run taxing and spending policy to the needs of the economy. It would simplify the committee structure and reduce the time consumed in separate hearings and presentations, and it would improve the flow of digestible information to the congressmen and senators who have to make the hard decisions about the nation's future.

SUMMARY AND EXPLANATION OF PROPOSED MUSKIE-BROCK-SAXBE AMENDMENTS

The series of amendments to be offered by Senators Brock, Muskie, and Saxbe are designed to strengthen and to reform the Congressional budget process.

The amendments will insure a meaningful debate on budget priorities early in each session of Congress; give members of Congress and Congressional Committees maximum flexibility during consideration of spending measures; and provide for firm spending controls on both the Congress and the Executive Branch.

These amendments would provide Congress with additional information it needs for meaningful budget consideration and with additional time to consider that information. Most importantly, they would force Congress to complete its consideration of the budget by the beginning of the fiscal year—and in no case later than by the beginning of its summer recess. Completion of budget consideration by Congress before the fiscal year begins or immediately thereafter will end the chaotic situation that now exists of government agencies not receiving their funds until several months after the fiscal year has begun.

EXECUTIVE SUBMISSION OF THE BUDGET

These amendments would provide the Congress with additional and more timely budget information by requiring the President to submit his budget in two parts.

First, by October 1, the President would be required to submit to the Congress a current services budget. This would provide the Congress with an estimate to spending for the next fiscal year based on current spending levels. A current services budget will ordinarily be a 90 to 95 percent reflection of the final budget, and will provide the Congress basic budget information to start its own budget consideration process. The current services budget submitted by the President—as would all Executive Budget submissions under these amendments—would include five year expenditure and revenue projections.

Second, the President's final budget would be submitted December 1. This earlier submission of the budget will not subject the Executive Branch to undue hardship because of the new Congressional Reconciliation process. In addition, with the current services budget as a base Congress will be in a better position to analyze the budget impact of policy changes by the Executive Branch as soon as the final budget is submitted.

FIRST CONCURRENT RESOLUTION ON THE BUDGET

Like Committee Print No. 2, these amendments would require enactment of a First Concurrent Resolution on the budget. This resolution would set out the following:

1. Total budget authority and total outlays;
2. Revenue estimate;
3. Estimated surplus or debt;
4. A breakdown of individual spending measures by the budget authority contained in regular appropriation bill categories and in permanent appropriation categories (backdoor and mandatory spending measures) by functional areas.

The timetable for consideration of the First Concurrent Resolution would be somewhat changed. The Budget Committees in each House would be required to report the resolution to their respective Houses by March 15. By April 1, each House shall complete its action on the resolution, and by April 15, final Congressional Action on the First Concurrent Resolution shall have been completed. Action on these measures will be eased by the earlier submissions of the President's budget and the Current Services budget.

The date for final action on the resolution is moved up in order to allow the appropriations process additional time before Congressional action on the budget is finally reconciled. Because the First Concurrent Resolution contains a breakdown of budget authority by major spending categories, it should allow for a meaningful debate on Congressional budget priorities.

AUTHORIZING LEGISLATION

All authorizing legislation to be considered by the Budget Committees for the purpose of reporting out the First Concurrent Resolution would be enacted by March 1. With budget information submitted to the Congress as early as October 1, along with input from COB, it is anticipated that each fall Congress will, in effect, have an authorizing session where it enacts authorization measures for the next fiscal year.

All authorizing legislation for the next fiscal year must be enacted prior to June 30. If action on regular authorization bills is not completed by June 30, Congress may move directly to consideration of appropriations measures in those areas where authorizing legislation has not been enacted.

CONSISTENCY IN THE FIRST CONCURRENT RESOLUTION

Before action on the First Concurrent Resolution can be completed it must be consistent in that the sum of the budget authority contained in the breakdown of individual spending measures must equal the total budget authority in the resolution. In the event that is not the case after action on all amendments is completed, the resolution shall be recommitted to the Budget Committee to be made consistent. A consistent First Concurrent Resolution must then be reported within three days.

REPORT ACCOMPANYING FIRST CONCURRENT RESOLUTION

The report accompanying the First Concurrent Resolution should include the following items:

1. A comparison of the figures in the resolution with those in the President's budget.
2. A statement of the economic objectives underlying the resolution.
3. Five year projections of expenditures, revenues, surpluses and deficits.

SCOREKEEPING PROCEDURES

These amendments would add extensive scorekeeping provisions. The purpose of the scorekeeping provisions is to keep the Con-

gress informed during its consideration of authorization and spending measures of how its actions correspond to the appropriate spending levels set forth in the First Concurrent Resolution.

The elements of the scorekeeping provisions include:

1. All reports of all committees shall include a section written in consultation with the director of the COB detailing:

a. How that bill would compare with the figures in the Concurrent Resolution.

b. A five year projection of the impact of the bill on expenditures.

2. The COB shall prepare daily tabulations of Congressional progress on spending bills.

3. After reconciliation COB shall prepare a report detailing a five year projection of the impact of Congressional action.

REAFFIRMATION OF CONGRESSIONAL SPENDING PRIORITIES AND RECONCILIATION

By June 30, Congress shall enact a bill that reconciles the actions it has taken on individual spending measures with the appropriate levels for spending it set out in its latest Concurrent Resolution. In no case can the Congress adjourn for its summer (August) recess before action on this bill is completed.

This process will not only allow the Congress to adjust its spending actions, but it will also permit the Congress to take a final look at its overall spending priorities and either reaffirm or adjust the priorities it established in the First or succeeding Concurrent Resolutions.

The process would work like this:

All Congressionally approved spending bills—including appropriations bills and backdoors—would have written into their enacting clause a provision triggering their going into effect upon the passage of the reconciliation bill.

If the sum of the individual spending measures approved by the Congress is equal to or less than the total spending ceiling in the most recently enacted Concurrent Resolution, then the Budget Committees would report and the Congress would enact a bill to trigger the previously approved spending measures.

If the sum of the individual spending measures approved by Congress exceeds the total spending ceiling in the most recently approved Concurrent Resolution, the Budget Committees would report and the Congress would enact a bill that makes the spending total in individual bills consistent with an overall spending ceiling. That bill can raise the overall spending ceiling to equal the total of the spending in individual bills; it can contain cuts in individual bills to meet the spending ceiling in the latest Concurrent Resolution; or it can make adjustments somewhere in between. In the case that floor amendments make the reconciliation bill inconsistent, the same recommital process should be followed as during consideration of the First Concurrent Resolution. The reconciliation bill, when enacted, would automatically trigger previously approved spending bills.

A key element of this reconciliation process is that it be completed before the beginning of the fiscal year—or as close to the beginning of the fiscal year as possible. If the reconciliation process is not completed before July 1, the government would operate at existing spending levels until the reconciliation bill is enacted.

The reconciliation bill is reported by the Budget Committee so that total spending can be controlled. This includes both backdoor spending as well as regular appropriations measures.

STRIP MINING: A QUIET TRAGEDY

Mr. PACKWOOD. Mr. President, as I am sure all of my distinguished colleagues are aware, the Interior Committee chaired by the able Senator JACKSON of my neighbor State of Washington is currently considering important legislation dealing with a problem which should be of grave concern to us all, the issue of surface or strip mining in this country. I would like to express my fervent hope that the bill which they will deliver to us on the floor will have some teeth in it. The problem at hand demands decisive action, and nothing less than a drastic change in our present law on the matter will suffice.

Strip mining is a quiet tragedy. It does not get too many headlines. In fact it does not get any at all. Most Americans probably consider it a trivial matter if they know about it which many of them do not. The truth is that it is far from trivial. The truth is that in a very quiet way, without headlines, millions upon millions of acres of land in this country have been raped and denuded and made barren wasteland because of strip mining. Thousands of animals have been killed, wildlife habitats destroyed, nature polluted and ridden with disease, because of strip mining. Waterways have become silt-laden sewers. Hundreds of lives have been shattered and uprooted, or simply wasted, because of strip mining. Strip mining has pocked the map of America; its lesions, rife as weeds in an untended garden, cover our Nation.

The time has come when we must tend our garden. We cannot wait until tomorrow, or there will be no garden left to tend; there will be only a desert, full of holes which we will not be able to fill.

Too often in the past, Congress has buried similar bills with a shrug of its legislative shoulders. Only when the public outcry grows too loud for us to hear our own meaningless speeches do we act.

I submit that this is not the way Congress was intended to function. We are supposed to protect the public's interests, instead of breathlessly trotting after their lead.

But there is no public outcry about the strip mining situation, because not enough people are affected by it, or realize how much they are affected by it. The few thousand people who have had their lives ruined by it are too broken to speak out, too sure that their voice will not be heard; and perhaps they are right. Perhaps the reason we have not heard enough about strip mining is because we have grown deafened by beating our own drum.

I submit that now we have a chance to achieve something really substantial, genuinely valuable to this country, without adulation or headlines. Now is the time—the only time left—to save these threatened lands from the scourge of strip mining, and reclaim another portion of our Nation for the good of the people.

Therefore, Mr. President, I would like to take this opportunity to commend the Interior Committee for taking this subject under consideration and express once more my fervent hope that they will come up with a final bill which will provide a fair and just solution to this critical problem. The challenge demands no less.

FRENCH NUCLEAR TESTING

Mr. HARTKE. Mr. President, on August 2, 1973, I introduced Senate Resolution 155 calling upon the President to strongly condemn the Government of France for its continued atmospheric testing of nuclear devices in the Pacific.

Thus far, Senators INOUYE, MCGOVERN, TUNNEY, and BAYH have cosponsored this resolution.

Yet, not a word from the Government of the United States in protest to the Government of France. As I have pointed out in the past, the actions of the Government of France are irrespective of and irresponsible to the rights and privileges of the peoples and governments in the Pacific Ocean area. The World Court of Justice at the Hague has been totally disregarded by the Government of France in this matter.

There has been an attempt to picture Congress as taking a lackadaisical approach to the mounting domestic and world problems, our record to the contrary. In the matter of French nuclear tests, the Congress now must do what the President should have done some months past.

Mr. President, I have received a letter from the Ambassador of New Zealand to the United States, His Excellency Lloyd White, expressing the gratitude of the New Zealand Government for the introduction of my resolution. His Excellency's letter points out that 63 countries throughout the world now officially support the posture of New Zealand—the same position advocated by my resolution—and that the 32 countries represented at the Commonwealth Heads of Government Conference "unanimously called for the ending of all nuclear tests in the atmosphere."

I again encourage my colleagues on the Foreign Relations Committee to give my resolution the highest priority, and report it to the floor of the Senate for debate and, hopefully, passage.

Mr. President, I ask unanimous consent that the letter addressed to me from the New Zealand Ambassador, His Excellency Lloyd White, be printed in the RECORD.

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

NEW ZEALAND EMBASSY,
Washington, D.C., 6 September 1973.

Senator VANCE HARTKE,
U.S. Senate,
Old Senate Building,
Washington, D.C.

MY DEAR SENATOR HARTKE: I was most encouraged to learn of your introduction of Resolution 155 in the United States Senate and of your concern about atmospheric testing in the Pacific. To my knowledge the issue has been raised in Congress on only one other occasion recently, and in a different context: New Zealand's case was mentioned briefly in the Senate Foreign Relations Committee's hearings on the role of the International Court of Justice last May.

We have, however, been gratified by the extent of the support our position has received elsewhere in the United States. As you will know, the U.S. press has reported on the issue very widely and there has been a striking number of articles, commentaries, cartoons and editorials. You might be interested to see the attached list of editorials which have come to our notice.

Like other nations of the South Pacific we had hoped that France would respect the interim decision of the International Court of Justice. We continue to hope that France will yet decide to heed the rule of law on this issue.

As you will be aware, the New Zealand Prime Minister appealed to Heads of Governments all over the world to express their views on the current series of atmospheric tests. The large number of messages of support from all regions that have been sent in response to this request, together with other expressions of concern about France's nuclear policy, make it clear that international opposition to the tests is widespread and strong.

International opinion has been steadily mounting and opposition stemming from France's earlier atmospheric tests in the Pacific has intensified in the United Nations. This was reflected in the resolution passed at the environment conference held in Stockholm in June 1972 and in United Nations resolution 2934A, which was passed last year by a vote of 105 for, 4 against with 9 abstentions. The general issue of nuclear tests is again scheduled for discussion at the forthcoming session of the United Nations.

You mentioned in Resolution 155 that the current series of tests has been condemned by a large number of countries. According to our latest assessment, which does not claim to be comprehensive, 32 nations have spoken out against the tests and a further 31 have responded with messages of support for New Zealand's stand. It is likely that this figure of 63 will grow considerably when the subject is raised at the United Nations. Furthermore the 32 countries represented at the Commonwealth Heads of Government Conference on 3 August unanimously called for the ending of all nuclear tests in the atmosphere.

My Government welcomes the action you have taken in bringing this issue to the attention of the Senate. It is an issue of importance to us all and your thoughtfulness in keeping me informed of your initiative is much appreciated.

I enclose some information papers which I hope you will find of interest.

With my best wishes.

Yours sincerely,

LLOYD WHITE, *Ambassador.*

EDITORIALS ON FRENCH NUCLEAR TESTS

NEW ZEALAND EMBASSY,
Washington, D.C.

May 3: Washington Post, French Nuclear Fallout: Radioactive & Political.

June 23: Christian Science Monitor, France Isolated on Nuclear Tests.

June 27: New York Times, France Defies the Court.

July 1: Chicago Tribune, The Mania for Superweapons.

July 13: Baltimore Sun, Explosion over Mururoa.

July 13: States-Item, New Orleans, France Adds to Nuclear Anxiety.

July 16: Chronicle, Houston, Necessity or Act of Arrogance.

July 16: Springfield News, Mass., Nuclear Test Ban.

July 17: News, Savannah, Clear & Present Danger.

July 19: News, Detroit, France is Aping Khrushchev.

July 22: Oregonian, Portland, Not French Lake Either.

July 25: New York Times, An End to Nuclear Tests.

July 27: Tri-City Herald, Pasco Wash., No More Tests.

August 16: Christian Science Monitor, Nuclear Testing.

THE PLIGHT OF SENIOR CITIZENS

Mr. GURNEY. Mr. President, sometime this week, and possibly tomorrow, the Senate will consider S. 1866, a bill to increase pensions under the Civil Service Retirement Act.

When Senator BURDICK introduced S. 1866 earlier this year, the bill contained a provision for a $20 a month increase for pre-1969 civil service annuitants, or an $11 a month increase for their surviving spouses. The Post Office and Civil Service Committee deleted that provision contained in title III of the bill. All that remains now is a provision raising the minimum monthly benefit for civil service retirees to coincide with the minimum payable to social security retirees. Significantly, however, only Federal retirees with no social security income—and that is a small number indeed—will benefit by S. 1866 as currently written. To say that deleting section III of S. 1866 cut the guts out of the bill is putting it mildly—and tragically for thousands of Federal retirees.

I submit, for appropriate reference, an article which appeared in hundreds of newspapers across the country today, in Mr. Jack Anderson's column, entitled "Poverty Grips 5 Million Senior Citizens." In this column, Mr. Anderson details the plight of our Nation's senior citizens, some of whom must eat dog food to survive, and some of whom—as I noted in an earlier statement in the Senate—have turned to shoplifting. Mr. Anderson's column, which mentions another possible social security increase, makes a strong statement indeed on behalf of all older Americans. I hope that when amendment No. 448 comes up, my colleagues will keep this column well in mind, and I ask unanimous consent to have the article reprinted at the end of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

[See exhibit 1.]

Mr. GURNEY. Mr. President, the plain facts are these:

In January of 1970, social security annuitants received a 15 percent increase. In August—7 months later—Federal retirees received a 5.6 percent increase. In January of 1971, social security annuitants received a 10 percent annuity increase. In June that year, Federal retirees received 4.5 percent. In September last year, social security annuitants received a 20 percent increase—following a 4.8 percent increase for Federal retirees in July. This year, Federal retirees received a 6.1 percent increase in July, and as Mr. Anderson's article points out, we are beginning to talk about another 6 to 7 percent increase for social security annuitants to tide them over until the 5.9 percent increase we have already voted takes effect next July. What about the forgotten retirees? I realize our civil service retirees make up a small portion of our retired labor force, but we must not let them be relegated to the desperate financial straits we seem to be relegating them to.

Mr. President, I hope Americans are beginning to be aware of our older Americans and their financial plight, brought on by inflation. But as the Senate Aging Committee has pointed any number of times, the elderly bear the brunt of inflation, they do not cause it. When my amendment No. 448 comes up later this week, I hope my colleagues will keep that in mind.

EXHIBIT 1

POVERTY GRIPS 5 MILLION SENIOR CITIZENS

(By Jack Anderson)

In a society enamored with youth, an estimated five million senior citizens have been overtaken in their old age by poverty.

Most of them collect pitiful pensions, which have dwindled in purchasing power as the cost of living has soared out of sight. For many, the economic crunch has become truly a life-or-death matter.

Their pathetic stories are told in letters that have been made available to us from the private files of the National Council of Senior Citizens.

"These people that keep bragging about how much they are giving the senior citizen should have to live on it themselves," wrote a man from Gouverneur, N.Y. "It has been eight months since I have had a piece of meat."

He is lucky. Some live on rolls, coffee and dog food. Food fit for a dog at least provides protein at low cost. Some old folks have turned in desperation into common thieves, rifling meat counters and grocery shelves. But most are too proud for such degredation and suffer with quiet dignity.

A staff memo, prepared for the Senate Special Committee on Aging, notes grimly: "All age groups have felt the impact of spiraling inflation in one form or another. But older Americans have probably been victimized to a much greater extent than any other segment in our society. . .

"Rising food costs have been especially oppressive for the elderly because about 27 per cent of their budgets is spent on food, in contrast to 16 per cent for the total population. The net impact is that this upward spiral can have the effect of obliterating the 20 per cent Social Security increase."

For those on fixed incomes, the situation is so desperate that Chairman Frank Church (D-Idaho) will try to move up the effective date of a forthcoming 5.9 per cent Social Security increase for senior citizens from July to January.

The unpublished memo stresses the importance of Social Security to the elderly. "For most older Americans," states the memo, Social Security represents their economic main stay. It constitutes almost the entire source of support for almost one out of every seven aged couples and two out of every seven elderly single individuals.

"For millions of older Americans, however, Social Security benefits still fall below the government's own poverty benchmark."

Nevertheless, the Nixon administration not only is fighting against more Social Security increases but has also recommended higher Medicare payments. This proposal would cost the aged and disabled $1 billion more for Medicare next year.

Some of the aging and ailing can't even get Medicare. One woman from Linden, N.J., wrote of her plight: "I receive Social Security which is very small, $132.50, that just about keeps me alive. I have a cataract and a heart condition and on that amount I can't afford a doctor. I have no hospital insurance. I can't get Medicare until I'm 65. I'm 64 now. I may not see 65."

Meanwhile, members of Congress are drifting back into Washington, suntanned and rested, after their summer vacation. Shortly, they will decide what to do about the senior citizens who can't afford edible food or medical care, let alone a month in the sun.

U.S. GENERALS ARE BADLY OUTNUMBERED

Mr. GOLDWATER. Mr. President, lately several attacks have been made on our military because of the number of generals and admirals that we have in our Military Establishment. An interesting article in the Army and Navy Journal of May 1972, shows that per 100,000 active duty servicemen the United States has 54 generals while Sweden has 373, the United Kingdom has 186, France has 74, just to mention a few.

What these critics of our star rank seem to overlook is that the military is no longer just a manned organization. It requires skills that are not found in any other segment of our population, industry or professions. While as a member of the Armed Services Committee I am concerned with the ratio. Nevertheless, I do not want to see us cut this until an absolute need has been sought for it.

I might point out that some Members of the Congress have far larger staffs than other Members even when their populations are about the same, and this is accomplished through committee and private hiring and we can, therefore, see our percentage of staff members into the Congress far extends the same ratio in other countries, but I hear of no one reducing it.

I ask unanimous consent to have the article printed in the RECORD.

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

U.S. GENERALS ARE BADLY OUTNUMBERED

The United States is badly out-generaled by its NATO allies and other foreign nations. The "general/admiral gap" shows up vividly in a Journal survey just completed.

For years, some members of Congress have made headlines carping about the "proliferation" of generals and admirals in our armed services. But a Journal survey of military rank structure world-wide shows that American generals and admirals are badly outnumbered—two-and-a-half to one, on the average, among fourteen countries which provided enough data for a meaningful comparison of flag and general officers as a percent of active duty strengths.

Generals and Admirals per 100,000 active duty servicemen

F.R.G.	47
U.S.	54
Denmark	55
Philippines	65
France	74
Spain	107
Greece	108
Canada	128
So. Africa	145
United Kingdom	186
Austria	188
Finland	231
Sweden	373

For every 100,000 Servicemen on active duty, the U.S. has 54 generals and admirals: Sweden, by comparison, has 373—almost seven times as many. Finland out-stars us by over four-to-one. Great Britain and Austria have close to 3½ times the U.S. average. Canada and South Africa outnumber us 2½-to-one, Greece and Spain two-to-one. Even Denmark out-stars the U.S. top brass, if only by two percent. Only one of all the nations surveyed, West Germany, shows fewer generals and flag officers per 100,000 Servicemen than the United States—47 for the Federal Republic of Germany, about 87 percent of the U.S. figure, 54.

Incidentally, the high ratio of generals to Servicemen obviously doesn't breed wars. Sweden, which has the most generals in relation to the size of its armed forces, has not been involved in a major war since 1814. At that time, a former French Marshal who was also Crown Prince, Marshal Bernadotte, led the Swedish forces to victory against Napoleon and Denmark, and later became King Charles Johann XIV.

An earlier Journal survey showed that what Congress refers to as the "proliferation of top ranking officers" is small potatoes by at least one other significant criteria, the U.S. Civil Service structure. Civil Service executive suites are manned by more than four times as many "supergrades"—GS–16s, –17s, and –18s equivalent to general and flag rank—as are military headquarters (August Journal, "Stars vs. Supergrades: Who's Ahead?"). At a time late in 1970 when military strength totaled 11% more than Civil Service ranks (2.87 vs. 2.57-million), there were 5,586 GS–16s, -17s, and -18s on the U.S. payroll, compared with only 1,330 generals and flag officers. The Civil Service figure *excluded* 543 scientific and technical experts in the Department of Defense alone who are paid equivalent supergrade salaries by special acts of Congress, as well as 49 Presidential appointees in the $36,000-to-$60,000 bracket. Chief of Naval Operations Admiral Elmo Zumwalt made note of this point while testifying before the House Defense Appropriations Subcommittee on the "proliferation of top ranking officers" early in February.

The Journal survey of general officer versus active duty strengths was mailed to seventy foreign countries beginning last December. About half of the nations replied, but many of them with data too sparse to permit a meaningful comparison. The Soviet Union refused to provide any data, as did other Warsaw Pact countries.

Italy also declined to respond. A recent story in the *Philadelphia Inquirer*, however, said that Italy has more generals and admirals than all of Latin America (with under 1,000) and Africa (about 200) combined. According to the *Inquirer*, the Italian Army has "roughly 1,200 generals to command 295,000 troops and 76,000 carabinieri (national police under military command). This is one general per 309 men. In the Italian Navy, there are more admirals [number not given] than ships, submarines, and all other sea craft combined. The Air Force has 228 generals and 425 planes."

Spain, in contrast, was anxious to set the record straight. Data provided to The Journal show 310 general and flag officers against a total active duty strength of 289,098, or one "general" for every 933 Servicemen. This is about one-fourth the figure quoted by the *Chicago Tribune* late last year in an article which claimed that "Spain has more than 1,200 generals and admirals, about as large a group as the country's college professors."

Norway provided detailed active duty strengths, but said "General and flag officers: at present no available figures free to the public." Israel declined as well: "We are sorry we cannot answer your other questions because of disclosure policy."

THE GEORGE D. AIKEN SUGAR MAPLE LABORATORY

Mr. YOUNG. Mr. President, recently our distinguished colleague, Senator AIKEN, was honored by the people of Vermont and the Department of Agriculture at ceremonies dedicating the new Sugar Maple Laboratory at Burlington, Vt., naming this laboratory the George D. Aiken Sugar Maple Laboratory.

This special recognition is richly deserved. The dean of the Senate, my friend George Aiken, has been bragging about Vermont maple sugar for all the 28 years I have been privileged to serve with him and, too, he obtained this laboratory at a time when the Congress had all but discontinued construction of new agriculture research laboratories like this. This is typical of his effectiveness. When he embarks upon any program, project, or legislation he just doesn't give up.

Our colleague, Senator AIKEN, has a long and distinguished record of public service as a member of the Vermont Legislature and speaker of the house. He served as Lieutenant Governor and Governor of his beloved Vermont and has served as a Member of the U.S. Senate since 1940. His interests and influence cover a wide range. He is an exceptionally strong voice in international affairs. He has, however, always retained his interest in agriculture and his ranking position on the Agriculture Committee. Senator AIKEN is one of the most effective Members of the Senate, particularly in floor debate. No Member has more friends or is more respected than he.

He has been the successful sponsor of important legislation in many areas over a long period of time. I know that obtaining the sugar maple laboratory is one accomplishment which is especially dear to him and it is entirely fitting that it be named in his honor.

At the time of the ceremonies dedicating this fine and important facility, the Burlington Free Press published at Burlington, Vt., wrote two very nice articles concerning the occasion. I ask unanimous consent that these articles appearing in the Tuesday, August 21, edition of The Burlington Free Press be printed in the RECORD as a part of my remarks.

There being no objection, the articles were ordered to be printed in the RECORD, as follows:

[From the Burlington Free Press, Aug. 21, 1973]

LAB TO RETRAIN "BEAUTIFUL LOAFERS"

Sen. George D. Aiken said Monday he could see no percentage in feeding a sugar maple tree from 50 to 100 years just so it could wind up in a Japanese bowling alley.

Aiken, here for the dedication of the new Sugar Maple Laboratory on Spear Street in South Burlington, said Vermont needs a retraining program for its maple trees just as much as we need retraining for people who have lost jobs working in an obsolete manufacturing plant.

"It was my resentment at watching these millions of beautiful loafers that prompted me to do all that I could to get this Maple Research Laboratory built and in operation," he told his audience.

"We have got to teach these trees not only that they have to contribute something to our national economy, but they have to do it more efficiently than they have done up to now. Unlike some of our industrial enterprises, there is no danger of the maple trees overproducing. The world is waiting for their products and it is up to us to find better methods of production, processing and marketing.

"Now we have this research laboratory. The price of syrup has risen from a $1 a gallon to $3 a quart. The demand for the product has grown amazingly. All I expect now is that the people who carry on the work here will find a way to make our beautiful

sugar maple, the State Tree of Vermont, realize that it can't just stand idly by and let the people of the world continue to suffer for want to one of nature's finest products."

MAPLE SYRUP SWEETENS DIPLOMACY, SAYS AIKEN

(By Stuart Perry)

Sen. George D. Aiken, R-Vt., had a sweet word for the executive branch of government Monday: "Load up one of those presidential airplanes with jugs of maple syrup and you'll find you can exert an influence greater than the total strength of our military forces."

Speaking at the dedication of the new George D. Aiken Sugar Maple Laboratory, the venerable statesman said that over the years he had learned the potential political power of maple syrup on both the national and international scene.

His maple syrup diplomacy, he explained, ranged from Presidents Truman to Nixon.

President Truman hadn't been in office long when the senator dropped off a gallon at the White House.

"He took it home with him and they (the staff) never got a taste of it. But, believe me, the influence of that first can of syrup was never lost on Harry Truman."

Aiken said he never felt obliged to supply Presidents Eisenhower or Kennedy, possibly because they both had maple syrup within reach in their own communities.

"But when President Johnson took over in late 1963, the routine began again and kept up all through his administration and even during the years of his retirement.

"One of my problems was how to get a jug of syrup to Texas, since, as you well know, there is no really safe way to transmit maple syrup, for taking maple syrup even to this day isn't considered a major crime and it never was.

"I finally got Molly Parnis, a designer, who was going to Texas, to take a quart jug down to the Johnsons by giving her an equal amount for transporting it."

"The Johnsons, both Lyndon and Lady Bird, never failed to express their gratitude.

"And this spring, with all his troubles, President Nixon found time to write me a personal letter thanking me for the syrup which I sent down to the White House, again on a 50-50 basis."

Aiken said one is not supposed to give food products to a president of the United States, but added, "I have yet to find a president who is not willing and even eager to circumvent the rule."

Maple syrup, he said, wields an extraordinary influence on world affairs.

"A few years ago in visiting the capital city of a country south of us, I was greeted by the wife of our ambassador, who even before she could say hello, stated, 'We used the last of our maple syrup this morning.' "

The hint, he said, was plain and she did get more syrup.

"And then in Thailand, I was greeted by the foreign minister of that country, who expressed great pleasure at seeing me again. At first I didn't understand why, but later on he told me, 'I was in Washington once and you gave me some maple syrup.' He never forgot that.

"And so it went around the world until one day I landed in the capital city of a Middle Eastern country, and, believe it or not, the wife of our consul in that city couldn't wait to say, 'We have already ordered and received our maple syrup from Vermont.' I could hardly believe that these people had actually ordered it and paid for it themselves."

And so, said Aiken, "I have advised top officials of our executive branch of government, if you really want to restore peace and goodwill throughout the world and respect for the United States of America, just load up one of those presidential plans with jugs of maple syrup and you will find that you can exert an influence greater than the total strength of our military forces."

WATERGATE AFFAIR

Mr. GOLDWATER. Mr. President, I realize that all of us have heard and read a great deal in recent weeks about the Watergate affair and the methods used by some segments of the press to cover this unfortunate episode and its related matters.

Recently, my attention was drawn to a very comprehensive presentation of the matter in question published in the Tucson Daily Citizen of August 29. Because of their considerable importance in today's climate, I ask that these articles entitled "Press Enjoying 'Free-for-All' With Watergate Story" and "Press on the Prowl" and "Another Watergate Abuse: Reporters as Protagonists" be printed in the RECORD.

There being no objection, the articles were ordered to be printed in the RECORD, as follows:

[From the Tucson Daily Citizen, Aug. 29, 1973]

PRESS ENJOYING "FREE-FOR-ALL" WITH WATERGATE STORY

(By Thomas Collins)

The Watergate press corps has been dug in on Capitol Hill for the past few months like an army holding a strategically vital position. It holds the high ground, so to speak, in the Battle of Watergate, and its presence symbolizes the fact that the press has a proprietary interest in this story as it seldom has had before.

So entangled has the press become in Watergate that it sometimes breaches its own doctrine of the separation of powers. Notes passed from newsmen to Senate committee aides not infrequently result in questions put by the senators to witnesses in the television-lit caucus room. Senators solicit the superior information the press has about many of the details and nuances of Watergate.

The two sides sometimes trade information, and the press, unhappy about a line of questioning, will try to initiate an area of inquiry through the stories it writes or by a word dropped to a committee staff member.

Members of the Watergate press corps are distinguished by their stamina, and by the fact that many of them have been covering the story for more than a year and the Senate hearings since they began.

They can remember the date of the McCord letter and can probably recite the names of all seven Watergate defendants. They can recall pretty accurately who contradicted whom, what Ehrlichman said, what Mitchell said. Some of them, as a wire service editor said, are walking repositories of the thousands of pages of testimony and documents that are so much a part of Watergate.

FATIGUE AND PANIC

They are also wrist-weary from taking notes for six or seven hours a day and panicky about getting caught in Washington traffic at deadline. Some of the newsmen and women sitting in the Caucus Room have made the White House "enemies list." They work 12 to 18 hours a day, neglect their families and tend to lie around the house on weekends. They go to sleep with Watergate voices in their ears and Sam Ervin's eyebrows dancing in their heads.

At lunch time they can be found at the Carroll Arms restaurant around the corner from the Old Senate Office Building or typing up their notes in the Senate press room within the sound of the tourist lines.

Mary McGrory, the syndicated columnist for the Washington Star-News, who has been audited twice by the Internal Revenue Service, carries a sandwich to a nearby park and lets the greenery blow Watergate from her mind. "It's reviving," she says.

There is no composite picture of the Watergate reporter that would not be unjust to some, but in general they are an anti-Nixon crowd who, at the same time, pride themselves in attempting to report the story accurately and fairly.

They generally regard the proceedings in the Caucus Room as show business or "good theater" and have developed a cynical tolerance for the "star" value of Ervin & Co., which has resulted in the blossoming of "Uncle Sam" sweatshirts, presidential drums for Sen. Howard Baker and boxes of cigars for Sen. Herman Talmadge.

Most Watergate-hearing reporters knew the Senate committee members before they became TV personalities and are as irreverent toward them as they are toward Nixon.

Physically, the newsmen and women are tired, but not unhappy. Watergate is the benchmark of their journalistic lives as well as a way of life itself. It seems to go on and on.

"I think I'll be involved in it for the rest of my life," says Ben Bradlee, the executive editor of the Washington Post. "We won't see the likes of it again."

STORIES NEGLECTED

Like most reporters and editors in Washington, Bradlee worries about the stories that are being neglected because of the resources being used on Watergate. If government work is slowed down because of the scandal, some of the work it is doing is getting short shrift from the press.

One government agency official complains that he cannot get the coverage for his programs that he did in the past. "I've been told there are no camera crews available or any photographers. Watergate is taking up all the manpower."

In size and numbers the media have thrown almost as many troops into the story as into the Vietnam War. It would be safe to say that at least a third of the entire Washington press corps is on the story, either through the hearings or its related strands.

PARTNER, NOT WITNESS

United Press International uses up to half of its Washington staff of 70 each day on Watergate and related stories, turning out about 25,000 words a day, including the transcript of testimony and texts of documents. Most newspapers are so preoccupied with Watergate that many Washington stories are being left to the wire services.

In all there are about 285 accredited correspondents covering the hearing and about 150 radio and television technicians at least half of whom are usually present in and around the Caucus Room.

But besides being a physical presence on the scene, the press is playing an active role in the proceedings and may shape the outcome in ways that have not yet been measured. It is more than a silent witness and recorder of Watergate; it is a full-fledged partner in the event.

During the hearings newspaper articles have been offered into evidence and studied for information. Cameras relentlessly recorded the proceedings. The press kept the story going when it appeared from time to time that it would die, and the press has been consistently injected into the story by the committee, by the witnesses and by its own efforts to get at the facts.

The administration plants stories to discredit former presidential counsel John W. Dean III and tries to use the press to smear George McGovern and the peace demonstrators of 1972. The Senate Watergate Committee seeks out the press for information and trades it for leaks, and the newsmen leap

over the traditional barriers that divide participants from spectators.

The result is a media free-for-all.

CBS newsman Daniel Schorr has even been approached by Senate aides soliciting questions to feed to their bosses, but he has turned them down. "I stay away from the senators," he says. "I have a great fear of television influencing the event, of staging things."

CHAFING AT GAPS

During the hearings it was perhaps inevitable that newsmen—interrogators themselves—found themselves chafing at gaps in the questioning of witnesses and tried to fill the gaps wherever they could. One way they found to do it was to get their questions to the committee and hence to the witness in a sort of circuitous news conference.

Schorr, for instance, when Haldeman was on the stand, expressed dissatisfaction to Samuel Dash, the majority counsel, with the questioning of Haldeman about the White House tapes. He ticked off a number of questions that he said were unanswered.

Later, he said it was "just about the first time I have ever done that, and it was done out of frustration and more to find out if Dash had answers to my questions, I'm looking for information; I'm not trying to inspire questions."

Other reporters covering the hearings pass notes through the committee attorneys or senators' press aides. Not all the reporters do it, and the exact number doing so is impossible to determine, but if the White House tried to plant questions with reporters at a news conference, the press would be the first to object.

Most of the questions get asked, according to Dick Magowan, press aide to Sen. Lowell P. Weicker, R-Conn. Magowan regularly receives the questions and channels them to Weicker.

An aide to Sen. Howard Baker, R-Tenn., said he got "two or three" such notes a week and passed them on. While he was standing in the committee room, he took one out of his jacket pocket. It was unsigned.

"I haven't had a chance to pass this on yet," he said. The question was for former Central Intelligence Agency Director Richard Helms, who was testifying that day. "Has the CIA perfected the psychiatric profile into a useful domestic tool?" it read.

THEIR BABY

An attorney for the majority staff also confirmed that the practice existed. "They pass notes up here all the time," he said. "Whether they're used depends on how good they are. They (reporters) are bright guys, and they want to be useful. After all, they broke the story, we didn't. This is their baby."

One reporter found an old news article that she thought contained information important to the committee. "Get this to Inouye (Sen. Daniel Inouye, D-Hawaii) right away," she said. "He should know about that," asked whether she thought the press should have that kind of relationship with the committee, she said, "Well, it goes on all the time. Don't print that, or you'll get me in trouble."

Trading information developed early as both the committee and the press were digging for the story. In one example of the quest for information, two senators on the committee tried to make a deal with the Washington Post. They approached Post Executive Editor Benjamin Bradlee to discuss it.

"They wanted to play a little 'show and tell,'" Bradlee said. "'We'll tell you and you tell us.' I told them to buzz off." The Post is still pursuing Watergate with five investigative reporters, including Bob Woodward and Carl Bernstein, who dug up most of the original revelations about Watergate. The Post's court reporter is covering the hearings.

Opinions vary among newsmen about the propriety of suggesting questions and trading information. Bradlee says flatly that the practice is bad. "True journalists belong in the audience, not on the stage, with all their independence intact," he said. "That's a cardinal ethic."

James Squires of the Chicago Tribune, who is covering the hearings, said he found it difficult to condemn the practice of trading information because of the intense pressure in the pursuit of the Watergate story.

"If you step back, you may see some good purpose in bringing out the truth. I don't see any danger in trying to get the story out. If you were suppressing a story, that would be a danger and would raise a serious question of ethics."

BETTER INFORMED

Mary McGrory points out that "reporters have been covering the story for so long they are more familiar with it than the senators, and there are such gaps of information. The reporters can't get at it, and they hope the senators can get it for them."

One method the press uses to get questions asked is to mention the unanswered questions in the articles they write, enabling the committee to pick them up. That method is favored by James Naughton of the New York Times, who questions the propriety of passing notes and said he was unaware of the practice.

"I have qualms about doing it surreptitiously," he said, "because it might create the appearance of collusion between the press and the committee, that they were out to get somebody. It's better to do it in print."

NO VENDETTA

The press insists that it does not want to get anybody, and to its credit it has been playing both sides against the middle: It takes leaks wherever it can get them.

"The story boils down to two things," Squires says. "Nixon's guilt or Nixon's innocence. If you pursue stories about Nixon's innocence as much as you do stories about his guilt, you have nothing to worry about. I don't know of a single guy who wouldn't go after a pro-Nixon story as quickly as he would an anti-Nixon story."

One aspect of the press' attitude was perhaps summed up by a wire service reporter who said he did not care whether Nixon was guilty or not, just that Watergate was one heck of a story.

His only interest in the possibility of impeachment was, "I've never covered an impeachment before."

LETTER FROM THE EDITOR—"PRESS" ON THE PROWL

I do not claim that the Tucson Daily Citizen is "the press" any more than I accept the misconception that the Washington Post and the New York Times are "the press."

Nevertheless, I concede that the Post-Times axis comes close to being "the press" on the Washington scene where their reporters are in full cry in a fox-and-hounds chase with President Nixon as their quarry.

There is another force on the Washington news front, however, a force that should be providing a balanced report of the news. It is made up of the professional journalists who comprise the capital staffs of the two national wire services, Associated Press and United Press International.

Every segment of "the press," virtually all of the daily newspapers in all the 50 states, relies on either or both AP and UPI for complete on-the-scene news coverage. The Citizen, desiring to have the fullest possible national reporting, takes both AP and UPI services. The double cost is reflected in added value for Citizen readers.

Regretfully to say, both AP and UPI have seemed on occasion to forget their larger responsibility for full and fair coverage. I refer, as you might surmise, to Watergate news coverage.

One glaring error of omission on the part of both wire services has been explored thoroughly by us in recent weeks.

On June 14, Sen. Carl Curtis, R-Neb., in a speech in the Senate, made a strong indictment of Democratic majorities on Senate investigating committees. He was speaking from personal experience earlier as a member of the Senate Committee on Rules and Administration when it investigated the Bobby Baker scandal during the Johnson administration.

That committee was charged with probing the machinations of Bobby Baker's rise from fair-haired page boy to multimillionaire while operating under the Capitol dome (and under Johnson's patronage).

Sen. Curtis declared in his June speech that every effort to tear the lid off the Baker case had been blocked "by a straight (Democratic) party vote."

For anyone interested in honesty in politics and government, which is what the current Watergate committee investigation is supposed to be about, Sen. Curtis' speech was timely and pertinent.

The Citizen and hundreds of other newspapers did not carry a word about the Curtis speech—because they did not receive the stories they should have received from either of their responsible Washington news sources, AP or UPI.

We learned about the speech much later and indirectly. Finally, the Citizen developed its own complete story and published it July 20.

Then we wrote stern letters to top executives in New York of both AP and UPI.

H. L. Stevenson, editor of UPI, responded with a renewed pledge of "dedication to the fairness doctrine."

Conrad Fink, assistant general manager of AP, gave us a two-page report and admitted: "Simply stated, we booted it." He added: "We have reviewed this (mishandling) with our staff to make certain there is no repetition."

The explanation of how AP "booted it" came more clearly into focus when we received a special article from our Newsday service on the subject of Watergate news reporting.

The Newsday article, which is published today on the Perspective page opposite this page, stands as a credit to "the press" in the full sense of that term. The article exposes clearly the way in which those who are "the press" in Washington have taken into themselves a "proprietary interest" in Watergate.

In so conducting themselves, professional journalists have breached their trust as members of the separate and independent Fourth Estate. Newsday analyst Thomas Collins goes so far as to compose this indictment:

"Besides being a physical presence on the scene, the press is playing an active role in the proceedings and may shape the outcome in ways that have not yet been measured."

That kind of involvement, whether born of bloodlust for a hounded Nixon or spurred by individual dreams of journalistic glory, is not just unbecoming of those who represent newspapers and their readers all over the country. It is downright unacceptable conduct in the eyes of many of us who also claim a share of being "the press."

We in Tucson, together with many others in newspapers elsewhere, will hope that our wire service forces in Washington will return to the Watergate story, when the hearings resume, with a regained sense of balance, fairness and responsibility.

PAUL A. MCKALIP.

ANOTHER WATERGATE ABUSE: REPORTERS AS PROTAGONISTS

The press, which through the efforts of some of its members achieved one of its fin-

est hours in the uncovering of the Watergate scandal, now is seeing itself become tarnished by ensuing events.

Both the "Letter From The Editor" on this page and the principal story on the adjoining Perspective page reveal the extent to which some members of the press have become involved as actors in the Watergate affair.

It is axiomatic that when a newsman becomes a protagonist in a news event, objective coverage of that event flies out the window.

That is why one of the first lessons a budding journalist must learn, in school or on the job, is to avoid personal involvement. Such involvement by those who report the news is always to be shunned—and most newspapers strive to keep it that way.

The ideal is not always attained. There are occasional slips by individual reporters and various members of the media. Newspaper people are human, too.

But what has been going on in the coverage of the Watergate saga appears to be mass dereliction of the duty to remain objective. The intended justification for departing from the role of observer-reporter and becoming a participant is that it is being done in order to bring out the whole truth.

In other words, it's the old—and always faulty—story of the end justifies the means.

It is no secret that the "end" of bringing down President Nixon would satisfy many persons who have the privilege of reporting the news to the American people. In this case, the target is so toothsome for them that they are willing accomplices.

Not only have reporters fallen into this trap, but so have various newspapers and television outlets—an even greater blow to the credibility of the nation's news media.

Therefore, it was not without regret that the Tucson Daily Citizen decided to publish the Perspective page analysis, written by Thomas Collins of Newsday, of the role played by the press thus far in the Watergate events.

Although the Citizen strongly supported Richard Nixon in the last two presidential campaigns, that did not keep this newspaper from editorially denouncing the Nixon Administration for this tawdry chapter in presidential affairs.

Still, it is the Citizen's hope that President Nixon will survive the Watergate catastrophe and continue to govern the nation effectively.

Because of that hope, the Citizen undoubtedly is more sensitive to unfair news treatment of the President than anti-Nixon newspapers would be.

Recognizing all of that, we nevertheless are persuaded that the abuses that have resulted because members of the press have become participants in the Watergate drama must be pointed out.

Not only that, these abuses must be denounced and attacked until they are halted.

Otherwise, the free press of America will come to be known as an unfair press—and with the serious consequence of jeopardizing its own freedom.

THE WHITE PAPER ON SECRET OPERATIONS IN LAOS AND CAMBODIA

Mr. HUGHES. Mr. President, the Defense Department this morning released its long-promised white paper on secret operations in Laos and Cambodia. I ask unanimous consent that this report be printed in the RECORD at the conclusion of my remarks.

After so many weeks of waiting and so many unanswered questions, this report is still incomplete and unacceptable. I shall advise the Armed Services Committee of the specific requests which still have not been met, or met in sufficient detail, so far as I can determine from the hearing record.

I shall also insist that the documents requested during the hearings be furnished without delay.

Pending further study and investigation, I did want to inform my colleagues of the Pentagon's response today, and I wanted to make a few brief comments on this report.

We have been given second-hand summaries of key decision documents rather than the documents themselves. We need to see the raw data if we are to judge who was really behind the massive operation of deception and falsification.

Now we learn from the white paper that secret B–52 bombing in Cambodia accounted for as many as 60 percent of the B–52 flights flown on a given day and that 44 percent of the air strikes by tactical fighter-bombers were deep inside Cambodia, on close air support rather than air interdiction missions, as well as involving false reporting.

Although the Appropriations Committees of Congress were informed of the costs of secret cross-border ground operations, only six individuals were ever told anything about these massive air raids.

The Constitution gives only the Congress the power to declare wars and appropriate funds for the Armed Forces. Yet billions of dollars were spent, and the war widened to two more countries, without the knowledge or approval of the Congress, except of those few Members.

When the "need to know" is limited to those in Congress who will agree with a given policy, our system of democratic government is undermined. The rest of the Congress might as well pack up and go home.

The claim that "no one was required to make any input to this formal reporting system that the individual knew, or should have known to be incorrect" is false. Maj. Hal Knight gave sworn and undisputed testimony to the contrary. The Pentagon's claim that the report which he subsequently filed, listing false target coordinates, was not a "formal, official report" is subterfuge and double-talk. An official report is one required and submitted in official channels, as the record shows these reports were—and they were falsified.

We still have no proof that Prince Sihanouk acquiesced in the secret bombing. We still have none of the documents which led to the orders for dual reporting, although some of these documents have been paraphrased in the report. We still have none of the requested orders on the invasion of Laos and the tactical air operations in Cambodia, nor any of the reports requested on reconnaissance flights, possible Navy falsification, hospital bombings, and the details of the briefings of Members of Congress.

Until we get these materials, this whole matter remains open for investigation, and I remain full of suspicions.

The report also raises serious questions as to whether the law forbidding the use of American ground forces in Laos has been observed. Although that law was signed by the President on December 29, 1969, the Pentagon report admits that U.S. personnel continued to go on ground operations in Laos in 1970 and 1971, including at least three "multiplatoon" operations, which strike me as far too large for simple reconnaissance.

The white paper also confirms that reconnaissance missions over Laos were intended to threaten Hanoi with further U.S. escalation, which was then carried on by secret bombing of the Plain of Jars area by B–52's. This is additional proof that the President's secret plan to end the war was really a plan for secret and expanding war.

This whole sordid mess should remind us that "military necessity," unchecked by constitutional processes, can become a cancer within the chain of command and within our system of civilian control.

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

DEPARTMENT OF DEFENSE, REPORT ON SELECTED AIR AND GROUND OPERATIONS IN CAMBODIA AND LAOS

INTRODUCTION

On August 9, 1973, Senator Symington asked that the Department of Defense undertake a review of statistics sent to the Congress and also of the circumstances that lay behind the submission of those statistics. He asked for a *"simple, concise account"* which specified what orders were given; the special security communications channels used; the actions of the military commands; and the reports filed—especially in those cases in which errors ultimately occurred in reports to Congress.

This report responds to Senator Symington's request for such a "simple and concise" account. In further compliance with the Congressional request, this report is limited to Southeast Asia operations in which special reporting procedures had an impact on the data that were provided to the Congress. A separate report is being submitted containing a corrected update of the unclassified statistics provided in June, 1973.

The review has established that all operations discussed in this report were authorized by civilian authority. It should also be noted that operations for which special security and reporting procedures were established and utilized constituted a small portion of the overall spectrum of Southeast Asia military operations. This paper, therefore, deals with the exceptions in these operations—not the rule.

The Department of Defense has recognized the interest of the Congress in the submission of this report at the earliest feasible date. However, there are still some unknowns. They are limited in the context of the widespread, well-publicized, and thoroughly documented main thrust of the Southeast Asia conflict. Understandably, too, not all events at the operating levels can be described in exactly corresponding detail. Those uncertainties are identified in this report, and the Department will continue its review in an attempt to resolve the unknowns and uncertainties if at all possible.

There are differences between some of the statistics in this report and those contained in the May, 1973 submission of *classified* statistics. The May submission did not identify the helicopter gunship sorties shown in the attached reports on Salem House and Prairie Fire. We are now preparing an update of those helicopter gunship statistics and verifying the May, 1973, data on fixed-wing gunship sorties. In addition, the casualty statistics in the separate statistical update are the best available. However, we are continuing our review of a few individual cases.

AIR MISSIONS OVERVIEW

This section will review the following air operations:

Menu: B-25 operations in Cambodia, March 17, 1969 to May 26, 1970. Missions were carried out based on intelligence of substantial North Vietnamese (NVN) and Viet Cong (VC) buildups in Cambodian sanctuary areas at the time of both impending and actual American troop withdrawals under President Nixon's plan which brought home the more than one-half million Americans fighting in Vietnam.

Good Look: B-52 operations in the Plaine Des Jarres (PDJ) region of Laos from February 17, 1970, to April 20, 1972. Those missions were authorized in response to the request of the Royal Laotian Government.

Patio: Fighter-bomber (Tacair) operations in Cambodia augmenting Menu operations during April-May 1970.

Freedom Deal: Fighter-bomber Tacair operations in Cambodia from May, 1970 to August, 1973.

Several general statements apply to all air operations conducted during this period. First, throughout the period of U.S. Southeast Asia involvement, the accounting and reporting methods for air operations were steadily improved. The JCS automated data base that was developed made information available to large numbers of people, with varying information requirements and for which varying information aggregations were needed and appropriate.

Secondly, in order to assure optimum effectiveness in command and control and to minimize the opportunity for error, a number of communications channels and means were authorized and used. The choice of the communicating channel was determined by the requirements for security, for transmission speed, for detailed content, etc. The availability of multiple communications channels, and the coincident use of both highly secure and routine channels for transmission of data of differing sensitivities but relating to the same operation was not unique to these operations; nor for that matter, was it unique to this war. Materials were routinely handled in the channel most appropriate to the required degree of security. High-security channels—referred to as special security or "back" channels—were reserved for highly-classified messages and extremely sensitive background information passed among top-level commanders.

Finally, while the amount of collected data—statistics and records—on U.S. combat activities in Southeast Asia are more extensive than during any other war, there are still gaps in our ability to retrieve some information. It is felt, however, that the data available, as presented, allow for reasonable and responsible assessment of the various operations for which the Congress has requested this review.

A basic characteristic of these air operations was that they were conducted in and over countries whose political leaders were either unwilling or unable to acknowledge publicly such activity. At the time, these same political leaders had either requested the operations or had knowledge of and acquiesced in them. The Cambodian bombing during Prince Sihanouk's regime, as well as the subsequent U.S./ARVN ground operations into Cambodia were directed toward denying the enemy sanctuaries, protecting American lives and providing a tactical environment which would permit the safe withdrawal of U.S. combat forces under President Nixon's withdrawal plan.

MENU OPERATIONS

General: On March 18, 1969, B-52s were used for the first time against Viet Cong and North Vietnamese Army elements located in Cambodian sanctuaries adjacent to the South Vietnamese border. The name Menu was given this operation, and it continued through May 26, 1970. The purpose of Menu was to protect American lives during the preparation for and actual withdrawal of U.S. military personnel from Southeast Asia by pre-empting imminent enemy offensive actions from the Cambodian sanctuaries into South Vietnam and against U.S. servicemen and women.

Due to the unusual and sensitive diplomatic situation between the Cambodian government and the governments of the United States and South Vietnam, information on Menu was held very closely. Knowledge of the operation was limited to those personnel essential to its successful administration and execution. The special security or "back" channel communication system for insuring optimum security in highly sensitive matters was used for Top Secret sensitive aspects of Menu. Less highly classified channels were used to handle the routine mission requests and authorizations. The approval/execution procedures for Menu are discussed on pages 8-10. Special security procedures are discussed on pages 15-18.

The following is a summary of Menu methodology adopted and utilized by field units and in the military chain of command:

A B-52 strike on a target in South Vietnam would be requested through normal communication and command channels.

Through the special security communication and command channel, a strike on the Menu (Cambodian) target nearest a requested target in South Vietnam would be requested.

Upon approval, the misson would be flown in such a way that the Menu aircraft on its final run would pass over or near the target in South Vietnam and release its bombs on the enemy in the Menu sanctuary target area.

On return of the aircraft to its base, routine reports on the mission would be filed in normal communication channels which did not reveal the Menu aspect of the mission.

Separate reports were provided by "back" channel on the Menu aspect.

All Menu sorties occurred at night and were directed by ground control radar sites. These radar sites were used to direct aircraft throughout the Southeast Asia conflict, and their operation permitted extremely accurate strikes against the enemy. The name for this ground-directed bombing operation was Combat Skyspot. In Menu operations, the radar site crews received instructions that resulted in the aircraft releasing their bombs on the Menu targets rather than on the targets in South Vietnam. Details of radar procedures are discussed on pages 10-11.

In their pre-take off mission preparation, all the B-52 crews were briefed on the South Vietnamese targets. Only the pilots and navigators of the aircraft to be directed to Menu targets were briefed to react to all directions for bomb release from the ground control radar sites. This special guidance to Menu pilots and navigators was necessary since the entire crew was briefed routinely, as they normally had been throughout the war, to make every effort not to bomb in Cambodia. The pilots and navigators, while not controlling the exact release point of their bombs, had indications from on-board radar and navigation instruments of their position. Other crew members had no indication that their aircraft was directed on other than the target in South Vietnam which had been covered in their routine briefing since the Menu target was in close proximity to and in alignment with the routine target. Details of Menu aircrew procedures are discussed on pages 11-12.

Menus mission reports were carried in both the routine and special security communications channels depending on their degree of security sensitivity. Reports on the sensitive aspects, i.e., country of target which were sent through the special security channel, were available only to those in the command and control chain who had a "need-to-know". Reports based on the routine requests and containing routine data were forwarded via routine channels, so that for administrative and logistical purposes, Menu sortie information blended into other less highly classified information in the data base. Menu sorties thus properly were included in overall Southeast Asia statistical totals but not identified with Cambodia in any but the special security channels. When the routine data base was subsequently utilized in providing Congress a country-by-country breakout of sorties—first in classified and then in unclassified form—the Menus sorties were reflected in South Vietnam as they were routinely carried in that data base, rather than in Cambodia as they were carried in the closely held Menu records.

This error was subsequently discovered, corrected and apologized for.

The Department's review of Menu operations gave particular attention to the procedures directed for providing inputs to the formal reporting system that accounted for the operational and logistic aspects of this operation. The review established that under the procedures directed no one was required to make any input to this formal reporting system that the individual knew, or should have known, to be incorrect. The procedures permitted only correct formal reporting. There was careful selection of individuals who, in addition to Top Secret clearance, had a need-to-know about Menu. Everyone in the reporting chain received and reported that information for which he had a need-to-know. Those who had no need-to-know about Menu could not perceive a difference between Menu and any other sorties. Any reports they submitted were within the normal reporting procedures.

With regard to the originally erroneous statistics inadvertently furnished to the Congress, and through the Congress to the public, the high-security classification and closely-held character of the information resulted in the error. Steps have been taken to assure that in the future the automated data systems themselves, and attendant procedures, will be so structured that any need for special-security policy decisions will be brought to the attention of proper civilian leaders for their decision as well as policy matters such as declassification. It must be stressed again that despite the inadvertent, erroneous report to Congress all appropriate civilian and military decision makers had accurate and complete command and control data throughout Menu.

Approval/Execution: To understand the approval, execution and special reporting procedures used during Menu, normal B-52 reporting procedures must be understood. For normal missions in South Vietnam, The Commander, U.S. Military Assistance Command Vietnam (Comusmacv) originated a "strike request" for targets against which missions would be flown for the next 24-hour period. This request—which was dispatched to Commander in Chief Pacific (Cincpac), Commander in Chief Strategic Air Command (Cincsac), the operating units, and the JCS—showed time-over-target, target coordinates, weight of effort recommended, and a mission identifier (usually a letter and three numbers). While this message was termed a "strike request", Comusmacv and Cincesac had standing authority to conduct B-52 missions in South Vietnam. Comusmacv did however routinely transmit each "strike request" to Cincpac, Cincsac and JCS to provide them the opportunity to review—and to disapprove should that be necessary for some overriding reason—any mission.

Subsequently, a "frag order" was issued by the operating headquarters, which originally was Third Air Division and subsequently was Eighth Air Force. This "frag order" was basically a mission-profile order which narratively described how the mission was to be conducted. It noted ground control

check-in points, target size, altitude and bombing tactics. The "strike request" and the "frag order" were the only two documents necessary for the conduct of the missions which contained target coordinates. In the absence of a disapproval, Cincsac issued an execution order by mission identifier and "frag order" number. This order authorized the planned strike and established the take-off time.

In the event a mission was to be directed to another target, a "strike request amendment" was issued which imposed such changes from the original "frag order" as might be required.

After weapons release, the aircrew would initiate the post-strike reporting procedure with a radio call to the command post in Guam, giving time over target and mission success codes (type of release, malfunctions, weather, etc.). The Guam command post then initiated an operational report (Oprep-4) of the mission to SAC Headquarters. The Oprep-4s showed only mission identifier, number and type of aircraft, time-over-target, and the guidance system utilized. SAC retransmitted the Oprep-4s to the Organization of the Joint Chiefs of Staff (OJCS). The Oprep-4s and the "strike request" constituted the principal input for the JCS data base.

Menu procedures were designed to parallel and complement the routine B-52 procedures. If, for example, Comusmacv was authorized a level of 60 B-52 sorties a day, he would, through the routine procedure, identify routine targets for all 60 of these sorties. Through the special communication channel he also would transmit a special request, classified Top Secret, to strike Menu targets in Cambodia.

Requests for Menu strikes came to the Office of the Joint Chiefs of Staff from Comusmacv after review and validation by Cincpac. Each request included current intelligence confirming that no Cambodians were known to be located in the enemy target area. After appraisal of the request by the OJCS, a brief memorandum was sent to the Secretary of Defense requesting him to obtain authority to conduct the Menu strikes. Only after additional appropriate civilian authority was obtained did the Secretary of Defense authorize the OJCS to dispatch an execute message. When transmitted, this execute order went through the special security channels.

Comusmacv then had in hand two authorizations: The routine message approving targets for all 60 sorties; and the second message approving the Menu sorties that would be diverted from South Vietnamese targets. After Menu strike approval authority had been obtained, a time-over-target was assigned for each Menu target from one of the previously designated times contained in the routine Macv "strike request." Thus, by using time-over-target and mission identifier, the limited number of personnel who had a need-to-know about the Menu missions could correlate the routine operational data with the Menu missions, and correctly identify the number of sorties flown and ordnance expended in the Menu operation.

The routine sorties were retained as alternate targets should the Cambodian targets subsequently be disapproved or should Comusmacv make a later determination that the routine targets in South Vietnam were of higher value than the Menu targets in Cambodia. Meanwhile, the execute order for normal missions was issued by Cincsac. The Menu aircraft were then directed away from the routine to the Menu targets by implementation at the radar site of directions in the close-hold Menu message which was provided to each applicable radar site (see Radar Procedures, below). Thus, from a military standpoint, the Menu procedures were identical to normal, routine procedures except that the orders diverting the mission to Cambodia never entered the routine OJCS data base.

Radar Procedures: As noted earlier, B-52 sorties were directed and controlled over their targets by Combat Skyspot radar. These all-weather bombing-control ground radar facilities (MSQs) were manned by SAC personnel and contained SAC equipment; but the sites were under the operational control of the U.S. Seventh Air Force (Tacair) headquartered at Tan Son Nhut Airbase, South Vietnam. These radars controlled all Menu missions. For routine missions, the Combat Skyspot site received the South Vietnam target information by normal message channels. The radar-site crew then prepared the required plotting charts, computations, worksheets, computer input tapes, forms, and other data necessary to conduct each mission. Included was preparation of 1st Combat Evaluation Group Form 15, a form used by the ground radar sites to carry post-release data such as time-over-target, track, airspeed, altitude and ground speed of the aircraft at release.

Prior to a Menu operation, a representative from the Strategic Air Command Advanced Echelon (Sacadvon) and Macv Headquarters in Saigon went to the radar site with the Menu target information. A new set of computations and forms was then prepared at the radar site using the Menu target information. After a Menu strike, the Menu post-release data were entered on the Form 15 which had been prepared earlier based on the routine Vietnamese target coordinates. The highly-classified Menu target information including computations, worksheets and the plotting board trace sheet showing the aircraft's final track to the target, was then destroyed in order to preserve the security of the operation. The Form 15 showing the South Vietnamese target and post-release data was forwarded to Saigon for maintenance and quality control purposes and destroyed after 90 days. This was normal procedure for all B-52 missions. The Form 15 was not a command and control report. The only formal, official report required of and issued after a Menu mission by the ground-control radar site was "mission complete" relayed to Sacadvon by telephone.

The foregoing procedures to obtain necessary reports and to preserve security were developed and authorized by Macv. Initially, for security reasons, the Sacadvon representative personally went to the radar site to assure that personnel without need-to-know of Menu were not involved. The Sacadvon representative remained during conduct of the Menu mission. He retained possession of the radar-site's Menu working material and returned to his Saigon headquarters where he destroyed it. Later, the procedure was modified so that a Sacadvon courier was flown to an airstrip near the radar site and handed the Menu target coordinates to the radar site commander; security destruction of the Menu working materials was accomplished at the radar site.

In addition to the MSQ radar sites, Menu B-52 operations came under the surveillance of Ground Control Intercept (GCI) radar sites whose mission was to monitor all flights in their assigned zone to, among other missions, assure that buffer airspace along the South Vietnam-Cambodian border was not penetrated by unauthorized flights. Under routine circumstances, the GCI sites would track and warn any aircraft that appeared to be heading into either the buffer zone or Cambodian airspace. These sites then would report any possible violations of Cambodian airspace. Pursuant to instructions from Seventh Air Force (issued by a personal representative's visit to the GCI site), officers on duty at those sites took no action to warn or to report the Menu missions since they had been informed that these were authorized missions.

Air Crew Procedures: Authorization for B-52 missions in South Vietnam routinely proceeded as described in pages 8-10. Cincsac received authorization from OJCS and in turn ordered the missions to be flown in the regular manner. Cinesac issued implementing instructions to the Commander, Third Air Division—later to Eighth Air Force—who passed the orders to the B-52 operational units. Missions would be assigned to flight units in the normal manner, appropriate preparations made and crew briefings carried out. These were routine procedures for B-52 Arc Light strikes in South Vietnam and Laos.

For Menu missions, sorties were ordered, prepared and briefed according to routine procedures and were based on information relating to the targets in South Vietnam. This procedure was adequate, since the geographical locations of the Menu targets were proximate to the South Vietnam targets, and since the heading for final bomb runs on the Menu targets took the crews close to the South Vietnam targets. The only variance from the routine required for the Menu mission would be to slightly extend the release point of the bombload as directed by the MSQ site as the plane flew on its final heading, and in some cases a minor correction to the heading itself. Accordingly, for Menu missions, SAC representatives briefed the pilots and navigators that they would receive corrections in heading and bomb release instructions from the radar sites and that they should follow those instructions.

Only the pilots and navigators were in a position to know they were in fact striking targets in Cambodia. And, because of the special Menu orders to GCI radar sites to disregard penetration of Cambodian airspace by Menu missions, the regular warning these crews might have expected upon a penetration of Cambodia were not received.

These procedures were virtually identical to those used for normal B-52 Arc Light operations. The only significant variation was in the designation of personnel with a need-to-know about Menu. Each command level recommended to its superior the numbers and duties of personnel who had a Menu need-to-know. Normally this access was limited to unit commanders, unit vice commanders, limited numbers of operations and intelligence staff personnel, and the aircraft commanders and navigators on B-52s directly involved.

Reporting: This section discusses the various reports submitted for all B-52 operations. These reports, in conjunction with the strike request and mission frag orders, were structured to provide planning data, logistic data and information on operations conducted. The types of reports discussed are reports of B-52 tactical operations, OpREP-4; crew debriefing reports; and reports by supporting radar facilities.

After weapons release, the aircrew initiated the post-strike reporting system with a radio call directly to the command post in Guam, giving time-over-target and mission success codes (types of release, malfunctions, weather, fuel reserves, etc.). Based on this information—and after correlating it with pre-mission data—the Guam command post initiated an operational report (Oprep-4) of the mission to SAC Headquarters. The Oprep-4s show only mission identifier, number and type of aircraft, time-over-target, and the guidance system utilized. SAC retransmitted the Oprep-4s to Macv and to the OJCS. The Oprep-4 and the "strike request" provided the basic input to the automated data base.

The use made of this data base is important to clear understanding of Menu reporting. The data base was designed primarily for administrative and logistics uses rather than for operational or intelligence purposes. This information had to reflect the total number of B-52 sorties flown and the munitions expended in order to meet the requirements of

DOD logisticians. To assure continuing adequate support of B-52 operations, logisticians needed to know the number of hours and missions each aircraft was being flown, which influenced the amount of fuel and munitions required; the number of spare parts to procure; the number of personnel needed and similar support necessary. In addition, there was a need for administrative purposes to identify and report the operational employment of the B-52 aircraft. However, most of those who normally followed this information had a need-to-know only about the extent of the effort and not the location specifics that distinguished Menu. Whether these missions took place in South Vietnam or several miles inside Cambodia was neither material nor relevant to their requirements. However, if the information on Menu sorties had been totally deleted from the data base reports, not only would the necessary administrative and logistics actions based on these data have been hindered, but the personnel dealing with the data would quickly have perceived that some operations were being conducted but not entered in the OJCS routine data base.

Accurate data on Menu operations were maintained at Macy, Headquarters STAC, and the OJCS. These data were based on the mission identifier and target coordinates in the basic Menu authorization message as missions were confirmed by the routine Oprep-4 reports.

SAC procedures required an intelligence debriefing of all aircrews after combat missions. The form used by the intelligence officer was keyed to the mission identifier; target coordinates—unless the crews indicated a change (under Menu operations the actual target coordinates were not passed to the aircrews by the MSQ site)—were listed only as associated with the original mission identifier. Debriefing of Menu crews proceeded routinely with crews reporting malfunctions, bomb damage assessment, weather and other operational data. The intelligence report forwarded for a Menu mission was indistinguishable, in the view of the intelligence officer, from other such mission reports. The debriefers did not have a need-to-know about Menus; and all submitted debriefing material that was, to the best of their knowledge, complete and accurate.

No formal report was required from MSQ radar site personnel. Only a telephone call to Sacadvon indicated mission completion. No formal wirtten report was required. See page 10 for additional discussion of MSQ procedures.

The GGI radar sites in South Vietnam were tasked to report unauthorized airspace penetrations by U.S. or other friendly aircraft. Personnel at these sites were aware that Menu flights were authorized and for that reason, no reports of violations were required or submitted. See page 11 for additional discussion of GCI procedures.

Statistics: During the Menu operation, six enemy base sanctuary areas along the South Vietnam/Cambodian border were struck. These base areas were named: Breakfast, Dinner, Dessert, Snack, Supper and Lunch.

As the combat action developed during the ground operations in Cambodia in early May and June 1970, the requirement for special security procedures was lifted. The last Menu strike to use special procedures in South Vietnam was on May 26, 1970. The sorties and total tonnage of munitions dropped from March 18, 1969 to May 26, 1970, during Menu were as follows:

Base Area	*Sorties*	*Tons*
350 (Dessert)	706	20,157
351 (Snack)	885	25,336
352 (Dinner)	817	23,391
353 (Breakfast)	228	6,529
609 (Lunch)	992	26,630
704 (Supper)	247	6,780
Totals	3,875	108,823

SPECIAL SECURITY PROCEDURES

This section discusses the actions necessary to provide special security and identifies responsibility for the development of these procedures and the granting of authority for their use. This section is supplemented by and must be viewed together with the preceding sections on Approval/Execution Procedures, Radar Procedures, Air Crew Procedures, and Reporting Procedures.

The first major opportunity for compromise of the security necessary to permit Menu operations was through the normal unclassified reporting of B-52 operations. On days when there were Menu missions, the number of Menu sorties may have constituted as much as 60 percent of the B-52 missions. This was a sufficiently large portion of the total that failure to indicate a level of operation consistent with the total missions would have almost certainly led to speculation that unreported operations were being conducted. For this reason, the procedures supporting Menu operations included the selection of cover targets in South Vietnam which would indicate a level of activity consistent with the clearly observable number of B-52 missions launched. This selection of cover targets provided the same type of security cover historically characteristic of military operations of particular sensitivity.

The necessity to minimize the likelihood of public speculation or disclosure was established within the NSC. Procedures were designed to assure security and at the same time to provide public information that would be as complete as was consistent with security. NSC guidance issued for the first Menu mission—which remained representative of the guidance for all Menu missions—directed that the Macv daily press release report missions on "Enemy activity, base camps and bunker and tunnel complexes 45 kilometers northeast of Tay Ninh city". U.S. B-52s did on that date so strike, and Macv's press release so reported. On subsequent missions specific cover targets were drawn from those already nominated by Macv in their routine B-52 "strike request" message. Macv issued its subsequent press statements as directed, listing generalized cover-target locations but not specifying their exact relationship to the South Vietnam-Cambodian border. Normally the generalized cover-target locations noted were actually struck, typically in the priority Macv had assigned them in their South Vietnam requests. In every instance the generalized press guidance would deal with an approved and executed South Vietnam strike taken from the Macv request or would reflect a general geographic locale without specifying that the target—listed as so many kilometers from a reference point in South Vietnam—was, in fact, in Cambodia.

Consistent with the objective of providing information as complete as possible within security requirements, guidance also was provided on responses to possible specific inquiries about Cambodian operations. Macv was instructed that if faced with specific inquiries, they should neither confirm nor deny attacks in Cambodia but state the situation would be investigated. The responsibility and authority for any other response to persistent inquiries was retained by the appropriate civilian authorities. There were no persistent inquiries so it was not necessary to implement any further guidance. The Department of Defense, thus, never publicly either confirmed or denied the conduct of Menu strikes.

Another major opportunity for compromise of security was the requirement that operational data be provided within DoD for daily use.

This administrative requirement, treated on page 13, was, as matters evolved, not affected by the sensitive Menu aspects of the missions. The routine reports were sufficient for administrative and logistical purposes and were considered in those cases complete and accurate.

The responsibility for development of detailed Menu procedures was delegated to the levels in DOD that normally controlled these procedures. The OJCS was responsible for the data reporting system. It was and is characteristic of the DOD automated data system that the information contained in this system must be available to many personnel whose security clearances are limited to Secret and who had no need-to-know about Menu. Because of this, and because Menu was especially sensitive, it was not possible to include within the automated data base the accurate target locations for Menu strikes. For this reason, Menu strikes were not carried in the data base as having occurred in Cambodia. They were simply identified by the target identifier carried in the original B-52 "strike request" and "frag order" messages and, as a result, appeared in the data base with the data for South Vietnam. Menu procedures were designed so that no procedures in the reporting chain had to be modified to comply with this limitation in the automated data system. Other than the nonrecording of the "strike request amendment" (Menu authorization), all of the official reports which fed into this automated data system were simply allowed to routinely reflect the data normally carried.

Data peculiar to the Menu strikes were maintained manually in Macv, SAC and in the OJCS and were available to those with a need-to-know. They were not introduced into any automated data base.

Cincsac was responsible for development of crew reporting procedures consistent with Menu security and no changes were required for Menu in normal SAC crew reporting procedures. Crew briefing and notification procedures were proposed by the Commander Third Air Division, and approved by Cincsac and OJCS. See Reporting, Pages 12-14.

The procedures for providing Menu data to the MSQ radar sites were developed by Macv. Both Cincsac and OJCS were informed on these procedures.

The Strategic Air Command Advanced Echelon (Sacadvon) acted as the principal coordinator and technical planner for MENU operations. Sacadvon was a liaison unit for Cincsac located at Macv Headquarters to assist with the B-52 effort. This unit had no independent command authority and was in Saigon only to assist Com-Usmacv and to expedite staffing between the two headquarters. Sacadvon also had the responsibility for establishing direct contact with the MSQ radar sites and for receiving oral reports of mission completion from these sites. Sacadvon also provided B-52 strike location information—including geographically-generalized cover-target location information when necessary—to the Macv Office of Information (Macoi). No one in Macoi had a need-to-know about MENU details.

As noted in the General section, the Menu procedures permitted only correct formal reporting. Everyone in the reporting chain received that information which he had a need-to-know and received it in accordance with routine procedures. Thus, those who did not have a need-to-know about Menu could not perceive a difference between Menu and normal operations. Those who had a need-to-know about Menu operations submitted and received reports that were consistent with their knowledge. Each of the operational reports submitted provided complete and accurate information to those who required it.

The Department understands that selected members of Congress were advised of the Menu strikes by various persons in the Executive Branch who were monitoring Menu. Previous testimony and transmittals to the Congress have included information that among those notified were Senators Russell, Stennis and Dirksen, and Representatives Rivers, Arends and Gerald Ford.

Some other members of Congress may have been advised, but the Department, itself,

holds no specific record detailing this. The Department understands that the decisions on whom to advise in the Congress were made by the notifying Executive Branch individuals who apparently took into account the extremely sensitive diplomatic situation and the strict orders for security. The restricting of Menu information within the Legislative Branch was consistent with similar strict restrictions within the Executive Branch.

GOOD LOOK

On February 17, 1970, B-52s were used for the first time to bomb military targets in the Plaine des Jarres (PDJ) area at the request of the Royal Laotian Government (RLG). The name Good Look was used for these operations, and their immediate purpose was to counter the buildup of approximately 15,000 North Vietnamese personnel and their supplies north and east of the PDJ area and poised for an imminent effort to recapture this area.

The first B-52 mission came in response to a specific request to the U.S. Ambassador to Laos from Laotian Prime Minister Souvanna Phouma requesting B-52 sorties to help Laotian General Vang Pao's troops hold the PDJ by blunting the anticipated North Vietnamees offensive. The transmission of this request and of all later mission requests for B-52 bombing in the PDJ area were made through the U.S. Ambassador to Laos. The original requests were validated by COMUSMACV and CINCPAC and were then forwarded with supporting intelligence to CJCS. After appraisal by the Joint Staff, CJCS requested authority from appropriate civilian authorities to conduct the requested mission.

After January 1, 1972, COMUSMACV was given authority to approve B-52 missions in the PDJ area, subject to cancellation by the Secretary of Defense.

It was the nature of B-52 operations in Southeast Asia that they were routinely controlled by ground radars. Where this was not possible, the B-52 on-board radar systems were used to locate and strike targets. The PDJ area initially fell outside the capabilities of ground radar systems. For this reason, radar scope photography was needed of the PDJ area as a part of normal planning to have the ability to respond to any contingency. Such reconnaissance was understood and accepted by the RLG. Accordingly, a B-52 radar reconnaissance mission, Good Look Alpha, was authorized and flown over the area in August, 1969.

After the enemy offensive in the PDJ area began in late January, 1970, a second radar reconnaissance mission, Good Look Bravo, was flown. This mission was authorized in the hope that Hanoi would perceive the warning that B-52 operations were being considered in the PDJ, and would modify its operations in northern Laos. There was no apparent NVN diminution in combat operations, and follow-on B-52 sorties were directed under the name Good Luck. A ground directed radar bombing site was later located at Ubon, Thailand, to direct the Good Look missions.

Restrictions on disclosure of the U.S. strikes in the PDJ area were responsive to the Royal Laotian Government. All message traffic to Washington on Good Look was classified Top Secret and was processed through special security channels. Subordinate command elements were directed to handle this information on a close-hold, limited distribution basis. As a result, for each B-52 PDJ area target request submitted through special security channels, a corresponding routine request for a mission in southern Laos, South Vietnam, or Cambodia was originated through routine communication channels. Post-strike reports were not identified by location of target but rather by a mission identifier and a time-over-target which coincided with the routine mission. At the same time, actual target information was being furnished on a strict, need-to-know basis through special security channels. The need for extra security had been established by the U.S. Ambassador to Laos based on the expressed concern of the Laotian Government. Missions through April 26, 1972, continued to use the special target reporting system.

The sorties and total tonnage of munitions dropped from February 17, 1970 to April 17, 1973, in the Laotian PDJ area are provided in the following summary:

Year	Sorties	Tonnage
1970[1]	147	4,217
1971[1]	270	6,513
1972[1]	1,051	25,097
1973	1,050	22,547

[1] Sorties from Feb. 17, 1970, to Apr. 16, 1972 (1,076 sorties) used cover targets in the following areas: 896 in southern Laos, 166 in South Vietnam, and 14 in Cambodia.

PATIO

In addition to the special MENU operations conducted by B-52s, complementary U.S. tactical air was employed in Cambodia for a brief period prior to the initiation of ground operations there by friendly forces on April 30, 1970. Targets for these tactical sorties were of a more transitory nature than MENU targets and were therefore more suited to tactical fighters than B-52s. The name PATIO was given these tactical air missions.

On April 18, 1970, COMUSMACV requested that special authority be granted for a 30-day period to employ tactical air against maneuvering enemy personnel and material located in a narrow area of northeastern Cambodia about eight miles wide and adjacent to the South Vietnamese border. COMUSMACV's request was based on increased sightings of enemy force movements in this area. Attack of these targets was deemed essential to prudent military conduct of the conflict in South Vietnam and especially to the protection of the lives of U.S. military personnel during the continuing U.S. redeployment program. On April 20, 1970, with the concurrence of appropriate civilian authorities, CJCS approved the requested authority. On April 25, 1970, the Patio authority was extended to a uniform depth of 18 miles into Cambodia. The results of each day's operations were to be reported through special communications channels addressed only to those with an absolute need-to-know. The first Patio strikes were on April 24, 1970.

Instructions, authorizations, and requests pertaining to all Patio operations were handled on a close-hold basis. All message traffic, including strike reports and bomb damage assessment, relating to the Patio operations was transmitted via special security channels and further restricted by instructions to deliver to designated addressees only. Thus, because of this high classification, the first 124 of the total of 156 Patio sorties were inadvertently not included in the less-highly classified automated data base.

On May 11, 1970, a one-time expansion of the Patio authority was granted by CJCS, with Secretary of Defense approval, authorizing the employment of tactical air against a lucrative enemy truck park and storage area in Cambodia near the Laotian border and along the Mekong river—outside the then-standard 18 mile Patio zone.

COMUSMACV had advised that this special Patio effort would be limited to a 12-hour period, with a planned weight of 48 strike sorties. The Seventh Air Force specified that cover targets in Laos would be used for this special, one-time mission. The operation was conducted as planned on May 14, 1970, with 32 sorties expended under Forward Air Controller (FAC) control. The remaining 16 strike sorties were not required for adequate target coverage and were subsequently cancelled.

The assigned cover targets in Laos were used in the routine reports and were recorded in the automated data base. Special communication channel reports, however, gave the complete details on the targets struck and the bomb damage assessment to all those with a need-to-know. The automated data base has been updated to correctly reflect all of the 156 Patio sorties with their correct target locations.

FREEDOM DEAL

The name for U.S. TACAIR operations in Cambodia beginning on June 30, 1970 was Freedom Deal. The term Freedom Deal designated an area generally east of the Mekong River in northeastern Cambodia within which the U.S. would conduct air interdiction operations in addition to the ongoing air support for U.S. ground forces inside South Vietnam and near the South Vietnam-Cambodia border. These air interdiction operations, following the withdrawal of U.S. ground forces from Cambodia at the end of June, 1970, were requested by the Cambodian Government, processed through MACV channels, and authorized by appropriate U.S. civilian authority. By August 23, 1970, the original Freedom Deal area had been expanded southward approximately 50 miles and westward approximately 50 miles. Both of these expansions were designed to allow attack of enemy military targets which threatened the remaining and redeploying U.S. forces in South Vietnam.

Normal operational reporting was made on all U.S. air operations under the Freedom Deal authority. An exception pertained to special authority, requested from and granted by appropriate U.S. civilian authorities, to employ U.S. air power in interdicting enemy supply lines and caches on the supply trails and river routes being used by the enemy, particularly in situations which involved a serious threat to any major Cambodian positions. Instructions in the field relating to the reporting of such operations which occurred outside the designated Freedom Deal areas stipulated, as they had for the Patio operations conducted earlier, that special security communications channels would be employed. The requirement to report these air strike data via special security communications channels presented difficulties for those field units not possessing the special communications equipment. This difficulty, coupled with the need to insure accurate statistical accounting of sorties flown, flying-hour utilization, and ordnance expenditures, apparently gave rise in the field to a system of attributed targets. As a result, authorized strikes conducted outside Freedom Deal were reported in the data base as having been flown within the Freedom Deal operating areas. Separate limited-distribution reports sent via the special security communications channels from field headquarters did, however, continue to reflect these special operations.

This dual reporting system used in the field was discovered in February, 1971, when duplicate data were received on an aircraft loss. The Seventh Air Force immediately directed the discontinuance of these attributed-target reporting procedures. Field reports indicated that of over 8,000 sorties flown in Cambodia between July, 1970, and February, 1971, approximately 44 percent or 3,634 sorties were flown outside the Freedom Deal areas. The official data bases were reviewed at that time and updated as necessary to insure that correct sortie statistics were reflected. Inquiries to date have failed to disclose the source of the orders that effected the attribution of these sorties to the Freedom Deal operating areas. It appears that the relevant directives were disposed of in the course of dissolution of MACV, establishment of the United States Support and Assistance Group (USSAG) and the displacement of the Seventh Air Force from Vietnam to Thailand in March of 1973.

On February 17, 1971, special reporting was discontinued and it was directed that all future reporting of these special air op-

erations in Cambodia would be accomplished through normal reporting channels. Except for a brief two-week pause following the January, 1973, Vietnam ceasefire, U.S. air support in Cambodia continued at the request of the Cambodian Government, until the August 15, 1973, bombing halt. No further special air operations, such as MENU or Patio, were conducted in Cambodia between February, 1971, and the August, 1973, bombing halt.

GROUND MISSIONS OVERVIEW

This section will treat those ground operations in which errors in statistical reporting have been found during the DoD review.

In September 1965, the worsening situation in the Republic of Vietnam caused the U.S. to undertake limited ground reconnaissance actions in Laos. These operations, initially named Shining Brass, but subsequently known as Prairie Fire, involved small reconnaissance teams composed of indigenous civilians led by Vietnamese or U.S. special forces personnel assigned from the MACV Studies and Operations Group (MACSOG). The teams conducted on-the-ground reconnaissance missions in Laos to determine the nature and extent of enemy activities in the assigned areas of operations.

When the enemy later began moving major amounts of supplies through the Cambodian port of Sihanoukville on the central coast of Cambodia and into the sanctuary areas along the South Vietnam border, a limited ground reconnaissance program (initially Daniel Boone, later Salem House) was authorized in May, 1967, to gain information on these activities.

A total of 3,683 missions into Laos and Cambodia were conducted prior to the termination of U.S. participation in April, 1972. A total of 5,210 intelligence reports were filed.

These low-visibility, cross-border operations were carried as a separate budget line item since at least 1966. MACSOG operations were carried as "classified projects" in the Navy budget (NOP 345). The House Appropriations Committee and the Senate Appropriations Committee were briefed on the nature of these activities, their functions, and costs, including casualties. Additionally, the Subcommittee on U.S. Security Agreements and Commitments Abroad of the Senate Foreign Relations Committee held extensive hearings on U.S. operations in Laos and Cambodia, including SOG operations. Detailed information was provided the Committee at that time.

PRAIRIE FIRE

Prairie Fire was the name for MACSOG cross-border intelligence collection and interdiction operations into southern Laos against enemy bases and infiltration routes. The rationale for the operations into southern Laos was based on strong evidence in early 1965 that the Laos corridor was being used as an infiltration and resupply route in support of the communist effort in South Vietnam. During the period 1965–72 the name assigned to cross-border operations into Laos changed from Shining Brass to Prairie Fire to Phu Dung. For purposes of clarity these operations will be referred to as Prairie Fire in this report.

Missions included such intelligence and intelligence-associated activities as emplacing sensors; prisoner apprehension; and area, point and linear reconnaissance by small teams; and selected reconnaissance by larger units. South Vietnamese personnel performed Prairie Fire operations with U.S. Army Special Forces or Army of the Republic of Vietnam advisors/commanders and were supported with U.S. trooplift and gunship helicopters, and U.S. Tacair. Prairie Fire teams were trained in air-control procedures and made considerable use of tactical air and helicopter gunship support in their operations in Laos.

The table below reflects the number of Prairie Fire cross-border operations, by type, from the inception on September 20, 1965, until deactivation of MACSOG on April 30, 1972.

	1965	1966	1967	1968	1969	1970	1971–April 1972
Missions:							
Reconnaissance team	7	105	187	271	404	422	183
Platoon	0	12	71	56	48	16	13
Multiplatoon	0	0	0	0	0	3	0
Total	7	117	258	327	452	441	196

	1965	1966	1967	1968	1969	1970	1971–April 1972
Helicopter gunship sorties	(1)	130	329	287	689	1,116	993
TACAIR sorties	155	405	1,157	635	1,016	1,419	623
Enemy prisoners	(1)	12	10	1	0	3	0
Intelligence report	21	371	774	410	748	553	175

[1] Unknown.

The Prairie Fire historical records and operational reports do not indicate how many U.S. personnel accompanied each operation nor how many operations were U.S.-accompanied. U.S. personnel were authorized to accompany Prairie Fire cross-border operations from September 20, 1965, to February 8, 1971. It is believed that during this period virtually all of the 1,446 reconnaissance team, 203 platoon, and 3 multi-platoon operations conducted involved U.S. participation. The operational guidelines for the conduct of Prairie Fire missions provided that generally the organization of a U.S.-accompanied reconnaissance team would include three U.S. personnel. Larger units normally included 5–6 U.S. personnel with a platoon force and 20–22 U.S. personnel with a multi-platoon force.

No U.S. personnel participated in ground reconnaissance in Laos after February, 1971. U.S. air support of Vietnamese-led teams was authorized by appropriate U.S. civilian authorities until March, 1972. In recognition of the complete Vietnamization of the operations in Laos, the Vietnamese name Phu Dung was given the operations on April 7, 1971.

Prairie Fire security guidance precluded advising next-of-kin of the actual location of casualties since this information would compromise the area of operation. Generally, the Services, in notifying next-of-kin, indicated the loss location as either "Southeast Asia", "classified", or "along the border". On May 9, 1973, the Secretary of Defense approved the release of the actual location of Prairie Fire casualties to the next-of-kin.

In view of the special security precautions protecting these operations the Prairie Fire casualty data included in the OJCS data bank could not reflect locations. These casualties were grouped with the South Vietnam data. The data submitted to the Congress prior to July 25, 1973 also reflected South Vietnam. At that time the Congress was advised that there had been 76 U.S. personnel killed in action in Laos in conjunction with Prairie Fire.

A complete review of all appropriate personnel records to verify these casualty statistics has been made. Efforts to verify data are continuing, principally through interviews with those who might have personal knowledge of the locations where casualties occurred.

SALEM HOUSE

Salem House was the name for MACSOG cross-border operations in northeastern Cambodia. When the enemy buildup of logistic and base-camp facilities in the border area of northeastern Cambodia created a threat to the safety of U.S. forces in the Republic of Vietnam, selective and reconnaissance interdiction were authorized to assess the enemy threat. The name for these operations varied from Daniel Boone to Salem House to Thot Not (when the South Vietnamese assumed complete responsibility). For simplicity, these operations will be referred to as Salem House in this report.

The mission of Salem House operations was basically intelligence collecting and verification. The approval to initiate Salem House cross-border operations was provided on May 22, 1967. Approval was subject to restrictions such as:

(a) Only reconnaissance teams were to be committed and could not exceed an overall strength of 12 men to include not more than three U.S. advisors.

(b) Tactical air strikes and/or the commitment of additional forces were not authorized across the border into Cambodia. Teams were not to engage in combat except to avoid capture.

(c) No contact with civilians was permitted.

(d) No more than three reconnaissance teams could be committed on operations into Cambodia at any one time.

(e) The total number of missions could not exceed ten in any 30-day period.

By October, 1967, appropriate civilian authority approved Salem House operations along the entire Cambodia-South Vietnam border to a depth of 20 kilometers. The use of helicopters for infiltration was authorized at the rate of five per month to a depth of 10 kilometers into Cambodia.

In December, 1967, with State Department concurrence, the Secretary of Defense authorized the use of Forward Air Control (FAC) aircraft over the Salem House area to control helicopters and to conduct reconnaissance of landing sites. Only two such flights were authorized per Salem House mission.

After the Tet offensive of 1968, Salem House cross-border ground reconnaissance operations into Cambodia were modified. The emplacement of land mines with self-destruct feature was authorized in October, 1968. By December, the depth of these operations was increased to 30 kilometers in the northern part of Cambodia. In the central and southern operating areas—where specific JCS approval was required for any ground reconnaissance operations — penetrations were limited to 20 kilometers. While the restriction on numbers of participating U.S. personnel was removed, total team size remained constrained to 12 members and various additional restrictions reemphasized the intelligence collection and verification nature of Salem House.

During the Cambodian incursion in 1970, authority to conduct Salem House operations to 200 meters west of the Mekong River in the Freedom Deal air interdiction zone was granted and use of tactical air operations in support of Salem House also was authorized. No reconnaissance teams ever reached the Mekong, however, due to range and lift limitations of the helicopters involved. After the ground operations into Cambodia ended on June 30, 1970, no more U.S. ground personnel were permitted to take part in Salem House. However, use of tactical air and helicopter gunships to support Salem House operations conducted

by the South Vietnamese in not larger than platoon-sized operations was continued—when such support was required and was clearly beyond Vietnamese capability. Troop lift helicopters were exclusively manned by Vietnamese after June 30, 1970. In April, 1971, in recognition of the complete Vietnamization of the ground reconnaissance operations, the name was changed to Thot Not, and the program continued until April 30, 1972, when all U.S. involvement in the Vietnamese cross-border operations terminated.

The table below reflects the number of Salem House cross-border operations, by type, conducted from its inception on May 22, 1967, until deactivation of MAGSOG on April 30, 1972.

	1967	1968	1969	1970	1971–April 1972
Missions:					
Reconnaissance team	99	287	454	558	437
Platoon	0	0	0	16	22
Multiplatoon	0	0	0	3	9
Total	99	287	454	577	468

	1967	1968	1969	1970	1971–April 1972
Helicopter gunship sorties	67	359	398	1,548	568
TACAIR sorties [1]	34	48	0	1,239	659
Enemy prisoners captured	2	3	4	9	6
Intelligence reports	297	373	607	485	396

[1] Sorties against targets in RVN or Laos areas contiguous to Cambodia but none known to be in Cambodia until after Apr. 20, 1970.

Salem House historical records and operational reports do not indicate how many U.S. personnel accompanied each operation nor how many operations were U.S.-accompanied. U.S. personnel were authorized to accompany Salem House cross-border operations from May 22, 1967, to June 30, 1970. During this period, virtually all of the 1,119 reconnaissance team, 9 platoon, and 1 multi-platoon operations are believed to have involved U.S. participation.

Salem House targets, dates, penetration points, and landing zones were submitted by message from COMUSMACV to CINCPAC for approval with information copies to the OJCS, the Secretary of Defense, and the Secretary of State. Approval of the schedule was assumed if no objections were raised.

Salem House security guidance precluded advising next-of-kin of the actual location of casualties since this information would have compromised the area of operation. The Services, in notifying the next-of-kin generally indicated the loss location as either "Southeast Asia", "classified", or "along the border". On May 9, 1973, the Secretary of Defense approved the release of the actual location of Salem House casualties to the next-of-kin.

In view of the special security precautions protecting these operations, the Salem House casualty data included in the JCS data bank did not reflect actual casualty locations. The Salem House casualties for security reasons were grouped with the South Vietnam data. On July 25, 1973, the Congress was advised that there had been 27 U.S. personnel killed in action in Cambodia as a result of Salem House operations.

A complete review has been made of all appropriate personnel records to verify these casualty statistics. Efforts to verify data with respect to location are continuing—principally through interviews with those who might have personal knowledge of the locations where casualties occurred.

ENERGY NEEDS AND ENVIRONMENTAL REQUIREMENTS MUST BE BALANCED

Mr. ROBERT C. BYRD. Mr. President, while it is certain that President Nixon's statement of Saturday, September 8, in which he discussed the energy crisis, will come under attack from some quarters, it is my belief that the position he took is practical under our current and short-range circumstances.

I think that it is clear to the American people that we cannot go on despoiling our atmosphere with the chemical wastes concomitant with our industrial society. We must, and will find means to apply our vast technology toward the elimination of the pollutants that result from the burning of high-sulfur oil and coal. That these technological efforts should have been made a long time ago is undeniable, but because they were not, we must face up to the realities of the present.

I would be the last person to advocate the continuation of our past practices, where the production of energy was the paramount consideration, regardless of the effect on our air, land, and water resources. It has been amply shown that unless our society and our Government are prepared to respect nature's cycles, rather than ignore them, we are in for serious trouble in the future. But during the grace period that will be required to adjust the necessary production of energy to the necessary control of pollutants, it will be essential that compromises be made.

In principle, the primary and secondary requirements of the Clean Air Act cannot be faulted, and they must be achieved. But there is room for doubt whether their immediate inflexible and rigid application is as vital to the needs of our society, as are the economic, industrial, and social benefits that derive from an adequate availability of energy. The President was right when he emphasized the need to relax the very rigid standards on sulfur emissions, in order to see us through the high heating months ahead. Mr. Nixon made it clear that his suggestions were made to solve an immediate problem, and that he has no thought in mind that any relaxation of clean air standards should continue after our energy necessities have been met.

I am well aware of the vital need to clean up our atmosphere. I am well aware of the need to restore our lakes, rivers, and soil to their former levels of cleanliness. Those Americans who have been in the forefront of the environmental and conservation movements are to be commended for their zeal in this regard, and our children and grandchildren will have cause to be thankful to them in the years to come. But today, as the first mornings of fall are bringing a nip into the air, we must accept the fact that many millions more Americans live in cold weather States than live in the benevolent climes of Florida or southern California. It seems to be beyond question that if we cannot burn a certain amount of high-sulfur oil and coal in our energy-producing plants—at least in some areas—this winter, a very large number of our citizens will suffer considerable privations. I do not believe that it is fair to them to subject them to this possibility, when a temporary accommodation is possible. I emphasize the term "a temporary accommodation." I am sure that the President is just as anxious as anyone else to see fulfilled the aims of the Clean Air Act, and I am sure that when the temporary energy crunch is over, the administration will move to reapply the primary and secondary emission standards that all of us, who value the future of this Nation, want to see applied across the board.

It has been said that politics is the art of compromise. It might also be said today in America that survival is the art of compromise. This is especially true when that compromise recognizes that its nature is purely temporary, and that it has become necessary only because of the immediate realities of a situation that allows no other pragmatic solution.

PROSPECTS FOR A NORTHEAST FREEZE

Mr. PASTORE. Mr. President, families in Rhode Island and throughout the Northeast face the very real threat of freezing this winter if the mandatory petroleum allocation program fails to provide for our needs.

A crisis of cruel proportion confronts these homeowners today. The total annual oil volume handled by east coast independent deepwater terminal operators is approximately 100 million barrels. Last year 80 percent of the volume of this oil came from domestic sources. This year we can count on receiving only 35 percent from this same source.

There is only one way to protect the housewife and her family—a mandatory allocation program giving the homeowner No. 1 priority. This program should provide for an increase to 70 percent of the No. 2 fuel oil storage capacity in New England.

A 70 percent capacity will assure sufficient oil at lower prices for homeowners in the Northeast States where consumption of this oil is the highest and most concentrated in the Nation.

The problem which confronts us is stated very clearly in an editorial entitled "Fair Play on Oil!" which appeared in this morning's edition of the Providence Journal. I ask unanmious consent that the editorial be printed in the RECORD as a part of my remarks.

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

FAIR PLAY ON OIL!

Shortages of fuel oil are foreseen for the coming winter months, and federal officials are predicting the crunch will be worse than last year. The situation became so acute in the Midwest then that some schools had to shut down for days at a time.

New England has long suffered higher fuel-oil costs than the rest of the country because of short-sighted and discriminatory federal regulations. Now it may find itself not only paying more but unable to get as much oil as it needs at any price.

President Nixon's energy policy office is drafting a tentative rationing plan. Early reports indicate New England may wind up with 30 per cent less of a supply than it needs, as against a 10 to 15 per cent shortage nationally.

Any such plan to continue regional discrimination cannot go unchallenged. New Englanders expect no special treatment at the hands of the federal government, but they cannot be expected to sit quietly by their cold furnaces playing Cinderella while their sister states enjoy preferred status. If state congressional delegations do not rise up in concerted protest against such discrimination, some may well find, come November 1974, that their electoral coach has turned into a political pumpkin.

Along with the requirement of fair play in rationing, a second aspect in the fuel shortage comes up for question. That is the requirement of clean air versus adequate fuel for home heating and power production. Clean air standards now in effect have ruled out the use of high sulphur content residual fuels. New England utility plants, deprived of this fuel source, have been turning to natural gas as a substitute. But now natural gas is itself in short supply, more so than last winter.

The use of natural gas during the summer months, when temperatures are high and natural ventilation over the land mass is poor, makes good sense. But the conditions that cause temperature inversions and stagnant air in summertime do not hold in the winter months, particularly along the Eastern coastal region. Would it not be feasible to lower sulphur emission standards for the winter months, allowing public utilities to burn the cheaper and more plentiful grades of residual oil, and leaving the higher grade fuel for home heating use?

Such a plan, of course, now endorsed in principle by President Nixon, should not be allowed to become an opening wedge toward making dirty air acceptable. If it were adopted, utility companies should still be required to keep pollution emissions to the lowest practical level, and use of the low-grade fuels should be limited strictly to such months and conditions as do not endanger human health.

Mr. PASTORE. The editorial points out that New England has long suffered higher fuel oil costs than the rest of the country because of shortsighted and discriminatory Federal regulations. These same regulations may cause a 30-percent reduction in supply for Rhode Island compared to a 10-percent shortage nationally. A State-by-State allocation program is under consideration by the administration.

I cannot tolerate a discriminatory policy which will leave families cold in Rhode Island this winter while families in other States are warm and comfortable. This is unfair, inequitable and intolerable.

More homes in Rhode Island are heated by oil than by any other energy source.

Federal regulations now provide for a mandatory allocation of gas to domestic homeowners. Homeowners who heat by gas, therefore, get a priority allocation.

The same humanitarian logic should apply to families who heat their homes with oil.

Today I have written to Governor Love, the Director of the Energy Policy Office, and also to the Secretary of the Interior, Mr. Morton, urging that the proposed regulations to be promulgated under the mandatory petroleum allocation program should provide No. 1 priority for the homeowners who heat with No. 2 fuel oil.

I ask unanimous consent that my letter to these gentlemen be made a part of my remarks and printed in the RECORD.

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

JOINT COMMITTEE ON ATOMIC ENERGY,
Washington, D.C., September 10, 1973.

Hon. ROGERS C. B. MORTON,
Secretary, Department of the Interior.

GOV. JOHN A. LOVE,
Director, Energy Policy Office.

(Attn: Mandatory Petroleum Allocation Program, Office of Oil and Gas, Washington, D.C.)

GENTLEMEN: I wish to submit the following brief comments on the proposed Mandatory Petroleum Allocation Program.

First, as I have stated for the past several months, I strongly favor a mandatory allocation program. If an effective program had been implemented last May or June, we would not be facing a severe heating oil crisis this winter among the independent deepwater terminal operators and independent dealers who provide the majority of heating supplies in my state.

There is still time; a mandatory program remains essential to avoid a supply crisis among independents. In addition, I firmly believe that a mandatory program, through its impact on the major international refiners, will increase total supplies and provide lower prices to consumers in New England.

Second, while I support the general format and intent of the proposed regulations, I urge that they be simplified and tightened. This program must be made to work, but I feel that the good intentions and essential objectives of the program could be undercut by an ineffective, slow or over-bureaucratic administration. Simplicity, effectiveness and prompt action to deal with individual problems of independent marketers must be the prime attributes of the administration.

Third, as to specific comments, I am aware that you are receiving a large number and variety of comments and I do not wish to add to or burden the record. Rather, I should like to state that I have reviewed the submissions of the New England Fuel Institute and the Independent Fuel Terminal Operators Association and endorse their general comments and specific recommendations. I am particularly concerned that the proposed regulations be amended as follows:

To assure that independent marketers are guaranteed 100% of the 1972 quantities from their 1972 suppliers;

To eliminate the confusing and unworkable purchaser/supplier relationship test of March 1973;

To place administration of priority allocations in the Federal Government, where it is under the voluntary allocation program.

I feel that the state by state administration of allocations will result in competing and confusing demands on individual suppliers and refiners and will lead to chaos, which would be bad for the indvidual states and increase the hardship of their citizens.

A mandatory allocation program would prevent discrimination that would result from a state by state system of fuel oil rationing.

Federal policy presently guarantees homes heated by natural gas with 100% of their needs this winter. The new Federal allocation program for propane guarantees rural homes and trailers heated by propane with 100% of their needs during the coming winter.

A rationing program would not guarantee home owners in my state and throughout the Northeast, where a concentration of No. 2 fuel oil consumption is highest, with 100% of their fuel needs.

A mandatory allocation program for No. 2 fuel oil will assure home owners in the Northeast that they will be warm this winter.

Therefore, I want to restate my support for a mandatory allocation program and urge that with the revisions I suggest, the proposed regulations be promulgated and made effective immediately.

Sincerely yours,

JOHN O. PASTORE,
U.S. Senator.

Mr. PASTORE. I trust that Secretary Morton and his staff who are handling the mandatory petroleum allocation program, as well as Governor Love at the Energy Policy Office, will make certain that the homeowners in New England are fully protected from the blasts of cold weather which we anticipate with certainty this winter.

The PRESIDING OFFICER. Is there further morning business?

ENROLLED BILL PRESENTED

The Secretary of the Senate reported that on today, September 10, 1973, he presented to the President of the United States the enrolled bill (S. 1385) to amend section 2 of the act of June 30, 1954, as amended, providing for the continuance of civil government for the Trust Territory of the Pacific Islands.

ORDER FOR ADJOURNMENT UNTIL 10 A.M. TOMORROW

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in adjournment until the hour of 10 o'clock tomorrow morning.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ROBERT C. BYRD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

RECESS UNTIL 3:40 P.M.

Mr. ROBERT C. BYRD. Mr. President, I move that the Senate stand in recess until 3:40 p.m. today.

The motion was agreed to; and at 2:11 p.m. the Senate took a recess until 3:40 p.m.; whereupon, the Senate reassembled when called to order by the Presiding Officer (Mr. SCOTT of Virginia).

QUORUM CALL

The PRESIDING OFFICER (Mr. SCOTT of Virginia). The Chair, in his capacity as a Senator from Virginia, suggests the absence of a quorum and the clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BUCKLEY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

EXECUTIVE SESSION

Mr. BUCKLEY. Mr. President, I ask unanimous consent that the Senate go into executive session.

The PRESIDING OFFICER. Without objection, it is so ordered.

THE ENVIRONMENTAL PROTECTION AGENCY

The Senate resumed the consideration of the nomination of Russell E. Train to be Administrator of the Environmental Protection Agency.

Mr. BUCKLEY. Mr. President, I rise to speak on behalf of the nomination of Mr. Russell Train as Administrator of the Environmental Protection Agency. It so happens that it has been my good fortune to have worked closely with Mr. Train on a number of environmental issues over the past 3 years while he was serving in his capacity as Chairman of the CEQ.

I can state from my own knowledge of the man that it would be hard to find an individual with greater personal character and integrity. More than that, he possesses a quality of fairness of mind and a willingness to observe and to study all the facts and then to come to a judgment based on those facts. I consider that these qualities are of particular importance in the responsibilities which he has been asked to assume by the President.

Mr. President, I compliment Russell E. Train on his nomination to the post of Administrator of the Environmental Protection Agency and to commend him to my colleagues. The President has made an excellent choice; Congress ought, as I am confident it will, to confirm Mr. Train's nomination without hesitation.

I would like at this time to record my great personal admiration and affection for Russell Train. Since my arrival in Congress almost 3 years ago, I have worked closely with him on a number of the most critical environmental issues facing the Nation. I know him to be a man of outstanding character and integrity. I also know him to be openminded and fairminded. He has the capacity to examine the facts and to render judgments based on them. Certainly, I would be hard put to name an individual with better credentials for handling the awesome responsibilities vested in the Administrator of the EPA.

As Chairman of the first Council on Environmental Quality, Russell Train played a major role in the development of virtually all of the numerous legislative initiatives offered by the Nixon administration in the field of environmental protection and conservation. He will now be in the unique and demanding position of administering the execution and enforcement of those landmark environmental laws. I know him to have the fairness of mind and the judgment that are so essential to the position he is assuming.

Mr. President, I would like to take this opportunity to identify what I believe will be one of the most significant aspects of the Administrator's responsibilities at this point in EPA's history. As the implementation of our environmental laws begins to place constraints on the traditional ways in which we produce goods and services and move about the country, a certain amount of resistance to this legislation is becoming evident.

In the emerging debate over the restrictions mandated by existing laws and regulations, the two major questions to be asked will be: First, how adequate is the base of scientific information on which a given environmental objective is based? and, second, are the benefits to be derived from the control of pollution worth the heavy costs required to achieve that objective? Adequate answers to these questions will become essential if we are to sustain the public's acceptance of the need for serious, concerted efforts to protect and improve the environment.

This is something that Mr. Train fully understands. In fact, he chose one of his first appearances to emphasize this point. He told a group from the National Academy of Sciences that he wanted to underscore his own understanding that only if they were based on firm scientific ground could the EPA's regulations have public support and credibility. He also stressed the need to be able to demonstrate the reality of the environmental benefits that the public will be asked to pay for.

As members of the Committee on Public Works know, the need for adequate scientific research, particularly on the health effects of various pollutants, was stressed by Mr. Train throughout his confirmation hearing. In his opening presentation he stated:

> I believe a commitment to improving the data base for standards rates a very high priority.

He further remarked:

> Adequate monitoring is absolutely critical . . . It is only natural for the Congress and the public to want to know where we stand in efforts to clean up the environment, and I believe every effort should be made to develop the machinery to make that information available accurately and promptly.

I have no doubt that Mr. Train, as Administrator of the Environmental Protection Agency, will pursue these priorities diligently. This should do much to allay the concerns which I have shared with the chairman of the Air and Water Pollution Subcommittee, Senator MUSKIE, that the Environmental Protection Agency might be tempted to stretch its funds by cutting back in its research and monitoring efforts. I am confident, Mr. President, that Russell Train is fully alert to the need for sound information as a basis for sound national environmental policy. I am equally confident that he will demonstrate himself in every respect to be an able, fairminded administrator of our environmental laws.

Mr. President, I do urge my colleagues to give Mr. Russell Train their full measure of support in this position. I believe that he will show that he has the wisdom, understanding, and vision required to lead us on a balanced approach to the enforcement of the landmark environmental laws enacted by the Congress during the past few years.

Mr. HATFIELD. Mr. President, I want to applaud the President's action in nominating Russ Train to be Administrator of the Environmental Protection Agency. He has provided the Nation with outstanding environmental leadership as Chairman of the Council on Environmental Quality and I know that he will continue to provide that leadership in his new office. This is a crucial period of our environmental history, as we get down to the business of implementing the air, water, and noise pollution laws we have passed. I have great faith in Russ Train to do a good and fair job at the Environmental Protection Agency.

There is one issue which should concern all Members of this body over which I have differed strongly with the EPA. In the Northwest, we are witnessing the defoliation of some 800,000 acres of forest lands by the tussock moth. The immediate results are the tragic loss of a great natural resource and its obvious esthetic value. This destruction also means a loss of timber for housing, watershed protection, and an increased fire hazard.

The only known solution to the tussock moth is DDT. We outlawed use of this chemical in the Federal Environmental Pesticide Control Act of 1972, an action which I supported. However, we also, and I believe very wisely, included in section 18 of that legislation provisions for an exemption to this ban for emergency situations.

In my view, and in the view of the States of Oregon and Washington, the Forest Service, Secretary of Agriculture Butz, and most citizens who are directly affected by the tussock moth, this destruction is indeed an emergency situation. There have been two applications filed with EPA for a section 18 exemption: The first by the States of Oregon and Washington, together with the Forest Service; the second was filed by the city of Walla Walla, Wash., and the city of Milton-Freewater, Oreg., for the more limited use of DDT for a period not to exceed 60 days.

The Environmental Protection Agency has turned down both applications. EPA officials have insisted that DDT is not necessary, that the outbreak will not last longer than this, its third, year. They have proposed that Zectran be used instead. But the results have been further defoliation. Now, the tussock moth is threatening forests in Idaho and in the Colville Indian Reservation in the State of Washington.

As Russ Train knows, I will be a thorn in EPA's side until this decision is reversed. I believe that all the evidence exists to reverse the decision and I have asked Mr. Train to visit the area personally. It is extremely important that those responsible for the decision should observe the facts personally.

In conclusion, Mr. President, I know Russ Train to be a good man and a fair man. I have great faith in his ability to utilize these qualities during the period of his administration of the Environmental Protection Agency. And I have real hope that he will review and reverse the earlier decision relating to the use of DDT to control the tussock moth.

Mr. DOMENICI. Mr. President, I am most proud to vote with my colleagues in

the Senate today to confirm Mr. Russell Train as Administrator of the Environmental Protection Agency. Mr. Train brings the experience and dedication the EPA will need to guide it through the difficult problems it will be facing in the next few years. There will be great conflicts: Our energy demands versus our desire to preserve the environment; the rights of private property versus the need for land use planning; our need for clean air versus our need for transportation. There are solutions to these conflicts that both sides will accept.

I am confident that under Mr. Train's guidance those on both sides of the issues will be able to work out mutually agreeable solutions that will benefit all Americans today and in the future. We are entering a new phase in the environmental picture. The initial cries of "clean up the environment at all costs" have changed. Americans are beginning to face the realities of cost and the potential change in their life-styles. We are faced with a job, we are weighing the consequences, and we will arrive at solutions. I can think of no better man to lead us through this period than Mr. Train. I am most pleased to congratulate him on his confirmation today.

Mr. CRANSTON. Mr. President, I rise in firm support of the nomination of Russell E. Train to head the Environmental Protection Agency.

Senators of both parties have been frequently disappointed at the quality of the nominations sent us by this administration to fill key Government posts.

So a nominee of Mr. Train's caliber, to lead one of the Federal Government's most critical efforts, can be greeted with both enthusiasm and confidence.

Mr. Train's nomination comes at a time when our environmental problems seem to outweigh our ability to find solutions. The way we approach these challenges in the days and years ahead will determine not only where America moves, but if America moves at all.

In his former capacity as Chairman of the Council on Environmental Quality, Mr. Train demonstrated both diligence and sensitivity. His work with the Council was, indisputably, first class.

I hope we can expect no less of Mr. Train as Administrator of EPA. He knows the environmental goals we have set. He knows that our responses to the problems ahead will be often controversial, frequently costly, and always demanding of keen thinking and courage.

The job of EPA Administrator is a tough one, calling for sensitivity and vision.

In Russell E. Train, President Nixon has, I believe, selected the right man.

Mr. MATHIAS. Mr. President, I am particularly pleased to support the nomination of Mr. Russell Train as Director of the Environmental Protection Agency.

Several Senators have already spoken on his numerous accomplishments in the field of conservation, and clearly the list is both long and distinguished. It includes his important contributions during the past 3 years as Chairman of the Council on Environmental Quality, his great assistance in the enactment of legislation by the Congress to enhance the quality of our air and water, his efforts during the negotiations which resulted in the agreement among 96 nations on the Convention on the Protection of Endangered Species, his service as president of the Conservation Foundation, and his founding of the African Wildlife Leadership Foundation.

But I am particularly pleased that Mr. Train brings to his new task not only years of devotion to the wise conservation of our natural resources, but also the special inspiration of residing in one of the most beautiful regions of our country, the Eastern Shore of Maryland. This is a region where the people truly appreciate the elements: Land, water, and air. As Mr. Train finds the time to tend to his duties as a farmer in Talbot County, I am confident that the influence of the Eastern Shore of Maryland will constantly renew his leadership in guiding our Nation's environmental protection efforts.

Mr. JACKSON. Mr. President, it gives me great pleasure to speak in favor of the nomination of the Honorable Russell E. Train to be Administrator of the Environmental Protection Agency. I can think of no man who has dedicated himself more to public service. Beginning with his service on Capitol Hill as legal counsel to the Joint Committee on Internal Revenue Taxation, Mr. Train has spent a quarter of a century in service to his Nation in all three branches of Government—legislative, judicial, and executive.

Above all else, Mr. Train is a most distinguished member of the conservation community. He has served that community within and outside of government—first, as president of both the African Wildlife Leadership Foundation and the Conservation Foundation, and then as Under Secretary of the Interior.

But, Mr. President, the conservation cause is most indebted, and I am personally grateful, to Mr. Train for his service as the first Chairman of the Council on Environmental Quality. In 1969, Congress passed a measure for which I fought long and hard: The National Environmental Policy Act. I take pride in that act. However, no one has done more to insure its strength and vitality than Russell Train. The act created the Council on Environmental Quality, and the President could have made no better choice for its first Chairman. As Chairman, Mr. Train has not only labored continuously to meet and master environmental problems here at home, but also has served as an ambassadorship of peace.

I would like to extend a personal note of thanks to Mr. Train for his leadership in relation to the National Environmental Policy Act and for the assistance and support he has given me in the effort to enact a national land use policy act.

Mr. President, I wish to add just one word of caution. It is my sincere hope that the departure of Russell Train from the Council on Environmental Quality does not in any way presage a diminishing of the strength of the Council. I expect the President to continue to emphasize the importance of the Council by nominating a worthy successor to Mr. Train and by encouraging the hiring of well-qualified persons to replace recently departed staff members. The Council must continue to exercise a leadership role in the fight for environmental quality and it can only do so when the President gives it his entire support and receives and acts upon its advice.

I commend Mr. Train to my colleagues as a most worthy successor to Mr. Ruckelshaus and offer him my support in the difficult trials which most certainly will be before him in his new position.

Mr. PACKWOOD. Mr. President, it gives me great pleasure to join my colleagues in confirming the nomination of Russ Train to be the new Administrator of the Environmental Protection Agency.

I have known Russ Train since I came to the Senate in 1969. Widely known and respected among Oregon conservationists, he has developed a well-deserved reputation as a man in whom we can confidently place the reins of this Nation's environmental future. He possesses sound reason and solid judgment. When we disagree, as we may do on a rare occasion, I know it is only because he is listening to his conscience and his sincerely held beliefs.

I urge my fellow Senators to join me in supporting Russ Train's nomination.

Mr. NELSON. Mr. President it is a pleasure to support the nomination of Russell Train as Administrator of the Environmental Protection Agency. In a series of important posts, Mr. Train has provided effective national leadership in the environmental issue. He was president of the Conservation Foundation, a respected environmental research and education organization in Washington. He served as Under Secretary of the Interior, confronting complex environmental and resource questions on a daily basis.

Because of his distinguished record in environmental affairs, Mr. Train was named by the President and readily confirmed by the Senate as the first Chairman of the President's Council on Environmental Quality, one of the two or three most important environmental posts in the Government. Among his additional environmental duties, Mr. Train served ably as the head of the U.S. delegation to the U.N. Conference on the Human Environment in Stockholm last year.

In these positions of high public responsibility, Mr. Train has shown great environmental understanding and sensitivity, as well as toughness and sound judgment, qualities which are essential in the difficult and challenging post of EPA Administrator.

Mr. President, it is becoming more evident every day that the environmental crisis is not the "motherhood" issue that it once may have seemed to those who did not understand its broad implications. The environmental and energy issues currently are posing some of the hardest choices and most difficult tests of public understanding and judgment ever faced in this country's history.

In its role as implementer and caretaker of many of the national programs which have been launched to deal with the enviromnental and energy challenges, the Environmental Protection Agency has been and will continue to be

one of the vital centers of action and responsibility in the Federal Government. It is good to know that one of the country's finest environmental leaders will be serving in this key position.

EPA—THE DELICATE BALANCE

Mr. McINTYRE. Mr. President, I am pleased today to have the privilege of supporting Russell Train as Administrator of the Environmental Protection Agency. Mr. Train's record in the environmental field is one which deserves great respect. His work as founder of the African Wildlife Leadership Foundation, president of the Conservation Foundation, Under Secretary of the Interior, as well as Chairman of the Council on Environmental Quality prove that he can provide trustworthy council to the President and skillful administration to EPA.

In the years since passage of the National Environmental Policy Act, we have started to bring about substantial reforms. I view these coming years as a real test to see if business and environmentalists can work jointly, drawing upon the expertise of each, to establish sensible environmental standards. It is this delicate balance which the Administrator of the EPA will be charged with.

I view with deep concern the message from the President calling for a hasty retreat from our clean air standards. If the true concern expressed by the President is for increased home heating oil, I suggest that he act with the authority given him by the Congress and develop a mandatory oil allocation program.

I offered an amendment to the Economic Stabilization Act which was accepted by the Senate Banking Committee and was contained in legislation signed by the President providing the authority to allocate petroleum products. Unless corrective action is taken immediately a heating oil shortage of crippling magnitude will develop this winter.

Only through the establishment of mandatory allocation procedures will the Government be able to handle a situation of this proportion. The President must attack the energy crisis where results will be productive—not by hiding behind repeal of the air quality standards.

Russell Train must prepare himself to be the mediator—balancing the pressures of industry and the crying needs of our environment. I admire his willingness to accept this challenge and I look to Russell Train for real leadership in this delicate role.

Mr. BEALL. Mr. President, the nomination of Russell E. Train to be Administrator of the Environmental Protection Agency should be looked upon as a reaffirmation of this administration's commitment to improve the quality of life for all Americans. Mr. Train's qualifications for this position are apparent in the outstanding job he has done during the past 3½ years as Chairman of the Council on Environmental Quality. As a former member of the Committee on Public Works, I had several occasions to work with Mr. Train, particularly as we worked on the Water Pollution Control Act. I know that he has won the respect of Congress, the executive branch, the business community and the many private citizens with whom he has worked and to whom he has spoken in carrying out the responsibilities of the office which he is leaving in order to assume his new duties at EPA.

Mr. President, Russell Train is moving into a job that will require the highest degree of experience, efficiency and integrity in coping with some of the most complex problems that face our Nation. We are confronted with the dilemmas of fuel shortages and the environmental effects of our search for energy sources; of air quality standards and the present-day realities of urban transportation; of land use and the prerogatives of individuals and local governments. Solving these and other problems will not come easily, nor will it come quickly, but I believe we will be moving ahead confidently under the tutelage of Mr. Train. I am happy to support this nomination and wish him well in his new position as Administrator of the Environmental Protection Agency.

Mr. ROBERT C. BYRD. Mr. President, prior to the August recess, I met with Mr. Russell E. Train to discuss his nomination to the office of Administrator of the Environmental Protection Agency. Following up on that conversation, I wrote to Mr. Train on August 24, 1973, and raised certain questions, to which he replied in writing on September 4, 1973.

In his September 4, letter, Mr. Train stated that the specifics with reference to "a clarification of EPA policy on supplementary or intermittent control systems" were still under review, but that EPA—SCS—"will announce its policy later this week."

On September 5, 1973, copies of two Federal Register notices concerning supplementary control systems—SCS—and secondary SO_2 standards, were supplied to me in a letter written by Mr. Robert G. Ryan, Acting Director, Office of Legislation, U.S. Environmental Protection Agency.

Mr. President, I shall vote for the nomination of Mr. Train, and I ask unanimous consent that the aforementioned letters and Federal Register matter be included in the RECORD at this point.

There being no objection, the letters and Federal Register material were ordered to be printed in the RECORD as follows:

ENVIRONMENTAL PROTECTION AGENCY,
August 24, 1973.

Hon. RUSSELL E. TRAIN,
Council on Environmental Quality,
Washington, D.C.

DEAR MR. TRAIN: During our recent conversation, several questions came up, the answers to which you pointed out were not yet clear, simply because of the need to review the Clean Air Act in more detail. Hopefully in the interim, you have had the opportunity to review the following.

In many instances, states have chosen to select a 0.7% sulfur limit for both new and existing plants based in the main on the limitation set by EPA for new plants. Unfortunately, lacking adequate control technology, utilities have been forced to cease the use of much of the coal from the state I represent. In light of the present energy situation, do you plan to suggest any extension of time frames or modification of these limits by EPA for new units, or directives to states suggesting similar actions at their level for existing units?

In response to a question from Senator Hansen, you noted that alternate control strategies such as intermittent control systems could, in your view, be allowed if they were reliable and enforceable, but you then also stated that EPA was considering a revised policy in which such systems could be used "where there is no reasonable alternative." If the systems are in fact reliable and enforceable, why should EPA limit their use to only these situations when there is no reasonable alternative?

I have heard limited discussion of a proposed EPA Clean Fuels Policy which, hopefully, could overcome some of the problems related to solving both the nation's energy and environmental problems. Could you supply me with a brief review of this policy and, if possible, note the energy groups that may have had input into the decisions involved in that policy?

I have heard that much of the environment/energy debate is really not with the health standard, but with the secondary or welfare standard. The White House has called for a relaxation of that standard, yet the *Washington Post* (date of August 24, 1973) reported that EPA Assistant Administrator Robert L. Sansom said that, if anything, the secondary sulfur oxide standard under consideration would be "more strict." I would like your thoughts on any such proposed action, specifically the basis for "more strict" sulfur limits.

It has been reported to me that there are instances when EPA Washington headquarters personnel and EPA regional offices seem at odds in their responses to state officials. Do you plan any improved liaison between EPA-Washington, the regions and the state control groups?

Sincerely yours,

ROBERT C. BYRD,
U.S. Senator.

COUNCIL ON ENVIRONMENTAL QUALITY,
Washington, D.C., September 4, 1793.

Hon. ROBERT C. BYRD,
U.S. Senate,
Washington, D.C.

DEAR SENATOR BYRD: Thank you for your letter of August 24 asking for further elaboration of my views on a variety of issues related to impediments to the use of coal.

First let me explain EPA's Clean Fuels Policy. Last fall EPA completed its analysis of whether sufficient coal supplies of appropriate sulfur content would be available to meet State sulfur regulations effective in 1975. That analysis indicated that sufficient supplies of sulfur removal equipment and low sulfur coal would be available to achieve the primary health related, standard by 1975. However, supplies would not be sufficient to meet goals of achieving secondary standards or better in that short a time frame.

In recognition of the need to minimize the pressures on available supplies and to discourage undesirable switching from coal to oil, EPA adopted a policy of urging the States to delay implementation of sulfur regulations applying to coal-fired sources related to achievement of secondary sulfur dioxide standards beyond 1975. This position was supported in the President's first Energy message this year.

EPA has been working actively with the States whose regulations impacted most severely on coal burning facilities located in areas where attainment of the primary air quality standard was not at issue. In most instances, those activities will result in a relaxation of the stringency or timing of the previously adopted control regulations and permit the burning of higher sulfur content fuel than was previously possible. For this approach to succeed over the long run, it will be necessary for the electric utilities to make a greater commitment to the installation of stack gas cleaning devices than heretofore. EPA is also providing modeling support to the States in order to aid in efforts

to "tailor" sulfur content regulations to meet the primary health standards. This effort is designed to correct the problem of possible overcontrol you cited in the second paragraph of your letter.

We are now in the process of revoking the secondary annual average standard for sulfur dioxide. The observation as to a "more strict" secondary standard attributed to Mr. Sansom related to the possible need for a revised short term standard to protect against vegetation damage. Neither the revocation of the annual average standard nor a proposal of a new short term standard would be expected to have any major impact on existing State regulations.

You also ask for a clarification of EPA policy on supplementary or intermittent control systems. The specifics of this issue are still under review, and EPA (SCS) will announce its policy later this week.

With respect to your observation about conflicting responses from EPA headquarters and EPA regional offices on State officials' concerns, I am sure that in a decentralized organization such as EPA such differences will occur from time to time. This is particularly true in areas where new policy or programs are under development. To minimize such problems, the Agency holds periodic headquarters/regional office meetings, and the EPA headquarters staff meets regularly with the executive committee of the State and Territorial Air Pollution Program Administrators.

In sum I think that EPA has pursued a reasonable approach with respect to the ancillary problems of energy and of coal in particular within our overall mission of environmental protection as defined by the law and the courts. I believe that recent evidence that coal production is again moving upward is consistent with the success of this policy, although more fundamentally it reflects the resolution of the many production and comparative price problems that have limited the use of coal in recent years.

I hope these comments are useful to you. I shall see to it that you are supplied with a full report when our SCS announcement occurs. I will of course be happy to meet with you again to discuss any matter within EPA's jurisdiction which is of interest to you.

Sincerely yours,

RUSSELL E. TRAIN,
Chairman.

U.S. ENVIRONMENTAL
PROTECTION AGENCY,
Washington, D.C., September 5, 1973.

Hon. ROBERT C. BYRD,
U.S. Senate,
Washington, D.C.

DEAR SENATOR BYRD: I am enclosing copies of two Federal Register notices concerning Supplementary Control Systems (SCS) and secondary SO_2 standards. These notices will be the subject at a press conference by John R. Quarles, Deputy Administrator of EPA, scheduled for 11 a.m. on Thursday, September 6.

If you have any questions concerning these regulations, I would be happy to arrange a briefing for you at any time which is convenient for you. My telephone number is 755-2930.

Sincerely yours,

ROBERT G. RYAN,
Acting Director, Office of Legislation.

Enclosures.

[40 CFR PART 51]

ENVIRONMENTAL PROTECTION AGENCY—PREPARATION, ADOPTION, AND SUBMITTAL OF IMPLEMENTATION PLANS USE OF SUPPLEMENTARY CONTROL SYSTEMS AND IMPLEMENTATION OF SECONDARY STANDARDS

On August 14, 1971 (36 F.R. 15486), the Administrator promulgated as 40 CFR Part 420, regulations for the preparation, adoption, and submittal of State Implementation Plans (State plan guidelines) under Section 110 of the Clean Air Act, as amended. These regulations were republished November 25, 1971 (36 F.R. 22398), as 40 CFR Part 51. The amendments proposed herein would revise 40 CFR Part 51 by making certain modifications and additions.

The proposed amendments would allow selective use of supplementary control systems as a means of attaining and maintaining the national ambient air quality standards (referred to hereafter as "national standards") in cases where permanent production curtailment, shutdown, or delays in attainment of the national standards are the only other alternatives. The proposed amendments also clarify policies on the use of increased stack height to take advantage of the dispersive effects of the atmosphere; modify the definition of "reasonable time" for attainment of secondary national ambient air quality standards; and modify guidelines for preparation of future State Implementation Plan revisions related to attainment and maintenance of national standards for sulfur dioxide and particulate matter.

SUPPLEMENTARY CONTROL SYSTEMS

Supplementary control systems, as addressed herein, are system whereby the rate of emissions from a source is curtailed when meteorological conditions conducive to high ground-level pollutant concentrations exist or are anticipated. Supplementary control systems continuously monitor emissions, meteorological conditions, and ambient air quality in the vicinity of the source, and, by combining these and other data in an appropriate prediction model, provide a procedure for estimating the ambient air quality which would exist in the future. Integral to supplementary control systems are comprehensive and enforceable emission limitation criteria and source control procedures to insure that emissions are curtailed at the times and to the extent necessary to attain and maintain the national standards regardless of meteorological conditions. Systems of this general type have been discussed in the past under various terminologies such as "intermittent control systems," "various controls systems," etc., and have not been previously considered acceptable for maintenance of the national standards.

The previous Environmental Protection Agency position on supplementary control systems was set forth in the *Federal Register* on July 27, 1972, (37 F.R. 15095), as follows:

". . . At this time, it (supplementary control) is not considered an acceptable substitute for permanent control systems for attaining and maintaining national standards. Experience with systems employing intermittent process curtailment indicates that although air quality is improved, violations of ambient air quality standards still occur. Additional experience with these systems may, however, in specific cases improve this reliability."

Analysis of data such as these indicates that incorporation of the design and enforcement features required by these proposed regulations and the proposed Appendix P would insure that such systems would be reliable means of attaining and maintaining the national standards in carefully selected situations. Furthermore, given the limitations on availability of stack-gas cleaning systems and low-sulfur fuels over the next few years, the difficulty in retrofitting some facilities with stack-gas cleaning systems, and the distribution/allocation problems associated with low-sulfur fuels, it would be undesirable to rely solely upon these methods to attain and maintain the national standards in cases where supplementary control systems could be applied in an equally reliable and enforceable manner. Also, since the availability of stack-gas cleaning systems and low-sulfur fuels is, in part, a function of time (e.g., the time required to design, build, and install hardware without unduly disrupting production of electric power, and the time required to develop new fuel sources), their availability will improve with time. The use of supplementary control systems in selected situations could, therefore, result in attainment of the national standards in a shorter time than would otherwise be possible.

These proposed regulations impose stringent limitations on the types of sources and situations for which use of supplementary control systems may be considered acceptable. These limitations are based on two principal considerations: First, supplementary control systems will be allowed only in situations where their use is necessary to augment constant emission limitation techniques which are available to a specific source, and only until completely adequate constant emission limitation techniques become available; that is, in situations wherein the sole alternatives are either permanent production curtailment or delay of an attainment date for the national standards. Second, supplementary control systems will be allowed only in situations where they will exhibit a high degree of reliability and can be made legally enforceable; that is, where the emission sources can be readily and unequivocally indentified.

These considerations preclude use of supplementary control systems to control carbon monoxide and particulate emissions; constant emission reduction techniques and equipment capable of adequately reducing such emissions are widely used and can be considered available for application to all sources. Although temporary shortages of low sulfur fuel oil may occur during the next several years, techniques for producing low sulfur oil are expected to become sufficiently available so that the use of supplementary control systems for oil-fired boilers will not be necessary.

The requirement for enforceability precludes the use of supplementary control systems to control hydrocarbon and nitrogen oxides emissions. Hydrocarbons and nitric oxides are precursors to photochemical oxidants and nitrogen dioxide. Formation of the latter two pollutants is a result of complex photochemical processes involving atmospheric conditions which may be highly variable and requires the interaction of pollutants from a variety of sources, including motor vehicles. The contribution of one precursor source to the resultant photochemical oxidant or nitrogen dioxide concentration cannot be defined with sufficient confidence to ensure enforceability, nor is it likely that any source owner or operator would be willing to accept sole responsibility for attaining and maintaining the national standards for photochemical oxidants or nitrogen dioxide throughout the area potentially influenced by that source's emissions.

Finally, if supplementary control systems are to be reliable, a strong predictive relationship must be established between the user's emissions and the ambient air quality in the affected area. This predictive relationship cannot be established with confidence if other sources have a significant impact on air quality in the area. Hence, the enforceability requirement can only be satisfied for supplementary control systems applied to a source sufficiently isolated from others that the owner or operator is willing and able to accept full legal responsibility for maintaining the national standards throughout the area in which emissions from that source influence ambient air quality. It is essential that this area be carefully defined on a case-by-case basis. In a few instances, it may be possible for two or more sources to implement a supplementary control system jointly, and thus share responsibility for the ambient air quality. The regulations proposed herein are not intend-

ed to prevent this type of arrangement so long as the appropriate conditions, including enforceability, are met. It should be noted, however, that designing and operating a system involving more than one source increases the complexity of this technique. These criteria, therefore, generally restrict consideration of supplementary control systems for application to only a small number of isolated sources of sulfur dioxide.

The regulations proposed herein would also require demonstration by each candidate source on a case-by-case basis that adequate constant emission reduction techniques are not available to attain and maintain the national standards, and that those techniques which are available would be applied to permanently reduce emissions to the maximum extent practicable prior to application of supplementary control systems. Further, these regulations would require that each source or system of sources utilizing a supplementary control system support and participate in an appropriate research, development, engineering, and demonstration program to insure that the supplementary control system can be replaced by constant emission limitation techniques as soon as possible. In cases where the source is subject to a current compliance schedule, good faith efforts to achieve that schedule should be attempted prior to resorting to a supplementary control system. If a supplementary control system is found to be necessary, the revised compliance schedule should contain the major applicable milestones associated with the program to obtain constant emission limitation techniques. It is not intended that accomplishment of the milestones be legally binding, because in many cases the schedule for a particular phase may be dependent upon the results of a previous phase. However, the milestones should be sufficiently definitive so that the progress of the program can be included in the annual review of the supplementary control system performance as specified in these regulations.

Obviously, the necessity for the continued application of supplementary control systems must be reassessed from time-to-time in consideration of the increasing availability of constant emission limitation techniques. The proposed regulations require that this reassessment be accomplished at least once during each five-year period in addition to the annual review of the source's efforts to replace the supplementary control system.

Supplementary control systems will not be authorized for new or modified sources. It is intended that in all cases, new sources be properly designed, located, and constructed with constant emission limitation techniques adequate to maintain the national standards.

However, in the Administrator's judgment it does not appear to be in the public interest to require shutdown or permanent curtailment of production for existing sources which could use supplementary control systems to temporarily attain and maintain the national standards. For example, many existing non-ferrous smelters would require emission reductions in excess of 90 percent in order to avoid violations of the national standards for sulfur dioxide during all adverse meteorological conditions. In general, constant emission limitation techniques capable of achieving this degree of emisson reducton are not available for every smelter. The alternatives in most cases will be either to close these facilities (or drastically curtail production), or apply supplementary control systems. Weak gas stream scrubbing and process changes may become available for application to many non-ferrous smelters in the future. However, at this time, available control technology for most non-ferrous smelters consists of operation of by-product sulfuric acid plants to control emissions from strong gas streams. The regulations proposed herein require that, where by-product sulfuric acid plants are impractical on sources currently violating the NAAQS, procedures such as permanent production curtailment must be implemented to permanently reduce emissions to the level attainable with acid plants. This level must be achieved through permanent emission limitation procedures; if further reductions are still necessary to meet national standards, and cannot be achieved through other control techniques, then a supplementary control system would be required until constant emission limitation techniques become available. It is estimated that the majority of the major non-ferrous smelters in the country will require and qualify for supplementary control systems to attain the national standards.

A similar, though less severe, situation exists for a few coal-fired electric generating plants which, if not allowed to use supplementary control systems, would have to either delay attainment of the standards or permanently curtail power production in order to accommodate adverse meteorological conditions occurring only a few percent of the time. Conventional sulfur oxides control techniques for coal-fired electric generating plants include stack-gas cleaning and use of low-sulfur coal. Stack-gas cleaning to control sulfur oxides emissions is considered "adequately demonstrated" for the purposes of section 111 of the Clean Air Act and therefore was the basis for the new source performance standards promulgated December 23, 1971 (36 F.R. 24876). Sulfur oxides scrubbing equipment currently is being installed at a number of new and existing electric generating plants, and its use at existing facilities will be increased gradually over the next few years. However, there are practical limitations to this technology including: Sulfur oxides scrubbing is relatively new technology which means, among other things, that each installation must be individually designed to a much greater extent than is necessary for most other air pollution control systems; there are limitations on control equipment manufacturers' capacity to design, build, and install sulfur oxides scrubbing equipment on a retrofit basis; and, perhaps most importantly, the retrofit of available equipment is not currently possible on all existing coal-fired electric generating plants. Neverthless, EPA continues to believe that sulfur oxides scrubbing is completely appropriate and available for use in most situations where adequate amounts of low-sulfur fuel are not available. As for the use of low-sulfur coal, the limitations on its availability impose definite constraints on its use as a sulfur oxides control technique at this time. Low-sulfur fuels cannot be considered available for all coal-fired electric generating plants in all sections of the country.

Accordingly, demonstration that stack gas cleaning and low-sulfur (and desulfurized) coal are not available for use by a specific source will have to be evaluated on a case-by-case basis. It is estimated that less than 50 coal-fired electric generating plants would qualify for supplementary control systems under these criteria.

Concern has been expressed that the approval of supplementary control systems could tend to inhibit further development and application of improved constant emission limitation techniques. However, the vast majority of sulfur dioxide sources cannot meet the criteria required for use of supplementary control systems. Hence, there are many hundreds of sulfur dioxide sources which must attain and maintain the national standards by use of constant emission limitation techniques. These will provide sufficient stimulus for development and application of new and improved techniques. Also, a condition for the use of a supplementary control system will be support of a research and demonstration program by the firm operating the source to accelerate the development of constant emission reduction technology applicable to the source.

The Administrator recognizes that there are several unquantified factors which could cause the widespread use of supplementary control systems to be undesirable. The effect of total atmospheric loading of sulfur oxides is of particular concern: It includes the impact of suspended sulfate formation, acidification of soil and water, visibility reduction, and changes in background concentration. It is not currently possible to quantify these effects of atmospheric loading, nor is it possible to accurately estimate the impact of supplementary control systems on total atmospheric loading. It is for this reason, in addition to the implied preference in the Clean Air Act, that attainment of the national standards through constant emission reduction is preferable to use of supplementary control systems.

It should be emphasized that these proposed regulations merely allow States to give appropriate sources the option of using such systems as a temporary measure to attain and maintain national standards. EPA cannot and would not require States to offer this option. Moreover, each request for approval to use such a system would have to be evaluated individually by the State agency, and State approval will be subject to review and approval by EPA. In addition, it must be recognized that the monitoring and enforcement efforts will be more extensive and, therefore, more costly than in cases where constant emission limitation systems are used. Accordingly, States are encouraged to require licensing of supplementary control systems and to impose fees to defray the additional monitoring and enforcement costs.

Section 110(a)(2) of the Clean Air Act requires that State Implementation Plans must include "emission limitations, schedules, and timetables for compliance with such limitations, and *such other measures as may be necessary* to insure attainment and maintenance of such primary or secondary standard, including, *but not limited to*, land-use and transportation controls" (emphasis added). It is the Administrator's judgment that the use of supplementary control systems is in certain situations a "necessary" measure as authorized by the Act. Because such systems can be designed and operated in such a way at to be a reliable means of attaining and maintaining national standards in selected situations, it would serve no stated purpose of the Act to prohibit their use where no other reasonable alternatives exist.

While the Administrator is well aware that questions have been raised as to the legal basis for allowing the use of supplementary control systems, it is his judgment that their use, under the conditions set forth in these proposed regulations, is fully consistent with the purposes and provisions of the Clean Air Act and is in the best interests of the public.

ACCEPTABILITY OF INCREASED STACK HEIGHT

Effective and reliable operation of a supplementary control system often can be enhanced by increasing the stack height beyond what would normally be considered good engineering practice. For purposes of this discussion a stack which conforms to good engineering practice is sufficiently tall that emissions from the stack are not significantly affected by the atmospheric downwash, eddies, or wakes created by the facility or nearby structures and terrain. Emissions from stacks which are shorter than required by good engineering practice often can cause excessively high ground level concentrations and nuisances within, and in the immediate vicinity of, the facility. For fairly level terrain, good engineering practice will normally result in stack height approximately two and one-half times the height of the facility and nearby obstructions. For more complex situations, this rule-of-thumb is too simplistic, and detailed engineering and meterological investigations of the proposed site should be conducted to determine the appropriate stack height. The use of stack height up to the level of good engineering practice is encouraged by EPA in order to avoid local nuisances.

But although the Environmental Protection Agency will accept existing stacks, it will not credit, as an acceptable portion of an air pollution control strategy, any extension of stack height beyond that of good engineering practice unless the extension is accomplished as part of an approved supplementary control system.

DEFINITION OF REASONABLE TIME

The revisions proposed herein also modify the definition of "reasonable time" for attainment of secondary standards by specifying that "reasonable time" shall be the time required to design, fabricate, and install reasonably available control technology, as defined in Appendix B to the State plan guidelines (40 CFR 51). States may postpone application of such measures only in cases where the control strategy would have a severe adverse economic or social impact. The Administrator expects such postponements to be rare, but they may be required in special cases to prevent plant shutdown or to prevent massive replacement of recently installed equipment which would result in an inequitable economic impact. Any postponement beyond January 1, 1978, must be subject to periodic reevaluation at five-year intervals.

FUTURE REVISIONS TO CONTROL STRATEGIES

The proposed regulations would establish more stringent requirements for future demonstrations of attainment and maintenance of standards for particulate matter and sulfur dioxide. Diffusion modeling would be required for use in estimating maximum concentrations, and the areas in which these concentrations occur, unless application of a diffusion model is shown to be inappropriate. The alternatives to diffusion models, such as the simple rollback techniques which have been used and accepted in the past, are particularly inappropriate for prediction of the short-term peak concentrations which are a major factor in detailed analyses of air quality around large point sources.

The use of "example regions" would also be eliminated in revisions to sulfur dioxide and particulate matter control strategies. This concept was necessary and acceptable during the initial development of State Implementing Plans, but it can result in inadequate analysis of the impact of large point sources. Elimination of the "example region" concept is intended to lead to better understanding and solution of air quality control problems in regions not initially selected as examples.

These changes would apply only to future revisions to particulate matter and sulfur dioxide control strategies. The currently approved State Implementation Plans have been reviewed and are considered necessary and adequate to attain and maintain the national ambient air quality standards. The proposed regulations would not require that revisions be submitted solely in order to redemonstrate adequacy of these control strategies under the revised guidelines.

PUBLIC PARTICIPATION

Interested persons are encouraged to participate in this rule-making by submitting written comments in triplicate to the Office of Air Quality Planning and Standards, Environmental Protection Agency, Research Triangle Park, North Carolina 27711, Attention: Mr. Robert Neligan. All relevant comments received not later than thirty days after the date of publication of this notice will be considered. Receipt of comments will be acknowledged but substantive responses will not be provided. Comments received will be available for public inspection during normal business hours at the Office of Public Affairs, 401 M Street, S.W., Washington, D. C. 20460.

This notice of proposed rulemaking is issued under the authority of Section 110 and Section 301(a) of the Clean Air Act, as amended (42 U.S.C. 1875, et. seq.).

JOHN R. QUARLES, Jr.,
Acting Administrator, Environmental Protection Agency.

REFERENCES

1. Montgomery T. L., J. M. Leavitt, T. L. Crawford and F. E. Gartell "Control of Ambient SO_2 Concentrations by Noncontinuous Emission Limitation, Large Coal-Fired Power Plants." Presented at 102d Annual Meeting, the American Institute of Mining Metallurgical and Petroleum Engineers, Chicago, Ill., February 1973.

2. Peters, M., "Report of Investigation at ASARCO, El Paso, Texas." Texas APCS, Austin, Texas February 2–4, 1971 (MS).

3. Nelson, K. W. Statement Regarding Alternatives to an Emission Standard. Att. 18, letter from J. F. Boland, Attorney for ASARCO, to Casandra Jencks, Legal Counsel, Region IX, October 16, 1972.

It is proposed to amend Part 51 of Chapter I, Title 40 of the Code of Federal Regulations as follows:

Part 51—REQUIREMENTS FOR PREPARATION, ADOPTION AND SUBMITTAL OF IMPLEMENTATION PLANS

Subpart A—GENERAL PROVISIONS

In § 51.1, the first sentence in paragraph (n) is revised and paragraph (q) is added. As amended § 51.1 reads as follows:

§ 51. Definitions

* * * * *

(n) "Control strategy" means a combination of emission reduction and such other measures as may be necessary for the attainment and maintenance of a national standard, including, but not limited to, measures such as: * * *

* * * * *

(q) "Supplementary control systems" are systems which limit the rate of pollutant emissions during periods when meterological conditions conducive to ground-level concentrations in excess of ambient standards exist or are anticipated.

SUBPART B—PLAN CONTENT AND REQUIREMENTS

In § 51.12, paragraph (a) is revised to read as follows:

§ 51.12 Control strategy: General.

(a) In any region where existing (measured or estimated) ambient levels of a pollutant exceed the levels specified by an applicable national standard, the plan shall provide the degree of emission limitation and other measures necessary for attainment and maintenance of such national standard including those necessary to offset emission increases that can reasonably be expected to result from projected growth of population, industrial activity, motor vehicle traffic, or other factors that may cause or contribute to an increase in emissions.

In § 51.13, paragraphs (a) and (b) are revised and subparagraphs (d)(4), (e)(4) and (e)(5) and paragraph (h) are added As amended § 51.13 reads as follows:

§ 51.13 Control strategy: Sulfur oxides and particulate matter.

(a) In any region where emission limitations and other means are necessary for attainment and maintenance of a primary standard for sulfur oxides or particulate matter, the plan shall set forth a control strategy which shall provide for the attainment of such primary standard within the time prescribed by the Act.

(b)(1) "Reasonable time" for attainment of a secondary standard pursuant to § 51.10 (c) shall be the time required to design, fabricate and install necessary control systems, unless the State shows that good cause exists for postponing their application. Good cause for postponing the application of such systems may include the unavailability of necessary control systems or the likelihood that installation of the control systems would cause severe adverse social and economic impacts.

(b)(2) Where the time for attainment of a secondary standard established by the State extends beyond January 1, 1978, the State shall submit, after notice and public hearing, a reanalysis of the plan at intervals of no more than five years from the date of plan approval by the Administrator. States shall consider application of reasonable interim emission reduction measures to minimize adverse welfare effects which occur at air quality levels in excess of the secondary standards.

* * * * *

(d) * * *

(4) Control strategy demonstrations submitted as a revision to an approved plan after the effective date of this subparagraph shall provide an explicit control strategy demonstration for each region affected by such revision.

(e) * * *

(4) Control strategy demonstrations submitted as a revision to an approved plan after the effective date of this subparagraph shall utilize a diffusion model to estimate the maximum air quality concentrations which are expected after application of the control strategy. Other methods of relating emissions to air quality may be used only when the application of a diffusion model is shown to be inappropriate.

(5)(i) Before supplementary control systems can be authorized, the operator of the source must show that (1) all constant emission reduction technology (or its equivalent) available to the source has been applied and is insufficient to attain air quality standards; (2) further constant emission reduction means are not available in its particular case; and (3) a program will be undertaken to research, develop, engineer, and demonstrate such constant emission reduction technology as is necessary to attain the air quality standards. An estimated schedule for their attainment by such means must be provided.

(ii) If supplementary control systems are authorized, each source using this technique must be treated separately. It must be shown through a combination of diffusion modeling and air quality sampling that operation of the system will enable national standards to be attained and maintained at all points significantly influenced by emissions from said source.

(iii) It must be shown that each source using a supplementary control system to achieve national air quality standards has accepted liability for violations of such ambient standards in all areas where air quality is significantly affected by the source's emissions. In some exceptional cases, two or more sources may be considered jointly under subdivision (i) of this paragraph provided that it is established *a priori* how the liability for an air quality standard violation is to be shared by the sources involved.

(iv) A detailed description of and additional conditions for the acceptability of supplementary control systems for attainment of national standards are set forth in Appendix P.

* * * * *

(h) The increase of stack height up to a height consistent with good engineering practice is acceptable without qualification. An increase in stack height beyond this level is not an acceptable air quality control procedure unless accomplishment as part of an approved supplementary control system (see Appendix P to this part). A stack which conforms to good engineering practice is sufficiently tall that emissions from the stack are unaffected by the atmospheric downwash, eddies and wakes which may be created by the facility itself, nearby structures or terrain obstacles. Emissions from facilities with stacks which do not conform to good engineering practice often cause excessively high ground-level concentrations and nuisances within and in the vicinity of the facility itself. For fairly level terrain, good engineering practice is normally taken to be a stack height 2½-times the height of the facility or nearby structure. For complex terrain, the 2½-times rule-of-the-thumb is too simplis-

tic. For such cases, and for more detailed information on good engineering practices, the references listed should be consulted.

REFERENCES

1. Briggs, G. A., "Plume Rise," pp. 7–8, AEC Critical Review Series, U.S. Atomic Energy Commission, Division of Technical Information, Oak Ridge, Tenn., 1969.

2. Ide, Yasou, "Theory and Application of Factory Smoke Emission Dispersion Pattern," Japan Society of Civil Engineering, Tokyo, Proc. Summer Lectures Hydrog. Tokyo, Japan, 1971.

3. Smith, Maynard (editor), "Recommended Guide for the Prediction of the Dispersion of Airborne Effluents," pp. 25–35, American Society of Mechanical Engineers, 345 East 47th Street, New York, N.Y. 10017, May 1968.

4. Turner, D. B., "Workbook of Atmospheric Dispersion Estimates," Publication No. AP-26, EPA, Office of Air Programs, Research Triangle Park, N.C., Revised 1970.

5. Slade, David H. (editor), "Meteorology and Atomic Energy," pp. 221–255, U.S. Atomic Energy Commission, Division of Technical Information, Oak Ridge, Tenn., July 1968.

In Part 51, Appendix P is added as follows:

APPENDIX P—DESCRIPTION OF A SUPPLEMENTARY CONTROL SYSTEM AND CRITERIA FOR A REGULATION

This appendix describes supplementary procedures for the attainment and maintenance of National Ambient Air Quality Standards for sulfur dioxide by taking advantage of the dispersive capability of the atmosphere. It is now concluded that for a limited number of cases and under carefully controlled conditions, procedures which enhance the dispersion of effluents from large isolated sources are reliable means by which ground-level ambient air quality standards can be met.

The supplementary control system is a relatively new control procedure for most States. Its successful application depends on careful design and vigorous surveillance.

This Appendix provides guidance to the States and sources for use in the development of supplementary control systems.

The statements presented herein are not intended to require or encourage State agencies to authorize such supplementary control techniques as a means to attain and maintain air quality standards without first considering (1) the frequency and severity of threats to the air quality standards in the vicinity of the source, (2) the availability to the source of constant emission reduction techniques, including low sulfur fuel, for the attainment of air quality standards around such sources, (3) the reliability and enforceability of supplementary control techniques, (4) the potential environmental effects of emissions even though such emissions are sufficiently diluted at ground level to attain air quality standards, and (5) problems unique to the source or state regulatory system.

1.0 DEFINITIONS

"Supplementary Control Systems" are procedures to limit the rate of emissions during period when meteorological conditions conducive to high ground-level pollutant concentrations exist or are anticipated. They are designed to meet air quality standards by varying the emission rate with meteorological conditions in order to take advantage of the changing dispersive capacity of the atmosphere. Supplementary control systems may also make use of the increased dispersion of pollutants usually achieved by an increase in effective stack height.

"Effective stack height" means the sum of the physical height of the stack above grade and the height the effluent plume rises above the height of the stack top. (Under most circumstances, an increase in the effective stack height results in a decrease in the maximum ground-level concentration of the emitted pollutant and an increase in the distance from the source that the maximum concentration occurs.[1, 2])

"Isolated source" means a source sufficiently removed from other sources such that it will assume responsibility for all ground-level sulfur oxide concentrations in its vicinity and all other areas significantly influenced by its emissions.

2.0 ELEMENTS OF A SUPPLEMENTARY CONTROL SYSTEM

2.1 Figure 2.1 presents a block diagram of the elements of an acceptable supplementary control system and the relationships among them.

2.2 The function of each element follows:

(a) Meteorological inputs. Observations and predictions of the values of meteorological variables required by the operational model to determine the degree of control needed to avoid threats to the air quality standard (e.g., wind speed, wind direction, stability, mixing height).

(b) Operating model. An intellectual construct which in this case relates meteorological inputs, emission rates, source data and terrain and location factors to current and future ambient air quality in the vicinity of the source.

(c) Scheduled emission rate. The emission rate which would result under the currently scheduled processes and levels of operation.

(d) Control decision. Decisions, based on either the model prediction or real-time air quality (whichever dictates the lower emission rate), whether or not to continue with scheduled processes and their attendant emissions, and if not, how much to curtail the emission rate.

(e) Controlled emissions. The emission rate resulting from the control decision.

(f) Actual meteorological conditions. The measures of wind speed, wind direction, stability, mixing height and other meteorological factors at the time of emission release.

(g) Time delays. Time will be required to implement the control decision, and more time will pass before the reduced emission rate affects air quality at a distance from the source.

(h) Air quality. Ground-level pollutant concentrations and their temporal and spatial distribution resulting from the source's emissions.

(i) Air quality monitors. An array of sampling stations located at points where maximum ground-level concentrations are most probable to occur (inaccessible points excepted), and in sufficient numbers to allow calibration of the dispersion model so that it may accurately interpolate air quality between samplers. A portion of the monitors may be mobile or portable.

(j) Threshold values. Measured concentration levels somewhat below air quality standards and/or rates of change of concentrations that serve as indicators of potential violations of the standard. They are selected so that a control decision for emission reduction can be made in sufficient time to prevent air quality standards from being violated.

(k) Data storage. Synchronous records of meteorological conditions, emission rate, model prediction, measured air quality and control decisions available for control agency review and model upgrading.

(l) Upgrade system. A periodic evaluation of all system parameters (including the operating model, the meteorological prediction methods, threshold values and other control criteria), based on stored data, with the objective to improve the system's reliability in maintaining ambient air quality standards for sulfur dioxide.

2.3 The supplementary control system described in Figure 2.1 will be seen to consist of three basic operations: control based on air quality prediction, control based on air quality measurement, and periodic model upgrading. Each of these operations is considered necessary to a reliable system, for each performs a valuable function. The operating model is used to predict ground-level pollutant concentration sufficiently in advance of its potential occurrence, and to interpolate between monitors. The monitored data and threshold values are used to supplement and, if necessary, override decisions based on the model output, thus compensating for the less than perfect accuracy of the model. The model upgrade operation is used to convert the tentative initial model into an accurate prediction mechanism tailored to the specific plant and site.

3.0 CRITERIA FOR AN ACCEPTABLE STATE REGULATION AUTHORIZING USE OF TECHNIQUES TO ATTAIN NATIONAL AMBIENT AIR QUALITY STANDARDS BY SUPPLEMENTARY CONTROL SYSTEMS

3.1 This section presents criteria for an acceptable State regulation concerning supplementary control systems. The purpose of such a regulation is to ensure that supplementary control systems will be authorized only in the limited situations prescribed by these proposed regulations, and that the systems authorized will be reliable and enforceable with all necessary elements of the system clearly and legally identified.

3.2 An acceptable State regulation should:

(a) Authorize approval of each supplementary control system only after reasonable notice and public hearing.

(b) Authorize supplementary control systems on a source-by-source basis only after demonstration by each source that technology is not available in its case to meet ambient air quality standards through application of constant emission reduction. The justification should include:

(1) A short description of the type and location of the facility.

(2) The number, location and emissions of other relevant sources in the vicinity of the facility.

(3) Data on the frequency and severity of recent air quality standard violations.

(4) Methods of constant emission reduction that will be applied and the degree of emission reduction expected due to their application.

(5) A statement by an appropriate senior official of the firm which operates the facility that the firm has investigated in good faith the availability and reliability of constant emission reduction methods necessary to reduce the emissions of the facility sufficiently to attain and maintain air quality standards. Documentation should accompany the statement that attests to the firm's efforts to obtain and apply appropriate flue gas control devices and, in the case of combustion sources, to obtain an adequate supply of low sulfur fuel. A description must be presented of the firm's research and demonstration programs, or its participation in such programs, which will accelerate the development of constant emission reduction technology applicable to the source. Such description must include schedules and resources to be committed, and an anticipated date when adequate emission reduction technology can be applied to the source.

(6) A plan for development, operation and demonstration of a supplementary control system.

(7) Any other factors pertinent to the justification for the use of a supplementary control system.

(c) Apply only to isolated sources; i.e., those sources which are reasonably remote from other sources of the same pollutant and which will assume full responsibility for violation of the applicable ambient air quality standards.

(d) Define air quality violations as:

(1) A single ambient concentration that exceeds the standard at any point in the area significantly affected by the source emissions. Repeated or consecutive excesses at the same monitor or non-simultaneous excesses at different monitors are multiple violations.

(2) Non-compliance with stated and agreed

upon emission curtailment conditions and procedures.

(e) Require that penalties be specified for violations of ambient air quality standards or for failure to control emissions in accordance with the approved criteria associated with the supplementary control systems.

(f) Apply only to those sources which can curtail their emissions at a rate compatible with the advance warning time (of adverse atmospheric dispersion conditions) afforded by the supplementary control system, and which will provide assurances that curtailment actions necessary to attain national ambient air quality standards will be appropriately implemented.

(g) If permission is granted to develop and operate a supplementary control system, require formal review and reexamination of the permit at intervals of 5 years or less. The reexamination should include a survey of control techniques which may have become available, the continued relative isolation of the facility and other factors which may bear on the conditions for use of a supplementary control system by the facility.

(h) Authorize a fee for a permit to operate a supplementary control system (funds from which will be used by the control agency for the additional surveillance and enforcement functions necessitated by the supplementary control system).

(i) Require the source to establish, maintain and continuously operate monitors for sensing the pollutant emission rate, air quality and meteorological variables. Emission rate estimates may be substituted for emission measurements provided such estimates provide data of equivalent accuracy, documentation, and legal acceptability as direct emission measurements.

(j) Grant the agency continuous access to all emission, air quality and meteorological data collected by the source and authority to inspect, test and calibrate all sensors, recorders and other equipment operated by the source to collect these data. "Continuous access" may, in practice, require telemetering of such data to the control agency.

(k) Require the source to notify the control agency when emission curtailment is initiated and when air quality standards are exceeded.

(l) Require the source to submit a plan and schedule for implementing a supplementary control system, which is subject to approval by an appropriate control agency. The plan shall have two parts:

(1) A comprehensive report of a thorough background study which demonstrates the capability of the supplementary control system to attain the air quality standards. The report shall describe a study during a period of at least 120 days when air quality standards are frequently or likely to be exceeded which:

(i) Describes the emission monitoring system and the air quality monitoring network.

(ii) Describes the meteorological sensing network and the meteorological prediction program.

(iii) Identifies the frequency, characteristics, times of occurrence and durations of meteorological conditions associated with high ground-level concentrations.

(iv) Describes the methodology (e.g., dispersion modeling and measured air quality data) by which the source determines the degree of control needed under each meteorological situation.

(v) Describes the method chosen to vary the emission rate, the basis for the choice, and the time required to effect a sufficient reduction in the emission rate to avoid violations of national ambient air quality standards.

(vi) Estimates the frequency that emission rate reduction is required to attain air quality standards.

(viii) Describes the basis for the above estimate.

(viii) Includes data and results of objective reliability tests. "Reliability," as the term is applied here, refers to the ability of the supplementary control system to protect against violations of air quality standards.

(2) An operational manual which:

(i) Specifies and substantiates the number, type, and location of ambient air quality monitors, in-stack monitors, and meteorological instruments to be used.

(ii) Identifies the meteorological situations and monitor readings before and/or during which the emission rate must be reduced to avoid exceeding short-term air quality standards.

(iii) Describes techniques, methods and criteria used to anticipate the onset of meteorological situations associated with ground-level concentrations in excess of air quality standards.

(iv) Describes the criteria by which the source determines the degree of control needed for each situation.

(v) Identifies specific actions that will be taken to curtail emissions when critical meteorological conditions exist or are predicted and/or when specified air quality levels occur.

(vi) Identifies the company personnel responsible for initiating and supervising such actions.

(vii) Demonstrates that the curtailment program will result in maintenance of short-term and long-term air quality standards.

(viii) Describes the manner in which monitoring data are transmitted to the control agency (in a manner acceptable to the agency).

(ix) Describes a program whereby the source systematically evaluates and improves the reliability of the supplementary control system.

(x) Identifies a responsible and knowledgeable person (and alternates) on site who are authorized to curtail and who can apprise the control agency on the status of the supplementary control system at any time.

(m) Require the source to submit monthly reports on the supplementary control system, including an analysis of how the system affected air quality and how response to adverse dispersion conditions will be improved.

(n) Require annual review of the supplementary control system by the control agency, and authorize the agency to deny continued use of the supplementary control system if:

(1) The source has not complied with all provisions designed to protect long-term standards.

(2) The source has not developed a control program that is effective in enabling short-term standards to be met (e.g., the source has not followed the control criteria set forth in the approved operational manual).

(3) The source has not demonstrated good faith in operating an effective control program by failing to:

(i) Utilize trained competent personnel.

(ii) Maintain, operate and calibrate the monitoring equipment properly.

(iii) Refine and continuously validate and upgrade the response of the supplementary control system to adverse dispersion conditions.

(iv) Reduce the emission rate in accordance with stipulated control criteria.

(4) The source has not demonstrated good faith efforts to follow its stated program for developing and applying constant emission limitation procedures.

REFERENCES

1. Briggs, G. A., "Plume Rise," p. 67, AECE Critical Review Series, U. S. Atomic Energy Commission, Division of Technical Information, Oak Ridge, Tenn., 1969.

2. Turner, D. B., "Workbook of Atmospheric Dispersion Estimates," Publication No. AP-26; pp. 5, 10-17, 31-32; EPA, Office of Air Programs, Research Triangle Park, N. C., Revised 1970.

TITLE 40—PROTECTION OF ENVIRONMENT

CHAPTER 1—ENVIRONMENTAL PROTECTION AGENCY

Subchapter C—Air programs

Part 50—National Primary and Secondary Ambient Air Quality Standards

On April 30, 1971 (36 F.R 8186), the Administrator of the Environmental Protection Agency promulgated as 40 CFR Part 410, national primary and secondary ambient air quality standards under section 109 of the Clean Air Act, as amended. These regulations were republished November 25, 1971, as 40 CFR Part 50. This notice revokes the annual secondary sulfur dioxide standard, announces a revision to *Air Quality Criteria for Sulfur Oxides*, and announces the conclusions from a reevaluation of the basis for the secondary three-hour average sulfur dioxide standard.

Revocation of the annual secondary SO_2 standard

On May 7, 1973 (38 F.R. 11355), a notice of proposed rulemaking to revoke the annual secondary standard was published. Public comments were invited. Comments have been received from 23 organizations or individuals, and have been reviewed and considered prior to this rulemaking. EPA's reasons for revoking the annual secondary standard were set forth in the notice of proposed rulemaking and are further discussed herein.

The amendments set forth herein will revise 40 CFR Part 50.5 by revoking the annual National Secondary Ambient Air Quality Standard for Sulfur Dioxide which is 60 micrograms per cubic meter (0.02 p.p.m.). In addition, the amendments will delete from § 50.5 the maximum 24-hour concentrations of 260 micrograms per cubic meter (0.1 p.p.m.) published as a guide to be used in assessing implementation plans to achieve the annual standard. The secondary 3-hour standard, a maximum concentration of 1,300 micrograms per cubic meter (0.5 p.p.m.) not to be exceeded more than once per year, remains in effect.

Section 109 of the Clean Air Act requires the Administrator to establish national primary ambient air quality standards "to protect the public health" and national secondary ambient air quality standards "to protect the public welfare from any known or anticipated adverse effects." Section 302(h) defines effects as including, but not limited to, "effects on soils, water, crops, vegetation, man-made materials, animals, wildlife, weather, visibility, and climate, damage to and deterioration of property, and hazards to transportation, as well as effects on economic values and on personal comfort and well-being." Such national standards must be based on air quality criteria which, under section 108, must "reflect the latest scientific knowledge useful in indicating the kind and extent of all identifiable effects on public health and welfare which may be expected from the presence [of air pollutants] in the ambient air, in varying quantities." Thus, standard-setting under section 109 is necessarily limited to demonstrable or predictable adverse effects which can be quantitatively related to pollutant concentrations in the ambient air. Currently, injury to vegetation is the only type of welfare effect of sulfur dioxide that can be quantitatively related to ambient concentrations of this pollutant.

EPA is aware that sulfur dioxide has or may have effects on other sectors of the public welfare, such as materials, visibility, soils, and water. To some extent, the primary standards for sulfur dioxide and the remaining secondary standard mitigate such effects. Sufficient data are not now available, however, to establish a quantitative relationship between specific sulfur dioxide concentrations and such effects. Furthermore, it is not clear that any such effects, to the extent that they may occur at concentrations be-

low the current national standards, are adverse to the public welfare.

As stated in the notice of proposed rulemaking, the annual secondary standard was based on a study by Linzon, which is discussed in *Air Quality Criteria for Sulfur Oxides*. A reanalysis of the data on which the annual standard was based indicated that it could not properly be concluded that the injury reported in Linzon's study resulted from the average sulfur dioxide concentration over a full year or even the six-month growing season, as distinguished from short-term peak concentrations.

After a review of the public comments that were received as part of this rulemaking, the Administrator has concluded that there still is not adequate information on which to base any long-term secondary standard for sulfur dioxide. The comments that were received in opposition to this rulemaking did not identify a specific annual average level of sulfur dioxide that could be directly related to an adverse effect on the public welfare.

Twenty-three letters of public comment were received. Eleven indicated support of EPA's action; nine indicated opposition. The remaining three stated no preference.

Opposition to revoking the annual standard was based, in part, on the contention that it should be retained to protect against corrosion of materials, visibility reduction, and occurrence of acid rain. A response to these particular comments follows:

1. Although EPA is aware that high long-term average concentrations of sulfur dioxide, accompanied by high levels of particulate matter, will increase the corrosion rate of some materials, there are not adequate data relating such corrosion to long-term sulfur dioxide levels below those now prescribed by the primary standards.

2. The quantitative relationship between sulfur dioxide and reduction in visibility is not presently known. There is evidence that particulate sulfate and sulfuric acid mist may act with other particulate matter to reduce visibility. Insufficient knowledge of factors such as humidity, and of the indirect role that sulfur dioxide itself plays in reducing visibility, make the formulation of a sulfur dioxide standard based on visibility impracticable.

3. The mechanism of the formation of acid rain; the long-term effect of acidic moisture on plants, materials, and soils; and the concentrations of sulfur dioxide that can result in the formation of rain of sufficient acidity to be a danger to the environment currently are being investigated throughout the world. The data needed for standard-setting are not now available. Furthermore, it is not clear that acid rain would be a problem following attainment of the national primary standards for sulfur dioxide.

EPA will be pleased to receive, at any time, data which relate specific ambient air concentrations of sulfur dioxide to quantified effects such as the formation of acid rain, corrosion of materials, reduction in visibility, damage to vegetation, or any adverse change to the ecosystem. The relationships between the specific ambient air concentrations of sulfur dioxide, either alone or in combination with other environmental factors, and the adverse effects caused by those concentrations must be demonstrable or predictable prior to establishing any national secondary ambient air quality standard.

Two organizations, the Native American Rights Fund and the Natural Resources Defense Council, Inc., submitted particularly detailed comments in opposition to the proposed revocation. Their comments cited a number of studies of sulfur dioxide effects on vegetation, all well known to EPA. Neither the studies cited nor the comments made by the Natural Resources Defense Council and the Native American Rights Fund identified, nor provided a basis for identifying, long-term concentrations of sulfur dioxide, the attainment of which is necessary to protect against adverse effects. In addition, neither the studies nor the comments indicated that vegetation damage during the course of a year was the result of an annual average level rather than high short-term peak exposures to sulfur dioxide.

A number of the comments in opposition to revoking the annual secondary standard suggested revision of the primary standards to more stringent levels than are now prescribed. EPA is aware of the results of the studies which were cited in support of these comments. At the present time, however, it is unclear to what extent sulfur dioxide acts as a precursor to health effects more adverse than those now noted in the *Air Quality Criteria for Sulfur Oxides*.

This revocation does not affect the acceptability and enforceability of currently approved implementation plans. These plans are considered adequate and necessary to attain and maintain the remaining sulfur dioxide standards.

Revisions to sulfur oxides criteria document

Section 108(c) of the Clean Air Act as amended in 1970 provides that the Administrator will "from time to time review, and as appropriate, modify any criteria . . . ." In keeping with this section of the Act, notice is given in this issue of the *Federal Register* of the publication of a revision to Chapter 5, "Effects of Sulfur Oxide in the Atmosphere on Vegetation," of *Air Quality Criteria for Sulfur Oxides*. This revision includes the results of a number of studies completed since initial publication of the Criteria Document in 1969, and also includes reanalysis of older data in the light of new information.

The revision has been reviewed by the National Air Quality Criteria Advisory Committee, composed of representatives from industry, universities, conservation groups, and all levels of government; by individuals specially selected for their competence, expertise, or special interest in the effects of air pollutants on vegetation; and by a Federal consultation committee, comprised of members from appropriate Federal departments and agencies.

At the present time, the Administrator judges that the revised vegetational portion of the *Air Quality Criteria for Sulfur Oxides* provides the only adequate basis for the secondary National Ambient Air Quality Standards for Sulfur Dioxide. More than 700 published scientific papers concerning vegetational response to exposure to sulfur dioxide were reviewed by the Environmental Protection Agency. From these papers, 141 were selected by EPA as presenting the most significant criteria information. These papers are referenced and cited in the revised criteria document.

The Administrator realizes there are limitations in the scientific knowledge of vegetational effects resulting from exposure to sulfur dioxide in combination with other ambient air pollutants. As an example, it is known that sulfur dioxide combined with other pollutants may cause visible injury on vegetation to occur at lower levels than if vegetation were exposed to sulfur dioxide alone. A few studies in the revised criteria document consider the combined effects, but most studies deal with single pollutant effects. Only interactions between sulfur dioxide and ozone, and sulfur dioxide and oxides of nitrogen, have been cited in the revised criteria document. The information on combined effects presented in the criteria document is not based on extensive studies. The results are from preliminary laboratory studies which point out some conflicting results requiring in-depth review. There are some cases where plants are apparently undamaged by pollutant mixtures although the sulfur dioxide level by itself would lead one to believe that damage would occur. The potential for damage at low concentrations of pollutant mixtures clearly exists; however, there is not at this time, in the judgment of the Administrator, adequate data on which to base a standard solely on the combined effects.

The revised vegetational criteria cite environmental factors which in some way influence the susceptibility of vegetation injury as the result of sulfur dioxide exposure. For example, vegetation is most easily injured when: (1) adequate soil moisture for growth is present, (2) humidity is high, (3) temperatures are above 40°F, (4) the vegetation is actively growing, and (5) sunlight is present. Environmental factors such as these are interrelated and no study has been located to date which succeeds in adequately isolating the relative importance of each.

Those studies which exist in the revised criteria document concerning vegetational harm in the entire growing season do not adequately indicate whether the observed injury was caused by a long-term exposure to low levels of sulfur doxide or by high exposures of sulfur dioxide which occurred during shorter time periods. In the absence of such information, the Administrator has determined that proposing a standard based on growing season exposures to sulful dioxide is not warranted at this time.

Laboratory, field-chamber, and ambient air studies are cited in the revised criteria. Laboratory and field chamber studies tend to be artificial by design and never completely simulate ambient air conditions. The intent of most laboratory and field chamber studies is to discover the effects resulting from direct exposure to the pollutants without the interference of numerous environmental parameters including other pollutants. As a result, laboratory and field chamber studies tend to either overrestrict a number of environmental conditions which might make vegetation more sensitive, or condition the vegetation to be much more sensitive than would be found under natural conditions. For example, natural environmental conditions such as excess moisture and sunlight, which influence the sensitivity of plants, together with the random interactions with other pollutants, may cause injury to occur at lower ambient air concentrations of sulfur dioxide than those reported in laboratory or chamber studies where such conditions are absent. In ambient air studies, a single pollutant and its effects are difficult to isolate from similar effects caused by sensitive environmental conditions or other pollutants. However, if ambient air studies are complemented by laboratory and field chamber studies, effects can be better related to the pollutant.

The Environmental Protection Agency is well aware that sulfur dioxide has effects on non-vegetational sectors of the public welfare such as materials, visibility, odor, taste, and the acidification of rain. However, the current National Secondary Ambient Air Quality Standard is not intended to protect these sectors of the public welfare from long-term effects of SO_2 because either protection is afforded by the existing National Annual Primary Ambient Air Quality Standard (80 micrograms per cubic meter) or sufficient data are not presently available to develop criteria for standards based on these effects.

The Environmental Protection Agency is continuing to conduct research on the long-term effects of sulfur dioxide exposure. During the period of prolonged research, however, the Administrator invites any relevant comment on the existence of scientifically recognized sulfur dioxide effects information which provides a quantative basis for a long-term National Secondary Ambient Air Quality Standard. Data are especially desired which can relate specific ambient air concentrations of sulfur dioxide to quantified effects in such areas as the formation of acid rain, corrosion of materials, reduction in

visibility, or any adverse change to the ecosystem.

As an example of non-vegetation effects, it it known that high annual concentrations of sulfur dioxide accompanied by high particulate levels will increase the corrosion rate of some materials. The Environmental Protection Agency has inadequate data with which to relate the effects of corrosion to long-term ambient air sulfur dioxide levels which are below those now prescribed by the primary standards.

The direct quantitative relationship between sulfur dioxide and reduction in visibility is not presently known. There is evidence that particular sulfate and sulfuric acid mist may act with other particulate matter to reduce visibility; however, insufficient knowledge of the effects of environmental factors such as humidity, and of the indirect role that sulfur dioxide itself plays in reducing visibility, make a standard based on visibility impossible to propose at this time.

In the case of acidification of rain, the mechanism of the acid rain formation; the long-term effects of acidic moisture on plants, materials, and soils; and the concentrations of sulfur dioxide which can result in the formation of rain of sufficient acidity to be a danger to the environment are not fully understood by the Environmental Protection Agency at this time. The Administrator solicits any additional information concerning these, or any other currently unquantified, effects of sulfur oxides in the ambient air.

Re-evaluation of the three-hour SO_2 standard

In the May 7, 1973 proposal to revoke the annual secondary standard, it was stated that "there is some question as to whether . . . injury to vegetation may result from short-term exposure to SO_2 concentrations which do not exceed the three-hour standard. . . ." The Environmental Protection Agency has evaluated the additional data as presented in the revised criteria document, and has determined that this data does not provide an adequate and appropriate basis for revision of the existing three-hour standard.

The revised criteria document presents the results of studies which indicate that visible injury to some types of vegetation (minor leaf spotting) can result from short-term concentrations of SO_2 which do not exceed the current standards. Evidence of this visible injury has occurred on generally sensitive vegetation grown under environmental conditions which tend to favor maximum sensitivity. However, the Clean Air Act requires that secondary standards be established to protect the public welfare from adverse effects. The Administrator has given careful consideration to the question of whether this degree of injury can be responsibly defined as an adverse effect within the meaning of the Clean Air Act. After consultation with other agencies and individuals, including the United State Department of Agriculture, the Administrator has determined that, in his judgement, standards developed solely to protect against minor visible injury are not necessarily requisite to protect the public welfare from adverse effects.

The data presented in the revised criteria document also provide additional information regarding the levels of SO_2 concentration which can cause growth retardation or yield reduction of vegetation. These data provide adequate evidence that the current secondary standard (1300 ug/m³ maximum three-hour concentration) is adequate and necessary to protect the public welfare from these adverse effects.

The Administrator recognizes, and has considered, the opinion that national standards should be established to protect against *all* effects of air pollutants, regardless of their adversity. However, this opinion appears inconsistent with the language of the Clean Air Act which requires protection against *adverse* effects, and also fails to accommodate the fact that, for some pollutants, the concentration levels which result in perceptible effects may be dependent upon available measurement and observation techniques, i.e., as research techniques improve, the level at which "effects" become perceptible becomes progressively lower, even though the level at which these effects become adverse remains relatively constant.

Several States have been granted an extension of time pursuant to Section 110(b) for submittal of State plans for implementation of the secondary sulfur dioxide standards, and in some cases submittal of these plans has been delayed pending results of EPA's reevaluation of the standards. That reevaluation is now complete, with results as reported herein and in the revised criteria document. The Administrator therefore expects that all State plans for implementation of the sulfur dioxide standards will be submitted within four months from date of this notice.

This notice of rulemaking is issued under authority of sections 109(a)(2), 109(b)(2), and 301(a) of the Clean Air Act [42 U.S.C. Section 1857 C-4(a)(2) and 1857g(a)].

JOHN R. QUARLES, Jr.,
Acting Administrator, Environmental Protection Agency.

Part 50, title 40, Code of Federal Regulations is amended by revising § 50.5 as follows:

§ 50.5 National Secondary Ambient Air Quality Standards for Sulfur Oxides (Sulfur Dioxide).

The National Secondary Ambient Air Quality Standard for sulfur oxide measured as sulfur dioxide by the reference method described in Appendix A to this part, or by any equivalent method is 1,300 micrograms per cubic meter (0.5 p.p.m.)—maximum 3-hour concentration not to be exceeded more than once per year.

Mr. ALLEN. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. ALLEN. Mr. President I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered. The hour of 3:45 p.m. having arrived, the question is, Will the Senate advise and consent to the nomination of Russell E. Train to be Administrator of the Environmental Protection Agency? On this question the yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. ROBERT C. BYRD. I announce that the Senator from Nevada (Mr. CANNON), the Senator from Florida (Mr. CHILES), the Senator from Colorado (Mr. HASKELL), the Senator from Wyoming (Mr. MCGEE), the Senator from North Carolina (Mr. ERVIN), the Senator from South Carolina (Mr. HOLLINGS), and the Senator from Minnesota (Mr. MONDALE) are necessarily absent.

I further announce that the Senator from Nevada (Mr. BIBLE), the Senator from Massachusetts (Mr. KENNEDY), the Senator from Louisiana (Mr. LONG), and the Senator from Utah (Mr. MOSS) are absent on official business.

I further announce that, if present and voting, the Senator from Colorado (Mr. HASKELL), tne Senator from Nevada (Mr. BIBLE), and the Senator from Nevada (Mr. CANNON) would each vote "yea."

Mr. SCOTT of Pennsylvania. I announce that the Senator from Tennessee (Mr. BAKER), the Senator from Colorado (Mr. DOMINICK), the Senator from Michigan (Mr. GRIFFIN), and the Senator from Illinois (Mr. PERCY) are necessarily absent.

I further announce that if present and voting, the Senator from Colorado (Mr. DOMINICK), and the Senator from Illinois (Mr. PERCY) would each vote "yea."

The result was announced—yeas 85, nays 0, as follows:

[No. 384 Ex.]

YEAS—85

Abourezk	Fong	Nelson
Aiken	Fulbright	Nunn
Allen	Goldwater	Packwood
Bartlett	Gravel	Pastore
Bayh	Gurney	Pearson
Beall	Hansen	Pell
Bellmon	Hart	Proxmire
Bennett	Hartke	Randolph
Bentsen	Hatfield	Ribicoff
Biden	Hathaway	Roth
Brock	Helms	Saxbe
Brooke	Hruska	Schweiker
Buckley	Huddleston	Scott, Pa.
Burdick	Hughes	Scott, Va.
Byrd,	Humphrey	Sparkman
Harry F., Jr.	Inouye	Stafford
Byrd, Robert C.	Jackson	Stennis
Case	Javits	Stevens
Church	Johnston	Stevenson
Clark	Magnuson	Symington
Cook	Mansfield	Taft
Cotton	Mathias	Talmadge
Cranston	McClellan	Thurmond
Curtis	McClure	Tower
Dole	McGovern	Tunney
Domenici	McIntyre	Weicker
Eagleton	Metcalf	Williams
Eastland	Montoya	Young
Fannin	Muskie	

NAYS—0

NOT VOTING—15

Baker	Ervin	Long
Bible	Griffin	McGee
Cannon	Haskell	Mondale
Chiles	Hollings	Moss
Dominick	Kennedy	Percy

So the nomination was confirmed.

Mr. RANDOLPH. Mr. President, I ask unanimous consent that the President be immediately notified of the confirmation of this nomination.

The PRESIDING OFFICER (Mr. SCOTT of Virginia). Without objection, it is so ordered.

LEGISLATIVE SESSION

By unanimous consent the Senate proceeded to consider legislative business.

EMERGENCY COMMUTER RELIEF ACT

The Senate resumed the consideration of the bill (S. 386) to amend the Urban Mass Transportation Act of 1964 to authorize certain grants to assure adequate commuter service in urban areas, and for other purposes.

Mr. STEVENSON. Mr. President, four times in the past 3 years the Senate has passed legislation similar to S. 386, the Emergency Commuter Relief Act, only to have its final passage founder. Since, after 3 years, the cities are still there and many commuters still seem to be

commuting, one might argue that the emergency was not and is not really there at all.

On the contrary. In this time span, the emergency has grown into a crisis.

In 1947, some 22 billion passenger trips were made via mass transit in this country. By 1972 this figure was down to less than 7 billion, while during that 25-year span our urban areas—especially the suburbs—grew rapidly.

A report issued this week indicates that 1973 may be the first year since the late 1940's in which total ridership on mass transit will not decrease. The report indicates that the use of mass transit facilities may now be on the upswing of a long historic pendulum. The 1973 ridership estimate, however, includes several new systems, such as San Francisco's BART, and the hope that annual mass transit ridership may now be on the increase is predicated on a very large assumption—that existing mass transit systems will continue to exist, that they will not either cut back service or fail completely.

That this is a tenuous assumption at best is evidenced by the fact that in the last 20 years about 260 transit companies have gone out of business, and service in most large cities has been maintained only because State and local revenues have been used to supplement fares. In my own State of Illinois, for example, the Chicago Transit Authority—which historically has been self-sufficient—this year required an emergency subsidy of $18.9 million from city, county, and State sources in order to avert drastic service cutbacks. As one big-city mayor said of his local transit system:

> One thing is certain, and that is that the transit system cannot continue to be operated with revenues derived from the farebox. This has meant one round after another of fare increases and service cutbacks.

This could be said of virtually every major metropolitan system in the United States.

This is why S. 386 is so important. It will provide $800 million in Federal funds over the next 2 years for mass transit operating subsidies.

As we know, there has been a Federal mass transit capital grant program since 1964. The Congress extended that program for another 3 years in the Federal-Aid Highway Act which became law 3 weeks ago.

I applaud this continuation of the capital grant program. It is a very necessary and worthwhile program. I also applaud the opening up of the urban system fund of the highway trust fund for mass transit capital purposes.

But this is not enough. The use of the urban system fund of the highway trust fund at the option of the local governments will not take effect for 2 years, and the basic capital grant provision only continues an existing program. The most immediate and pressing need of mass transit systems is for operating subsidies. As the then acting chairman of the Chicago Transit Authority, Mr. Clare Roddewig, put it in testimony before the Senate Banking Committee in February, for a mass transit system in these times to have a capital grant program without having sufficient operating funds is like having a Cadillac, but no gas.

The importance of mass transit cannot be overemphasized. The decline of mass transit comes at a time when we are desperate for an alternative to the automobile with its attendant problems of pollution, relatively high energy consumption, the congestion it causes, and the requirements it imposes for roads and parking spaces.

Let me cite Chicago as an example. On an average weekday some 283,000 people work or remain in Chicago's downtown during the day. Some 86 percent comes into the downtown area via mass transit—the CTA, commuter railroads, and suburban buses.

The total elimination of this mass transit in Chicago would mean that some 300,000 additional autos would enter downtown Chicago each weekday, with 166,000 of them needing parking facilities. This in turn would require 148 additional expressway lanes—above the 48 which now reach the edge of downtown. In addition, parking the cars would require four decks of parking over the entire Loop area.

So imagine the quality of life in Chicago if its transit system collapsed. The city would be virtually unlivable. All that the city has to offer would be engulfed by the automobile. Land which could be used for businesses, or theaters, or parks would have to be used for highways and parking.

The argument has been made against S. 386 that in this time of budgetary constraints we cannot afford the $800 million it is to cost. I say that we cannot afford to lose our present mass transit systems, let alone not improve them and build new ones. We must reorder our Federal priorities—lowering the cost of other less necessary programs—to fit the costs of S. 386 into the budget. Surely a nation that spends $3 billion a year on travel in space can afford transportation for its citizens on Earth.

In simple economic terms, mass transportation is an excellent investment. A recent study showed that in Chicago, for every dollar invested in mass transit since 1945, the public has saved $7.80. This public savings includes about $50 million—at $2.50 an hour—saved by commuters who got to and from work more quickly on mass transit than they would have by auto; over $50 million in operating costs and $65 million in parking fees saved by would-be motorists who used mass transit; and $2.4 billion in expressway construction costs saved by area taxpayers.

The beneficial effect of mass transit on the environment is also noteworthy. It has been shown that one auto produces 13.2 times as much pollution for each passenger mile as one diesel bus, 73.3 times as much as one diesel train, and 330 times as much as one electric train. The same study I referred to earlier estimated that without public transportation there would be a 23-percent increase in the total air pollutant level in the Chicago region.

Yet another area where mass transit is vitally important is in saving energy. The average auto consumes over twice as much energy per passenger mile as a bus traveling in the inner-city, more than four times as much as a commuter bus, and seven times the fuel of a commuter rail system.

This is not to mention how much mass transit means to those who cannot afford an auto and yet must get to work. Nor does it speak to those who cannot drive and depend on mass transit for their mobility—the elderly, the handicapped, and others.

This bill, therefore, is timely, important, and necessary—for Chicago and for every area with a mass transit system. I would note that this bill will also help those areas served in whole or in part by private mass transit companies, for it defines a "mass transportation system" as "any private company or public authority providing mass transportation service." In Chicago, for example, in addition to aiding the public Chicago Transit Authority, it might also aid such a private commuter railroad as the Illinois Central, which serves thousands of commuters daily. The lack of operating funds recently caused the IC to virtually double its commuter fare.

S. 386 provides an incentive for a State such as Illinois to establish a regional transit authority. It also provides a warning to State and local officials. One of the funding conditions is that the applicant submit "a comprehensive mass transportation service improvement plan" which would provide for a "more efficient, economical, and convenient mass transportation service in an urban area." Another condition is "that the mass transportation services provided by each system involved is being provided by an efficient operation of such system." A regional metropolitan transit authority could be indispensable to the economy, convenience, and efficiency of operation and the comprehensive planning required by this bill. In other words, the failure to form an RTA could forfeit the Federal operating subsidies under this bill, as well as the grants for capital improvements under the Urban Mass Transportation Act.

The State of Illinois is considering a regional transportation authority for the Chicago metropolitan area. The time has come for such an RTA in northeastern Illinois. It could provide a more efficient and economically sound transit system for city and suburbs alike by permitting truly comprehensive areawide transportation planning and service. The failure of State and local officials to agree on an RTA will threaten the city and the suburbs with a loss of Federal funds for capital costs and, if S. 386 is finally enacted, with a loss of Federal funds for operating costs, too. I urge the State and involved localities to come to terms on an RTA for northeastern Illinois.

Mr. DOMENICI. Mr. President, today my colleagues and I are asked to vote yea or nay on S. 386, the Emergency Commuter Relief Act.

At first glance it might seem that those who vote for the bill are the only Senators who perceive the urban transportation system to be in dire need of help. At the same time, a negative vote might indicate to some a lack of foresight and judgment in this area.

However, I see that the issue at stake here is more than a yea-or-nay vote of a recognition of a serious urban problem. I see the issue more to be a question of selecting the most effective route to solving the problem.

Too often during the past few years I read notices in the newspapers describing one poorly managed transit system after another in our Nation's major cities. Fares continue to skyrocket while ridership continues to plummet. While there are obviously a great number of reasons for the decline of mass transit systems, there seems to be an overwhelming accumulation of evidence indicating serious management problems. To support S. 386 today means that we wish to continue subsidizing these same management systems.

Senator TAFT stated in his views to the members of the Committee on Banking, Housing and Urban Affairs:

> We will simply be throwing money down a rat hole if the subsidies provided are used to allow existing systems to continue operating exactly as they have in the past.

The paramount issue today seems to be the choice between continued support of wasted money slipping down the "rat hole" in preference to a comprehensive national program. The $800 million proposed in this bill seems too much to continue supporting present mismanaged systems.

Today I want to state publicly my support for more efficient mass transit systems, although I cannot support this particular bill. Rather, I believe that support for the urban mass transportation capital grant program will go further towards solving the problem than the approach we are asked to support today. Efficient mass transit must again become a prominent means of transportation in our cities.

As the bill now stands, there are simply no assurances that further expenditures, no matter the amount, would accomplish any improvement at all.

I want to state here and now that I am in support of spending as much money as necessary to solve national problems, and certainly mass transit systems would be near the top of the list of national priorities. I am just not convinced that this bill is the most advisable course.

I intend to support a comprehensive mass transit program setup like the Highway Act which has its own trust fund as long as it has comprehensiveness and will provide some immediate experiments as to how to best serve the mass transit commuter.

I believe there to be glaring differences between this approach as compared to S. 386 which is, in my opinion, pouring operationally tight money into inefficient, doomed-to-failure systems.

I urge my colleagues to withhold their support of this measure in their haste to do something—and, as it may turn out—anything to solve urban needs. I urge their support for worthwhile plans; plans which will truly be innovative and sound.

LET US KEEP MASS TRANSIT RUNNING

Mr. BIDEN. Mr. President, this afternoon the Senate will vote on important legislation (S. 386) to provide Federal operating subsidies for the continued operation of our mass transit systems. I have been a strong supporter of this legislation since I began my Senate term this year.

On March 14, I spoke on the floor of the Senate on behalf of incorporating this measure in the Federal highway aid bill. In my statement I reviewed the hearings of the Senate Banking, Housing and Urban Affairs Committee in which I participated. After considering both the arguments in favor of the legislation and those arguments which have been advanced in opposition to it, I concluded that Federal operating subsidies are of vital importance to the viability of mass transit systems and the communities which they serve. Unfortunately, although the amendment passed in the Senate, it was deleted in the conference report between the House and the Senate.

The opponents of this legislation argue that the problem of operating deficits is principally limited to a few big-city mass transit systems. While it is true that some of the major urban areas have encountered substantial deficits, the problem is not confined to them alone. For example, despite the efforts of the local and State governments to support Delaware's rapid transit bus service, deficits continue to trouble the new system and prevent it from further expanding and improving its service to increase ridership.

I ask unanimous consent to insert the opinion column, "DART Takes Right Turn," from the Wilmington Morning News of August 16, 1973, which discusses the problems and the progress of Delaware's DART system.

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

DART TAKES RIGHT TURN

DART is beginning to look like a success story on the way to happen, and that is a rare thing indeed in public transit systems today.

The four-year-old Delaware Authority for Regional Transit, which was started on a shoe-string of credit when Wilmington's privately-owned bus service collapsed, is pointing its lumbering blue buses further into the suburbs, carrying more riders every year—and losing more money. Even the last fact isn't too discouraging; city bus operations today aren't expected to make money. They are expected to render a service, like any other governmental service, rather than turn a profit for stockholders.

Figures released this week indicated that DART's riders increased by 5 per cent in the fiscal year ending June 30, on top of a previous year that showed a ridership of 5 million for the first time in DART's short history, and the first time in the Wilmington area since 1966.

Now, everything in the public transit business is relative. DART happens to look good at the moment mostly because most of the other urban transit services in the country are still on the downward spiral, and its gains in ridership are a break in the general national pattern. But this is not to say that DART doesn't have problems—big ones, and problems it shares in degree with most or all other urban transit systems in the country. Three of the big ones:

Gaining or regaining public confidence. Potential riders have to be convinced that service can be prompt, dependable, reasonably fast, and really economical as compared to driving and parking in downtown Wilmington. Riders have to be educated to consult bus schedules (relatively long waits at a bus stop don't necessarily mean that a bus is late, but might well mean that the rider never looked at a schedule)—and, of course, buses must be kept on schedule.

Extending the service to where the potential riders are and to where they want to go. There is a chicken-and-egg problem here: Does the utility extend the service into an area in hopes of thereby drumming up riders, or does it wait for demand for service before extending it? There probably isn't any single, general answer to those questions, but DART has been cautiously adventuresome, extending some lines and adding 43 additional trips recently. The problem is complicated by the need for financial security to be truly bold in extending service and buying the equipment to do so.

Persuading local government—state, county and city and the taxpayers who support them—that urban-suburban transit is a public service that should have regular, ongoing financial support. There has been some progress in this direction; the state of Delaware, New Castle County and the city of Wilmington are now providing subsidies to DART, and the state has made the subsidy a regular line item in its budget this year. Recent word that the federal government will at last part with some of the sacred Highway Trust Fund for mass transit—or, at least, give the states the option of doing so—is the best possible news; it at least gives the transit systems a fighting chance to compete with the private passenger car.

There are solid arguments for healthier transit systems everywhere, in terms of congestion, air pollution, energy conservation and economy. There is a better argument in Wilmington and northern New Castle County, where so many people live in dispersed suburbs but are funnelled into a small section of the central city to work—a center city whose streets and approaches were built with no thought to the automobile.

It appears however that if public transit in the area were still on the tracks, which it hasn't been in a long while, it would be on the right track.

Mr. BIDEN. Mr. President, a new amendment to S. 386 by the distinguished Senator from Michigan (Mr. HART) to provide limited funding for demonstration projects to determine the feasibility of fare-free mass transportation systems deserves special attention. I do not advocate that the Federal Government undertake as a permanent policy the funding of free local mass transit systems. I think this experiment will be of value, however, in helping units of Federal, State, and local governments to evaluate the true costs of various transportation options.

Although this experiment at first glance may seem to be a major departure from past transportation policies, on further consideration it appears quite consistent with our highway transportation program. When we travel by car from one point to another, the direct cost to us does not reflect the Federal subsidies for the original construction of the roads, the State and local maintenance of them, the local subsidies for parking, and the toll of air pollution and congestion on the health and economic viability of the urban areas. These indirect costs weigh in the actual total cost of our auto travel, but because they are subsidized, we are not directly charged for them. Thus, they are not factors in our personal decision as to the mode of transportation we use.

Furthermore, the benefits from the public grants for auto travel are not dis-

tributed equally. Those who cannot afford to own a car are excluded from directly benefiting from these public expenditures. As a result, the poor and the elderly, those who most need assistance in gaining adequate transportation, are left out.

I am hopeful that the fare-free experiment will help us see the savings in the indirect costs of auto travel which widely used mass transit systems would offer. If it does, we will become more aware of the true costs of our transportation options and be able to make better decisions on the transportation policies we wish to promote.

I urge the enactment of S. 386 as amended.

The PRESIDING OFFICER (Mr. SCOTT of Virginia). Under the previous order, the Senate will now proceed to vote on final passage of S. 386, which the clerk will state.

The assistant legislative clerk read as follows:

S. 386, to amend the Urban Mass Transportation Act of 1964 to authorize certain grants to assure adequate commuter service in urban areas, and for other purposes.

The PRESIDING OFFICER. On this question the yeas and nays have been ordered, and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. ROBERT C. BYRD. I announce that the Senator from Nevada (Mr. CANNON), the Senator from Florida (Mr. CHILES), the Senator from North Carolina (Mr. ERVIN), the Senator from Colorado (Mr. HASKELL), the Senator from Wyoming (Mr. MCGEE), and the Senator from Minnesota (Mr. MONDALE) are necessarily absent.

I further announce that the Senator from Nevada (Mr. BIBLE), the Senator from Massachusetts (Mr. KENNEDY), the Senator from Louisiana (Mr. LONG), and the Senator from Utah (Mr. MOSS) are absent on official business.

I further announce that, if present and voting, the Senator from Colorado (Mr. HASKELL), and the Senator from Nevada (Mr. CANNON) would each vote "yea."

Mr. SCOTT of Pennsylvania. I announce that the Senator from Tennessee (Mr. BAKER), the Senator from Colorado (Mr. DOMINICK), the Senator from Michigan (Mr. GRIFFIN), and the Senator from Illinois (Mr. PERCY) are necessarily absent.

I further announce that, if present and voting, the Senator from Illinois (Mr. PERCY) would vote "yea."

The result was announced—yeas 53, nays 33, as follows:

[No. 385 Leg.]

YEAS—53

Abourezk	Hatfield	Nelson
Aiken	Hathaway	Packwood
Bayh	Hollings	Pastore
Beall	Huddleston	Pearson
Bentsen	Hughes	Pell
Biden	Humphrey	Randolph
Brooke	Inouye	Ribicoff
Burdick	Jackson	Schweiker
Byrd, Robert C.	Javits	Scott, Pa.
Case	Johnston	Sparkman
Church	Magnuson	Stafford
Clark	Mansfield	Stevenson
Cranston	Mathias	Symington
Eagleton	McGovern	Taft
Fong	McIntyre	Tunney
Gravel	Metcalf	Williams
Hart	Montoya	Young
Hartke	Muskie	

NAYS—33

Allen	Domenici	Proxmire
Bartlett	Eastland	Roth
Bellmon	Fannin	Saxbe
Bennett	Fulbright	Scott, Va.
Brock	Goldwater	Stennis
Buckley	Gurney	Stevens
Byrd,	Hansen	Talmadge
Harry F., Jr.	Helms	Thurmond
Cook	Hruska	Tower
Cotton	McClellan	Weicker
Curtis	McClure	
Dole	Nunn	

NOT VOTING—14

Baker	Ervin	McGee
Bible	Griffin	Mondale
Cannon	Haskell	Moss
Chiles	Kennedy	Percy
Dominick	Long	

So the bill (S. 386) was passed, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

TITLE I—EMERGENCY COMMUTER RELIEF

FINDINGS

SEC. 101. The Congress finds—

(1) that over 70 per centum of the Nation's population lives in urban areas;

(2) that transportation is the lifeblood of an urbanized society and the health and welfare of that society depends upon the provision of efficient economical and convenient transportation within and between its urban areas;

(3) that for many years the mass transportation industry satisfied the transportation needs of the urban areas of the country capably and profitably;

(4) that in recent years the maintenance of even minimal mass transportation service in urban areas has become so financially burdensome as to threaten the continuation of this essential public service;

(5) that the termination of such service or the continued increase in its cost to the user is undesirable, and may have a particularly serious adverse effect upon the welfare of a substantial number of lower income persons;

(6) that some urban areas are now engaged in developing preliminary plans for, or are actually carrying out, comprehensive projects to revitalize their mass transportation operations; and

(7) that immediate substantial Federal assistance is needed to enable many mass transportation systems to continue to provide vital service.

SEC. 102. (a) Section 3 of the Urban Mass Transportation Act of 1964 is amended—

(1) by striking out "No" in the fifth sentence of subsection (a) and inserting in lieu thereof "Except as provided in subsection (f), no"; and

(2) by adding at the end thereof a new subsection as follows:

"(f) The Secretary is also authorized, on such terms and conditions as he may prescribe, to make grants or loans to any State or local public body to enable it to assist any mass transportation system which maintains mass transportation service in an urban area to pay operating expenses incurred as a result of providing such service. No financial assistance shall be provided under this subsection unless (1) the Secretary determines that the mass transportation services provided by the system involved are needed to carry out a program referred to in section 4(a), and (2) the applicant State or public body has submitted to the Secretary a comprehensive mass transportation service improvement plan which is approved by him and which sets forth a program, meeting criteria established by the Secretary, for capital or service improvements to be undertaken for the purpose of providing more efficient, economical, and convenient mass transportation service in an urban area, and for placing the mass transportation operations of such system on a sound financial basis (including a reasonable fare structure), and (3) the Secretary determines that the mass transportation services provided by each system involved is being provided by an efficient operation of such system in accordance with regulations promulgated by the Secretary.

"Notwithstanding the provisions of the fifth sentence of section 4(a), the amount of any grant under this subsection to a State or local public body to enable it to assist any mass transportation system to pay operating expenses shall not exceed twice the amount of financial assistance provided from State or local sources for that purpose. The Secretary shall issue such regulations as he deems necessary to administer this subsection in an equitable manner. Such regulations shall include appropriate definitions of (A) operating expenses, and (B) the sources or types of State or local financial assistance which may be considered in computing the maximum allowable Federal grant.

"The Secretary shall require, as a condition of assistance under this subsection, each State or local public body to submit an annual report describing the implementation of its mass transportation service improvement plan. If the Secretary finds, after receiving any such report and after opportunity for a hearing on the record, that a State or local public body receiving assistance under this subsection has not made reasonable progress in the implementation of its plan, he shall suspend further assistance under this subsection until such time as he determines that reasonable progress is being made."

(b) The fourth sentence of section 4(a) of such Act is amended by striking out "section 3" and inserting in lieu thereof "section 3 (other than subsection (f))".

(c) Section 4(c) of such Act is amended—

(1) by inserting "(1)" after "(c)";

(2) by striking out "sections 3, 7(b), and 9" and inserting in lieu thereof "section 3 (except subsection (f)), and sections 7(b) and 9";

(3) by striking out "this subsection" wherever it appears and inserting in lieu thereof "this paragraph"; and

(4) by adding at the end thereof a new paragraph as follows:

"(2) To finance grants and loans under sections 3(f) of this Act, the Secretary is authorized to incur obligations on behalf of the United States in the form of grant agreements or otherwise in amounts aggregating not to exceed $800,000,000. This amount shall become available for obligation upon the date of enactment of this paragraph and shall remain available until obligated. There are authorized to be apppropriated for liquidation of the obligations incurred under this paragraph not to exceed $400,000,000 prior to July 1, 1974, which amount may be increased to not to exceed an aggregate of $800,000,000 prior to July 1, 1975. Sums so appropriated shall remain available until expended."

(d) (1) Section 12(c) of such Act is amended—

(A) by striking out "and" at the end of paragraph (4);

(B) by striking out the period at the end of paragraph (5) and inserting in lieu thereof "; and";

(C) by adding after paragraph (5) a new paragraph as follows:

"(6) the term 'mass transportation system' means any private company or public authority or agency providing mass transportation service.".

(2) Section 12 of such Act is further amended by adding at the end thereof the following new subsection:

"(f) The provision of assistance for the payment of operating expenses under section 3(f) shall not be construed as bringing within the application of chapter 15 of title 5, United States Code, any nonsupervisory employee of an urban mass transportation sys-

tem (or of any other agency or entity performing related functions) to whom such chapter is otherwise inapplicable."

TITLE II—FARE-FREE MASS TRANSPORTATION DEMONSTRATIONS

SEC. 201. The Secretary of Transportation (hereinafter referred to as the "Secretary") shall enter into such contracts or other arrangements as may be necessary for research and the development, establishment, and operation of demonstration projects to determine the feasibility of fare-free urban mass tranportation systems.

SEC. 202. Federal grants or payments for the purpose of assisting such projects shall cover not to exceed 80 per centum of the cost of the project involved, including operating costs and the amortization of capital costs for any fiscal year for which such contract or other arrangements is in effect.

SEC. 203. The Secretary shall select cities or metropolitan areas for such projects in accordance with the following:

(1) to the extent practicable, such cities or metropolitan areas shall have a failing or nonexistent or marginally profitable transit system, a decaying central city, automobile-caused air pollution problems, and an immobile central city population;

(2) several projects would be selected from cities or metropolitan areas of differing sizes and populations;

(3) a high level of innovative service must be provided including the provision of crosstown and other transportation service to the extent necessary for central city residents and others to reach employment, shopping, and recreation; and

(4) to the extent practicable, projects utilizing different modes of mass transportation shall be approved.

SEC. 204. The Secretary shall study fare-free systems assisted pursuant to this title, and other financially assisted urban mass transportation system providing reduced fare for the purpose of determining the following:

(1) the effects of such systems on (i) vehicle traffic and attendant air pollution, congestion, and noise, (ii) the mobility of urban residents, and (iii) the economic viability of central city business;

(2) the mode of mass transportation that can best meet the desired objectives;

(3) the extent to which frivolous ridership increases as a result of reduced fare or fare-free systems;

(4) the extent to which the need for urban highways might be reduced as a result of reduced fare or fare-free systems; and

(5) the best means of financing reduced fare or fare-free transportation on a continuing basis.

SEC. 205. The Secretary shall make annual reports to the Congress on the information gathered pursuant to section 204 of this title and shall make a final report of his findings, including any recommendations he might have to implement such findings, not later than June 30, 1975.

SEC. 206. In carrying out the provisions of this title, the Secretary shall provide advisory participation by interested State and local government authorities, mass transportation systems management personnel, employee representatives, mass transportation, riders, and any other persons that he may deem necessary or appropriate.

SEC. 207. There is hereby authorized to be appropriated not to exceed $20,000,000 for each of the fiscal years ending on June 30, 1974, and June 30, 1975, respectively, to carry out the provisions of this title.

Mr. WILLIAMS. Mr. President, I move to reconsider the vote by which the bill was passed.

Mr. ROBERT C. BYRD. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

MESSAGE FROM THE HOUSE

A message from the House of Representatives by Mr. Berry, one of its reading clerks, announced that the House had passed, without amendment, the bill (S. 1165) to amend the Federal Cigarette Labeling and Advertising Act of 1965 as amended by the Public Health Cigarette Smoking Act of 1969 to define the term "little cigar," and for other purposes.

ENROLLED BILL SIGNED

The message also announced that the Speaker had affixed his signature to the enrolled bill (H.R. 6912) to amend the Par Value Modification Act, and for other purposes.

The PRESIDENT pro tempore subsequently signed the enrolled bill.

FULL OPPORTUNITY AND NATIONAL GOALS AND PRIORITIES ACT

The PRESIDING OFFICER. Under the previous order, the Senate will now resume consideration of the unfinished business, S. 5, which the clerk will state.

The bill was stated by title, as follows:

A bill (S. 5) to promote the public welfare.

The Senate resumed the consideration of the bill.

ORDER FOR RECOGNITION OF SENATOR ROBERT C. BYRD TOMORROW

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that after the two leaders have been recognized tomorrow I be recognized for not to exceed 15 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR TRANSACTION OF ROUTINE MORNING BUSINESS TOMORROW

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that tomorrow after my remarks there be a period for the transaction of routine morning business not to extend beyond the hour of 10:30 a.m., with statements therein to 3 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

ANNOUNCEMENT OF NO FURTHER YEA-AND-NAY VOTES TODAY

Mr. ROBERT C. BYRD. Mr. President, for the information of Senators, there will be no more rollcall votes today.

ORDER FOR CONSIDERATION OF UNFINISHED BUSINESS (S. 5) AT 10:30 A.M. TOMORROW

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that at the hour of 10:30 a.m. tomorrow, the Senate resume consideration of the unfinished business, S. 5.

The PRESIDING OFFICER. Without objection, it is so ordered.

TIME LIMITATION AGREEMENT ON S. 5

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that tomorrow there be a time limitation of not to exceed 1½ hours on S. 5; and that the time be divided between the distinguished Senator from Minnesota (Mr. MONDALE) and the distinguished minority leader or his designee.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ROBERT C. BYRD subsequently said: Mr. President, I ask unanimous consent, with respect to the order previously entered in connection with S. 5, the unfinished business, that there be a limitation of 20 minutes on amendments, to be equally divided, and that the agreement be in the usual form.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

The Chair will ask the Senator from West Virginia whether the order with respect to amendments on S. 5 includes debatable motions and appeals.

Mr. ROBERT C. BYRD. I thank the Chair. I ask unanimous consent that time on debatable motions and appeals be limited to 10 minutes, to be equally divided.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDERS FOR YEA-AND-NAY VOTES TOMORROW ON S. 5

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that on tomorrow, if a motion to recommit S. 5 is made, that the vote thereon occur at the hour of 11:45 a.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that if no motion to recommit is made tomorrow, or if a motion to recommit is made and fails, that the vote on final passage of S. 5 occur at the hour of 12 o'clock noon and that rule XII be waived.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that it be in order to order the yeas and nays on final passage of S. 5 at any time.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that it be in order to order at this time a yea-and-nay vote on a motion to recommit S. 5, if such motion is made tomorrow.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that it be in order to order both of those yea-and-nay votes with one show of seconds.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ROBERT C. BYRD. Mr. President, I ask for the yeas and nays on final pas-

sage of S. 5, and on the motion to recommit, if such motion is made.

The yeas and nays were ordered.

The text of the unanimous consent agreement is as follows:

Ordered, That, during the further consideration of S. 5, a bill to promote the public welfare, debate on any amendment shall be limited to 20 minutes, to be equally divided and controlled by the mover of such and the manager of the bill, and that debate on any debatable motion or appeal shall be limited to 10 minutes, to be equally divided and controlled by the mover of such and the manager of the bill: *Provided,* That in the event the manager of the bill is in favor of any such amendment or motion, the time in opposition thereto shall be controlled by the minority leader or his designee: *Provided further,* That no amendment that is not germane to the provisions of the said bill shall be received.

Ordered further, That on the question of the final passage of the said bill debate shall be limited to 1½ hours, to be equally divided and controlled, respectively, by the Senator from New Jersey (Mr. Williams) and the minority leader or his designee: *Provided,* That the said Senators, or either of them, may, from the time under their control on the passage of the said bill, allot additional time to any Senator during the consideration of any amendment, debatable motion or appeal: *Provided further,* That if a motion to recommit is made, the vote on such motion shall occur at 11:45 a.m.: *Provided further,* That on the question of final passage of the bill the vote shall occur at 12:00 if the bill has not been recommitted.

QUORUM CALL

Mr. ROBERT C. BYRD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

VITIATION OF ORDER PREVIOUSLY ENTERED ON S. 4, THE PENSION AND WELFARE BENEFITS BILL

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the order entered prior to the August adjournment, providing for the calling up tomorrow of S. 4, be vitiated.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR LIMITATION OF DEBATE ON S. 4

Mr. ROBERT C. BYRD. Mr. President, the request I am about to make has been approved by the leadership on both sides. It has been cleared with the distinguished Senator from New York (Mr. JAVITS), who is present and will speak for himself.

It has also been cleared with the manager of the bill, the distinguished Senator from New Jersey (Mr. WILLIAMS); with the distinguished Senator from Texas (Mr. BENTSEN); and also with the distinguished Senator from Wisconsin (Mr. NELSON).

I ask unanimous consent that, at such time as S. 4, the pension reform bill, is called up and made the pending business before the Senate, there be a limitation thereon of 6 hours, to be divided equally between the majority leader and the minority leader, or their designees; that time on any amendment be limited to 1 hour—with the exception of an amendment by the distinguished Senator from South Carolina (Mr. THURMOND), which will be limited to 2 hours; that any amendment to an amendment be limited to 1 hour; that time on any debatable motion or appeal be limited to 30 minutes; and that the agreement be in the usual form.

Mr. JAVITS. Mr. President, will the Senator yield?

Mr. ROBERT C. BYRD. I yield.

Mr. JAVITS. I have two requests: One is to provide that such time as is provided will be divided between the mover and the opponents; and that if there is a period when there are no opponents, the time will be under the control of the leadership on either side.

Second, should there not be in the unanimous consent agreement a statement that the bill will be called up for consideration on Tuesday, September 18?

In view of the fact that we are vacating the order providing for calling up the bill tomorrow, should we not fix a date?

Mr. ROBERT C. BYRD. Mr. President, with respect to the first question by the distinguished Senator from New York, that has been taken care of by the verbiage "usual form." As to the second question, it was my intention, once the agreement on the bill was accomplished, to ask consent that the bill be taken up on Tuesday, a week from tomorrow, immediately upon the close of morning business.

Mr. JAVITS. That is agreeable.

Mr. ROBERT C. BYRD. I shall be glad to include that.

Mr. JAVITS. No; do it as it was.

The PRESIDING OFFICER. Is there objection to the several requests by the Senator from West Virginia? The Chair hears none, and it is so ordered.

ORDER TO CONSIDER S. 4 ON TUESDAY, SEPTEMBER 18, 1973

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that, on Tuesday, a week from tomorrow, at the conclusion of routine morning business, the Senate proceed to the consideration of S. 4, Calendar No. 119.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. JAVITS. I thank my colleague. I might say, as usual, he has performed quite a job in getting this done.

Mr. ROBERT C. BYRD. May I thank the distinguished Senator from New York for his usual courtesy and cooperation, without which we would not have been able to reach this agreement.

Mr. JAVITS. I thank my colleague.

Mr. ROBERT C. BYRD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR RECOGNITION OF SENATOR BIDEN TOMORROW

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that on tomorrow, after the two leaders have been recognized under the standing order, the distinguished Senator from Delaware (Mr. BIDEN) be recognized for 15 minutes, after which the junior Senator from West Virginia be recognized under the order previously entered.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR RECOGNITION OF SENATOR MONDALE ON THURSDAY

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that on Thursday, after the two leaders have been recognized under the standing order, the distinguished senior Senator from Minnesota (Mr. MONDALE) be recognized for not to exceed 15 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR SENATE TO GO INTO EXECUTIVE SESSION WEDNESDAY TO CONSIDER THE NOMINATION OF MR. ARNETT TO BE DIRECTOR OF OFFICE OF ECONOMIC OPPORTUNITY—ORDER FOR VOTE THEREON

Mr. ROBERT C. BYRD. Mr. President, as in executive session, I ask unanimous consent that on Wednesday, immediately after the two leaders have been recognized under the standing order and no later than the hour of 10.05 a.m., the Senate go into executive session to consider the nomination of Mr. Arnett to the Office of Director of the Office of Economic Opportunity.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the vote on the nomination of Mr. Arnett occur on Wednesday at the hour of 12 o'clock noon.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ROBERT C. BYRD. Mr. President, this would mean that the previous order allowing 2 hours for debate on that nomination might be diminished by as much as 5 minutes.

The PRESIDING OFFICER. The Senator is correct.

Mr. ROBERT C. BYRD. In other words, Mr. President, there would then be a maximum of 1 hour and 55 minutes for debate.

The PRESIDING OFFICER. The Senator is correct.

Mr. ROBERT C. BYRD. Mr. President, in any event, the vote on the nomination would occur at the hour of 12 o'clock noon on Wednesday.

The PRESIDING OFFICER. The previous order calls for the vote to occur on Thursday.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that that order be vitiated.

The PRESIDING OFFICER. Without objection, it is so ordered.

QUORUM CALL

Mr. ROBERT C. BYRD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

UNANIMOUS-CONSENT AGREEMENT ON S. 2365

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that at such time as Calendar Order No. 359, S. 2365, a bill to regulate interstate and foreign commerce as it relates to the conduct of organized amateur athletic competition, is called up and made the pending question before the Senate, there be a time limitation on the bill of 2 hours, to be equally divided between and controlled by the majority leader and the minority leader or their designees;

That time on any amendment thereto be limited to 30 minutes;

That time on any amendment to an amendment be limited to 30 minutes;

That time on any debatable motion or appeal in relation thereto be limited to 20 minutes; and

That the agreement be in the usual form.

The PRESIDING OFFICER (Mr. SCOTT of Virginia). Is there objection? Without objection, it is so ordered.

QUORUM CALL

Mr. ROBERT C. BYRD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR ADJOURNMENT FROM TOMORROW UNTIL 10 A.M. ON WEDNESDAY

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that when the Senate completes its business tomorrow, it stand in adjournment until the hour of 10 a.m. on Wednesday next.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ROBERT C. BYRD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. HART). Without objection, it is so ordered.

CONSUMER PRODUCT WARRANTIES

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that upon the disposition of the nomination of Mr. Arnett on Wednesday, the Senate return to legislative session and proceed to the consideration of Calendar Order No. 263, S. 356, a bill to provide disclosure standards for written consumer product warranties.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ROBERT C. BYRD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. HART). Without objection, it is so ordered.

ORDER FOR CONSIDERATION OF S. 1866 TOMORROW

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that, on tomorrow, upon disposition of the unfinished business, S. 5, to promote the public welfare, the Senate proceed to the consideration of Calendar No. 335, S. 1866, to provide for increases in certain annuities.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. ROBERT C. BYRD. Mr. President, the program for tomorrow is as follows:

The Senate will convene at 10 a.m. After the two leaders or their designees have been recognized under the standing order, the distinguished junior Senator from Delaware (Mr. BIDEN) will be recognized for not to exceed 15 minutes; after which the junior Senator from West Virginia (Mr. ROBERT C. BYRD) will be recognized for not to exceed 15 minutes, or such portion thereof as will not carry beyond the hour of 10:30 a.m.

If there is any intervening time between the close of the remarks of the junior Senator from West Virginia—in the event he makes any remarks—and the hour of 10:30 a.m. tomorrow, that time will be utilized for the transaction of routine morning business, with statements therein limited to 3 minutes.

At the hour of 10:30 a.m., the Senate will resume consideration of S. 5, the unfinished business, a bill to promote the public welfare. A vote on a motion to recommit, if such motion is made, will occur at the hour of 11:45 a.m. If such motion is made and is rejected—or if no recommital motion is made—the vote on final passage of S. 5 will occur at 12 o'clock noon tomorrow. The yeas and nays have already been ordered on the passage of S. 5 tomorrow, am I not correct?

The PRESIDING OFFICER. The Senator is correct.

Mr. ROBERT C. BYRD. I thank the Chair.

Upon disposition of S. 5, the Senate will proceed to the consideration of S. 1866, to provide increases in certain annuities. Yea-and-nay votes are expected on amendments and final passage.

Senators are alerted, therefore, to at least one rollcall vote tomorrow and, may I say, it is likely that there will be additional yea-and-nay votes tomorrow.

ADJOURNMENT TO 10 A.M.

Mr. ROBERT C. BYRD. Mr. President, if there be no further business to come before the Senate, I move, in accordance with the previous order, that the Senate stand in adjournment until 10 a.m. tomorrow.

The motion was agreed to; and, at 5:05 p.m., the Senate adjourned until tomorrow, Tuesday, September 11, 1973, at 10 a.m.

NOMINATIONS

Executive nominations received by the Senate September 10, 1973:

DEPARTMENT OF JUSTICE

John O. Olson, of Wisconsin, to be U.S. attorney for the western district of Wisconsin for the term of 4 years. (Reappointment.)

Robert J. Roth, of Kansas, to be U.S. attorney for the district of Kansas for the term of 4 years. (Reappointment.)

Henry A. Schwarz, of Illinois, to be U.S. attorney for the eastern district of Illinois for the term of 4 years. (Reappointment.)

Charles S. White-Spunner, Jr., of Alabama, to be U.S. attorney for the southern district of Alabama for the term of 4 years. (Reappointment.)

CONFIRMATIONS

Executive nominations confirmed by the Senate September 10, 1973:

ENVIRONMENTAL PROTECTION AGENCY

Russell E. Train, of the District of Columbia, to be Administrator of the Environmental Protection Agency.

(The above nomination was approved subject to the nominee's commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.)

EXTENSIONS OF REMARKS

EASTER SEAL SOCIETY OF PENNSYLVANIA

HON. RICHARD S. SCHWEIKER

OF PENNSYLVANIA

IN THE SENATE OF THE UNITED STATES

Monday, September 10, 1973

Mr. SCHWEIKER. Mr. President, 1973 marks the 50th anniversary of the Easter Seal Society for Crippled Children and Adults of Pennsylvania. Since 1923, the society has worked on behalf of the needs of Pennsylvania's handicapped persons with dedication and distinction.

Last year, for example, the society was involved in the following activities:

Handicapped children and adults received 42,459 services through the Pennsylvania Society and its 45 affiliated Easter Seal Societies.

The camping facilities of the Pennsylvania Easter Seal Society—Camp Daddy Allen, Camp Easter Seal, Camp Harmony Hall and Camp Lend-A-Hand provided recreation for 979 handicapped adults and children.

Pennsylvania Society staff provided professional consultation, in-service training, leadership development and regional meetings for Easter Seal staff and other professionals in rehabilitation.

Local affiliated Societies were led in achieving a record $3,077,629 in public support through planned fund raising procedures and a total income of $4,652,485.

Extensive career and scholarship program for high school, college students and professionals maintained.

Continued a sustained public education and information program through film library, news media, brochures and newsletters.

459 Professional staff served the handicapped through Easter Seals.

Mr. President, I would also like to share with my colleagues the following excerpt from the Pennsylvania Easter Seal Society philosophy:

The Easter Seal Society for Crippled Children and Adults of Pennsylvania recognizes that individuals with handicaps, like all persons, desire and have a right to live in dignity within the limits of their capabilities and to be responsible for their own welfare and destiny. The basic purpose of The Easter Seal Society is to make this possible, working in cooperation with other agencies.

It shall do such things and perform such acts as it may deem necessary to accomplish its purpose and shall receive, hold, and apply funds, gifts, bequests, and endowments, or the proceeds thereof, to give effect to and carry forward its purposes.

The Easter Seal Society for Crippled Children and Adults of Pennsylvania believes, therefore, that all persons with handicaps regardless of age, creed, color, type of handicap, financial status or place of residence are entitled to the services needed for maximum development of their potential as accepted and contributing members of society. Because problems of handicapped persons are shared by and contribute to those of their family members, programs and services for crippled children and adults must be family oriented, rather than just patient oriented.

As a member of the Senate Subcommittee on the Handicapped, I would like to take this opportunity to congratulate the members of the Pennsylvania Easter Seal Society for their half century of service, and to wish them continued success in the future.

GREAT COMMUNICATOR

HON. PAUL FINDLEY

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, September 10, 1973

Mr. FINDLEY. Mr. Speaker, the death last month of Channing L. Bete, Sr., brought to an end a life notable for its varied and constructive contributions to mankind.

Mr. Bete was surely one of the most innovative communicators of modern times. He must rank with Gutenberg and Mergenthaler as one whose genius imparted understanding to millions. His contribution was the scriptographic technique, which combined brief words and small—often comic—designs to explain complex ideas at a glance.

Hardly a profession has lacked his touch. His small booklets, entitled "What Everyone Should Know About ———" brightened thousands of professional offices. He made the legislative process and even the Constitution itself easily understandable through the scriptographic technique.

He searched everyday life for problems to solve. One of his most impressive works was a scriptographic look at what public education should be like in the year 2000. He believed deeply in a universal language, and therefore championed Esperanto.

Mankind lost a great friend in the death of Channing Bete. A measure of his role in community life is expressed in this editorial farewell in the August 21, Greenfield, Mass., Recorder:

FAREWELL TO A FRIEND

An inspiration to all who knew him was Channing L. Bete, Sr., who made "scriptography" a common word in the communications field.

Most innovators are unsuccessful in developing their ideas; Chan Bete knew how to make use of his inventions. Most successful persons are either disliked or envied—or both; Chan had more admirers than anyone else in Greenfield.

From his earliest years in this town, Channing L. Bete was making friends and influencing people. He had a speech defect in those days but nothing could obscure his intelligence and his delightful sense of humor. Appreciative smiles and outbursts of laughter followed him wherever he went. And he traveled far, geographically and intellectually.

Chan was expert in communications. He employed words and pictures in selling both goods and ideas. After years of work in sales promotion, he sold his advertising agency and devoted the rest of his working life to the development of scriptography. This combination of simple drawings and hand-lettered text has been employed in scores of interest fields. It entertains, it instructs, it advises and it informs—all in an informal but most effective way. And it has sold by the millions of booklets, ranging from an analysis of the U.S. Constitution to a description of a symphony orchestra.

Scriptography has been marked especially by the Bete brand of humor—gentle and chuckle-provoking. More than anything of his professional creation, it has disclosed the inner Chan Bete, his deep perception of human problems and needs and his innate goodness. He used it wisely and well in the interests of man's knowledge and improvement.

Channing Bete the citizen was equally important to our society. He wrote Kiwanis Club shows that raised money for needy children. His years of service to Greenfield Public Library led him into the state libraries field and the improvement of this area of public enlightenment. As a hospital trustee and a Chamber of Commerce official he was farsighted and innovative.

But it is as Channing Bete the man and the neighbor that he will be most greatly missed. No Greenfield citizen of this era has been more beloved and more respected than this quiet, diffident man with his wry smile and his twinkling eyes. No man has had more admirers and probably none has been as trusted as this miracle worker with words. Whether it be a column to The Recorder from the Red Sox training camp or a public comment supporting the library, his personal stand attracted others without a question.

The very thought of Greenfield without Chan Bete is enough to make one rebel against the fates. All who knew him are grieving today.

A REPLY TO SOLZHENITSYN

HON. JESSE A. HELMS

OF NORTH CAROLINA

IN THE SENATE OF THE UNITED STATES

Monday, September 10, 1973

Mr. HELMS. Mr. President, I commend to the attention of my colleagues an eloquent address delivered in London on September 1 by the Honorable Geoffrey Stewart-Smith, Member of Parliament, with whom I shared the platform on the occasion of the closing session of the Seventh World Anti-Communist League Conference.

In my judgment, Mr. Stewart-Smith has herein offered advice that the free world will ignore at its peril.

I ask unanimous consent that extracts of his address be printed in the Extensions of Remarks.

There being no objection, Mr. Stewart-Smith's address was ordered to be printed in the Extensions of Remarks, as follows:

A REPLY TO SOLZHENITSYN

With your permission, I would like to accept the responsibility this evening of making a public reply to that great Russian writer: Solzhenitsyn.

After having so rightly been awarded the Nobel Prize for Literature in 1970, Solzhenitsyn declined to attend the Prize-Giving in Stockholm for fear of not being allowed to return home. Instead he sent a written address.

In it, he made an arresting statement:

"The Spirit of Munich" he said "has by no means passed away, it was not just a brief episode in our history. I would dare to say even that the spirit of Munich is the dominant one of the 20th Century. The timorous civilised world, confronted by the sudden renewed onslaught of a snarling barbarism found nothing better to oppose it with than concessions and smiles."

So challenging an observation, full as it is with the most profound meaning for our generation, deserves an answer.

I have chosen his words, but there are many other examples of similar sentiments

expressed by courageous and freedom loving peoples throughout the communist countries.

The only possible thing that I have in common with that great Christian writer, Solzhenitsyn, is that I too am an unofficial spokesman for liberty in my nation. His views did not enjoy the support of his government, and I doubt if my views represent the opinion of mine.

I feel obliged to speak out and to say to Solzhenitzyn: "you are right", the spirit of appeasement and Munich is abroad throughout the world today, but do not despair, there is hope, all is not lost.

It is true that there are many today who advocate a policy based on the illusion that there can be a permanent and lasting peace built upon slavery.

But we here gathered together are men of a different breed, we are defiant and anti-appeasers. We seek to build a real peace on firm foundations. Our conference is called Peace Through Freedom.

There is an unbridgeable divide between the jackals of tyranny and the ideals of freemen.

Appeasers have in the past and do today, put their trust in tyrannical and unelected party leaders and governments.

We put our trust in the people.

Some western governments—notably the West German—have taken the soft option and by contemptible opportunism have recognised a tyranny on German soil in international law—without the consent of the people of East Germany.

The whole contemporary appeasement policy—so delicately referred to as detente or accommodation—is based on wishful thinking and an illusion. It betrays an ignorance of the real nature of communist imperialism.

The brutal truth is that those regimes are in a state of permanent civil war with their own people. They are doing everything in their power to destroy the Free West: the very continued existence of which is a threat to the security of their party leaderships.

The policy of detente is doomed to failure because it is based on the continuing denial of human dignity, civil liberties and political freedoms to 3,000 million human beings. It is a contemptible betrayal of all the ideals of freedom for which the West should stand, whether they are motivated by political or religious beliefs.

In a few days time, the second round of talks on the conference for co-operation and security in Europe take place in Vienna. There is a possibility that the precious principle of self-determination will be denied to the 132 million people of central and eastern Europe: that this will be endorsed in international law by western leaders and policed jointly with the Soviets in some European security council.

Some gullible western leaders have endorsed the Soviet propaganda claim that the cold war is over and the era of detente will bring in a period of peace.

However, in the communist countries themselves the secret police have increased their savage repression of dissidents, even those who merely seek to attain their rights under communist laws! As western appeasement in the 1930s demoralised the anti-nazi German opposition movement so today, western appeasement is doing exactly the same thing to all the anti-communist opposition movements in the countries of the communist world.

While we know that the governments of the communist states are terrified of the people and need Berlin walls and iron curtains to prevent them running away, ironically the western leaders are also terrified of the people. This is because it is the people of the captive nations who have threatened their appeasement illusion so often. Today's Municheers were shocked at the tediousness of the East German workers being so militant in 1953; Poles and Hungarians being violent in 1956 and the Czechoslovaks really did set back such policies in 1968 by being troublesome. Some almost resent the fact that the people of Vietnam fight on and that the people of Taiwan even exist at all!

Where the people of a communist divided nation are free, as in the case of the Republic of China, most western governments simply ignore them: throw them out of the United Nations and placate the oppressors of the Chinese people.

Why are free elections not held in Hong Kong?—because the people might reject the communists utterly as in Berlin?

In this great contest between liberty and tyranny in our time, there must be negotiation, but negotiations which benefit our side not theirs. On the crucial question of intent, a choice must be made: one either supports the regimes or the peoples.

Some say that we can best help the people by mellowing the regimes. They may be right. They may be wrong. The fate of Dubcek is not too encouraging.

Where we must be careful, is in being gracious enough to pay tribute to western leaders who show courage and vision in these matters. The expulsion of 107 Soviet spies from this country was not an act of appeasement. The Soviets did not win the first round at Helsinki.

Now in reaching a decision as to what our broad aims are as a world organisation, I do not think that this is complicated. We surely want to see the U.N. Charter actually implemented throughout the World. We want the U.N. Declaration of Human Rights and the International Covenant on Civil and Political Rights similarly carried out.

On this very point, Solzhenitsyn wrote in the same statement:

"The U.N. did not even trouble to make its best document for the past 25 years, the Universal Declaration of Human Rights, obligatory for governments and a condition of their entry—and thus left the people at the mercy of governments they had never elected."

I believe that the people of the captive nations seek what every other nation seeks: self-determination, peace, prosperity and the withdrawal of foreign troops. Their peoples will evolve political administrations and economic systems of their own choosing, and probably aspire to neutrality.

In helping the people of the captive nations, we will make no concession at all over the continuing denial of their rights.

We will not betray them for some bogus international agreement.

We will not be party to any agreement which endorses the existing status quo in return for worthless and unenforceable promises.

We will never recognise the de jure political administrations in the Baltic States imposed on them as a result of nazi and communist infamy.

We will never accept the Brezhnev doctrine and we demand its renunciation by the Soviet government.

We will never cease to deplore the continuing existence of regimes which make it impossible for the citizen to fulfill his life in freedom.

We will continue to attack the appalling waste of human talent that repression causes.

We will never agree to half Europe being denied its religious, moral, political and cultural heritage.

We will never agree to the Conference on Security and Co-operation becoming a new super Munich.

We may not have the power in the West to enforce self-determination in the communist countries, but it is within the power of our governments to refuse to approve of the endless denial of democracy and liberty to the people of those nations.

To Solzhenitzyn I would say that the anti-appeasers and the anti-Municheers of today have now joined themselves together on an international scale. We have combined our strengths together to counter this global tyranny.

You may ask what manner of men we are. The answer is that we are the servants of the people in whom we trust and from whom all true and legal power comes.

We put our trust in people, not party leaders or governments.

We are patient, steely determined and prepared to wage a terrible and prolonged war of attrition. We hope, by God's grace, that our weapons will only be words, and the power of our ideals.

We have little or no power over governments, but by our tongues and pens we seek to influence them.

We do not presume to know what the future holds, and we promise no short term or easy solution, but with a mighty unified effort throughout the world, we believe that we will triumph with human nature, truth and reason on our side.

Solzhenitzyn you may ask what motivates us.

I would reply that we believe that acting together we will only conquer fear, not with a greater fear, but with love.

That we will never defeat irrationality with the denial of reason, but with reason.

We will never supplant inhumanity with a great inhumanity but with humanitarianism.

We will never defeat lies with greater lies, but with the truth.

We will never achieve spiritual victory unless we have faith.

We can only defeat daily terror by daily courage.

We will only achieve the brotherhood of man with tolerance and understanding.

We will only attain liberty with the consent of those who seek it.

We will only be worthy of serving the people if we show compassion and humility.

We will never build a world at peace spiritually, if all we offer is more matter than the materialists.

We will never restore human dignity without demanding justice.

We will never attract men of goodwill if we preach any form of hatred of nation, religion or race.

But above all, we will never keep silent in the face of tyranny. We will never rest in exposing lies, and we will speak the painful truth at no matter what cost to ourselves.

You all know that previously in history, the appeasers failed and war broke out. Today for the sake of humanity, the anti-appeasers must not fail this time. The Municheers of today must be defeated for the consequences of either a nuclear war or slavery under tyranny is too dreadful to contemplate.

I am compelled to ask you all to make a supreme personal effort in order to avoid catastrophen and to secure peace for us and our children.

Now let us depart to every corner of the world determined to play our individual part in furthering liberty—knowing that we are not alone, and that we have many allies.

One of our best allies are the captive nations themselves. We will work for their liberty too for there can only be peace through freedom.

AN AMERICAN CONSERVATIVE LOOKS AT THE IRISH QUESTION

HON. MARIO BIAGGI

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, September 10, 1973

Mr. BIAGGI. Mr. Speaker, I would like to draw to my colleagues' attention an article printed in the February 10, 1973, issue of "The Irish People"—a news-

paper geared toward the Irish community of New York City.

The article presents an effective argument of the faults of present American policy in Northern Ireland and the effect of the British occupation there. Frequently, the public condemns the Irish Republican Army as brutal and savage, but rarely do we hear of the atrocities committed by the British. The uprisings presently taking place in Northern Ireland are not by a small number of ruthless, insane individuals; it is a movement by a very large and intelligent group.

Americans must remember that there are two sides to every coin and that an argument that looks at only one side, like a coin with only one face, will not buy anything.

The article follows:

AN AMERICAN CONSERVATIVE LOOKS AT THE IRISH QUESTION

(By Professor Edward F. Leonard of Iona College)

There is a great deal of honest misunderstanding of the Irish Question in the United States today as is evinced by both the policies of the American press and of the United States government. We cannot expect more reasonable conduct from either quarter unless and until we have a clearer understanding of the facts.

Ireland is, by nature, one country, whose only boundary is the sea. The artificial, foreign-imposed partitioning of this island nation has proven nothing but tragic for all concerned.

The injustice and conflict resulting from English rule in Ireland are the most deplorable in the Western world. It is heartening to see the most Irishmen and Irish-Americans follow the lead of the Republican movement in rejecting the differences carefully fostered by an alien government, which have divided a minority from a majority in the past. We must, however, condemn internment without charge or trial, drum head courts, and the denial of basic civil, natural, historic and human rights under the various "Coercion Acts", most notorious of which is the infamous Special Powers Act. The inhuman torture of helpless men and women who ought to be treated as Prisoners of War under the rules of the Geneva Convention is inexcusable; such treatment might be expected in oriental despotisms but not at the hands of an allegedly-Christian, civilized, Western nation. The one sided nature of sweeps through, attacks upon, and harassment of nationalist areas and people gives the lie to any claims of governmental neutrality.

There must be a real truce, the release of all interned and sentenced Irish political prisoners, everywhere, and the immediate withdrawal of the British Army to their barracks pending their orderly and complete removal from all of Ireland.

Americans must come to understand the nature of both the conflict and the belligerents in Ireland. The current conflict in the so-called "North" of Ireland is a legitimate extension of the continuing Irish War for Independence. A de facto state of belligerency does exist in those six of divided Ulster's nine counties known as "Northern Ireland." Reginald Maulding, the British Defence Minister, has publicly told the world that "the British Army is at war . . . in Northern Ireland." The belligerents in that unhappy war are the Irish Nation and the British Empire, represented in the field respectively by the "Provisional" Irish Republican Army (IRA) and the British Army (and their auxiliary forces).

The British Army and its allies in Ireland in 1969–'73 (?) are performing essentially the same function that the British Army with its Hessian mercenaries and Tory allies performed in America in 1775–'83, namely to try to hold for the British Empire an overseas possession within which years of English mis-rule had driven the inhabitants to rebellion. The belligerent Irish Freedom Fighters (like the Hungarians of 1956) are committing an act of self-defense, for reasons more compelling even than those enumerated in the American Declaration of Independence of 1776. They are following a noble tradition in asserting their right to national freedom and sovereignty. They are asserting it in arms; they are asserting it in blood.

To say that the "Provisional" IRA is anti-British is to state the obvious. We must look deeper and discover that these men are sincere, genuine nationalists who not only reject the tyranny of the red flag of England, but also reject the even more iron tyranny of the red flag of atheistic-Marxism. Their Chief of Staff, Sean Mac Stiophain, said in an interview in the New York Times, Nov. 7, 1971, "we are very anti-Communist." Clearly then, the "Provos" intention is not to impose new masters, but to expel old tyrants.

The Cause of Irish Freedom, though inspired in part by the ideals and example of the American Revolution, is a purely Irish movement. Its roots are in ancient Ireland and Patrick Pearse is its guiding light. The only "ism" involved here is nationalism. On page 2 of the October 1971 issues of An Phoblacht (The Provisional Irish Republican newspaper) there is a statement of the Irish Republican Publicity Bureau dated 26–9–71 which says that the Republican Movement stands for a republic, based on "the proclamation of 1916 and on Christian principles." It goes on to say, "Accordingly, we reject . . . atheistic Marxism . . ., and we are confident that the overwhelming majority of the Irish people will reject this alien philosophy." The Provisional Republican plan for Provincial assemblies so eloquently explained by Senator John E. Flynn in the Nov. 11, 1972 issue of The Irish People (p. 17) is the most effective and progressive plan for the decentralization of government and the protection of local and minority rights, liberties, and interests in a free and united Ireland in accordance with the principle of subsidiarity. Ireland must have a wise and frugal government, which shall restrain men from injuring one another, shall leave them otherwise free to regulate their own pursuits of industry and improvement, and shall not take from the mouth of labor the bread it has earned. This, as Thomas Jefferson said, is the sum of good government. What the "Provisional" IRA is fighting for is the restoration of a united, independent, Irish Ireland; not free merely, but Gaelic as well, not Gaelic merely, but free as well.

"The Provisional" Irish Republican Army is the legitimate military arm of that physical force Irish Republican movement which seeks to establish in fact the all-Ireland, Irish Republic as proclaimed by Patrick Pearse on Easter Monday, 1916, ratified by the overwhelming (80%) majority of the Irish electorate in the general election of 1918, and established de jure by the First Dail Eireann in 1919. It represents, in arms, the legitimate aspirations of the Irish people to national freedom and sovereignty.

In order to bring on a lasting peace as the first step in building a new Ireland, the following must happen:

The Irish, like all other nations, must be guaranteed exercise of the right to determine their own future without let or hindrance. There must be a firm commitment from the British government to withdraw all their armed forces from Ireland by a specific date. With malice toward none and charity for all there must be a general amnesty for all Irish political prisoners, wherever incarcerated, and for all men on the wanted lists.

It is the lesson of history that the only solution to the Irish Question is a free and independent, united Ireland. In the interest of peace and justice, therefore, we must all work for the most expeditious establishment in fact of an all-Ireland, 32-county, Irish Republic of all of the Provinces of Ireland.

IRA Chief Mac Stiophain has said (An Phoblacht, March, 1970): "The people of Ireland will never have the equal rights and opportunities, the civil and religious liberties guaranteed to them by the men of 1916 until British rule has been completely overthrown and a free Gaelic Republic of all Ireland firmly established."

"The Irish Republic was proclaimed by the only way possible—by force of arms—and only by force of arms can the republic we seek be established."

If indeed this is the lesson of history, that there is no other way than physical force, then the opinions of a candid world cannot but wish for Victory to grace the arms of the Irish Republican movement, the "Provisional" IRA. But, the United States is not without influence, as we demonstrated with a mere passive policy of disapproval during the Suez Crisis in 1956. In the interest of a speedy, just, and honorable end to this terrible conflict in Ireland we must therefore call upon the Congress and government of the United States to recognize the truth about the dangerous state of affairs in Ireland, and to use their influence, good offices, and resources, always consistent with the security interests of the United States, to bring a speedy and equitable solution to this unhappy conflict, and to aid in the establishment of a free and independent, united Ireland. What each and everyone of us does counts; you can make the difference.

I propose a program of five (5) points for Americans interested in aiding the cause of peace (which, incidentally, is here in the best interests of the United States) and in aiding the Cause of Irish Freedom:

(1) Recognize that the current conflict in Ireland is a legitimate extension of the continuing Irish war for independence.

(2) Recognize that the only real solution to the Irish question is a free and independent United Ireland.

(3) Recognize and insist upon the right of the Irish people to national self-determination.

(4) Give all legitimate support to those sincere Irish Nationalists who are striving for the establishment in fact of a free Gaelic federated all-Ireland, 32-country, united Irish Republic, based on Christian principles and on the proclamation of 1916.

(5) Know only one name and definition of freedom, the Fenian definition: It is Washington's definition, it is Adams' and Jefferson's; it is Tone's definition, it is Mitchell's Davis', Lalor's, Lincoln's, and Ross', it is Patrick Pearse's definition and it is Sean Mac Stiophain's definition. Let it be our definition, real and complete freedom.

INEQUITIES IN STATE WORKERS' COMPENSATION LAWS

HON. DOMINICK V. DANIELS

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Monday, September 10, 1973

Mr. DOMINICK V. DANIELS. Mr. Speaker, as my colleagues in this distinguished body are well aware, gross and pervasive inequities exist in the disparate State workers' compensation laws. As reported by the National Commission on State Workmen's Compensation Laws, established pursuant to the Occupational Safety and Health Act of 1970, the existing State workers' compensation laws fail to provide prompt, adequate and equi-

table protection to workers and the families of workers injured, maimed or killed on the job; and as a result, many workers or their families have been denied workers' compensation benefits. In these times of economic uncertainty and galloping inflation, we must not place such an inordinate burden on our most precious natural resource, the American worker.

In an effort to correct this serious problem and afford uniform standards for the payment of benefits to injured workers, I have had the privilege to cosponsor with my distinguished chairman of the full Committee on Education and Labor, the Honorable CARL D. PERKINS, H.R. 8771, the National Workers' Compensation Standards Act of 1973. That piece of legislation has the stated purpose of "establishing minimum standards of adequacy and fairness for State workers' compensation programs and procedures by which such standards may be implemented."

To emphasize the injustices practiced upon workers by diverse State workers' compensation laws, I would like to insert into the RECORD and commend to the attention of each Member an article in the September 4 edition of the Washington Star-News:

WORKMEN'S COMPENSATION LAWS

(By Sylvia Porter)

More than two years ago, the Wall Street Journal's long-time Midwest managing editor suffered a broken neck and dislocated spinal cord in a tragic auto accident. Outcome: quadriplegia, or paralysis from the chest down.

Human toll aside, the cost of his medical treatment and rehabilitation has been about $75,000 to date—almost all of it paid by workmen's compensation (the Illinois editor was on a recruiting trip when the accident occurred). Somewhat miraculously, this man is back on his job today.

Labor Day is traditionally a time for hailing the American worker's achievements over the years—and our workmen's compensation laws certainly belong high on any list of these achievements.

But as I read about the editor in a recent issue of Business Insurance magazine, I wondered: What if this accident had occurred in a state with less liberal workmen's compensation rules?

If the State had been Tennessee, he would have been guaranteed only $5,000 in medical benefits during the first two years—unless he went to court for more—and the maximum income benefit would have been $55 a week. If the accident had happened in Louisiana, only a $2,500 medical benefit would have been guaranteed.

Our compensation laws are wildly arbitrary and vary dramatically from state to state.

Each year millions of workers need medical treatment and 2.3 million miss at least one day of work because of an on-the-job injury. Each year, 14,200 lose their lives, and 90,000 become permanently disabled. In 1972 alone, more than $3.2 billion in workmen's compensation benefits were paid under federal-state workmen's compensation laws—nearly half of the sum is medical and hospital payments.

Here are some answers to questions which affect you.

Q. How many Americans are covered and who is eligible?

A. About 73 million—82 percent of our work force—are covered, according to the Insurance Information Institute. Eligible are workers who become partially or totally disabled because of an accident or injury on the job, no matter who is to blame. The interpretation of "on the job" varies, but in some states, illnesses incurred on the job are covered, too.

Q. Who isn't covered?

A. The rules vary from state to state, but among the least covered occupations are agricultural work, domestic work, work for religious, charitable or nonprofit organizations, "casual" labor, self-employment, workers in small firms.

Q. How much do benefits run?

A. Normally, the maximum benefit is between 60 and 80 percent of the predisability wage. In one-third of the states, there is an extra allowance for workers who have dependents, which brings typical benefits to 60–65 percent of take-home pay. Typical maximum benefits for temporary total disability are $40 to $175 a week, according to your state.

Q. What types of benefits are paid?

A. The biggest chunk goes to make up for income lost due to illness or disability incurred on the job. The next biggest chunk goes for medical costs. The rest goes for death benefits paid to survivors.

Q. How long are benefits paid?

A. In two out of three states, benefits are paid as long as your disability or illness lasts—possibly your lifetime.

Q. How quickly are compensation claims paid?

A. Usually within two weeks after the claim is filed.

Q. Who pays the claims?

A. Private insurers—to whom employers pay insurance premiums—pay nearly two-thirds of the benefits. State insurance funds pay 23 percent of the benefits and employers pay the rest via self-insurance plans. The average cost to employers in covered employment is about 1 percent of payroll.

Q. Can you collect both Social Security disability benefits and workmen's compensation at the same time?

A. Yes, if the combination does not exceed 80 percent of your predisability monthly earnings. After that, Social Security payments are cut to keep the total at the 80 percent mark. Social Security disability benefits alone now amount to more than $4 billion a year.

OTHER GOVERNMENTS FOLLOW THE UNITED STATES IN CREATING OFFICE OF TECHNOLOGY ASSESSMENT

HON. OLIN E. TEAGUE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Monday, September 10, 1973

Mr. TEAGUE of Texas. Mr. Speaker, more than 7 years ago the Committee on Science and Astronautics and its Subcommittee on Science, Research, and Development began work on the concept of technology assessment. Through many years of careful study and consultation with some of the most thoughtful and knowledgeable people in the country, this concept evolved into legislation and eventually—last October—into public law. As a result, Congress has created an Office of Technology Assessment as a new mechanism to help it in making decisions on matters involving a strong technological component.

Interestingly enough, since that time the idea has spread not only through this country but around the globe. In fact, a number of other governments are in the process of adopting such a process as a component of their business. The German Bundestag is in the process of doing this. The Japanese Ministry of International Trade and Industry has set up a Technology Assessment Office, as has the Japanese Science and Technology Agency. The Swedish Parliament is considering the formulation of an Office of Technology Assessment. Reports from Russia indicate that a committee has been formed within the government to consider the establishment of a technology assessment unit. Last fall NATO devoted the entire proceedings of its Advanced Study Institute in Milan to this matter. It has become a topic of study by UNESCO, the Organization for Economic Cooperation and Development, the Council of Europe and the new Internal Institute for the Management of Science and Technology in Vienna.

The most recent example of the international spread of technology assessment was reported on July 18 in the Washington Post in a dispatch from London, where a new Council for Science and Society is being set up to "examine selected projects on the frontiers of science and technology, draw up a balance sheet of human benefits and costs" and otherwise look for "important social consequences for good or ill." While the new council is not a part of the government apparatus in England, its members are prominent persons whose influence reaches into both the government and private sector.

It appears to me, Mr. Speaker, that there is a certain irony in the fact that the Congress of the United States, which created and fostered technology assessment among the parliaments of the world, has yet to fund its own office and permit it to become operational while similar entities in other parts of the world are already beginning to function. It is my sincere hope that the Congress will not let this situation continue much longer and that appropriate funding will be forthcoming soon in the Legislative Appropriations Act.

Mr. Speaker, the news story concerning the new council in Britain follows:

[From the Washington Post, July 18, 1973]

TO JUDGE SOCIAL CONSEQUENCES OF SCIENCE

(By Bernard D. Nossiter)

LONDON, July 17.—Some of Britain's leading scientists today launched a pioneering effort to predict and control the social fallout from scientific research.

The new Council for Science and Society will examine selected projects on the frontiers of science and technology, draw up a balance sheet of human benefits and costs and propose ways to ease or inhibit consequences threatening the quality of life.

The council includes two Nobel Prizewinners and 31 other distinguished figures from a wide array of disciplines. It is believed to be the first of its kind in the world.

It represents a striking departure from the conventional view that scientists should pursue knowledge for its own sake and let the rest of society worry whether it is used or abused.

Although its founders describe it as a "modest proposal," the council could prove to be as important in history as the organization of the Royal Society, 300 years ago. That was Europe's premier scientific body and it played a key role in bringing the industrial revolution to Britain first. Appropriately, the new council announced its formation at the Royal Society's headquarters in Carlton House Terrace here.

In effect, the new council is not trying to push the scientific genie back in the bottle, but tame it instead. It appears at the very moment when, throughout the rich West, there is increasing skepticism toward and fear of the scientists' product.

Chairman of the council is Sir Michael Swann, a zoologist, who is also chancellor (in American terms, president) of Edinburgh University and chairman of the British Broadcasting Corp., one of the most influential posts in Britain.

"Science and technology have done some magnificent things," Sir Michael said today. "But they often produce uncomfortable side effects. Very often, we then do something about this, but it is too late."

Among the first subjects that the council expects to examine is research into the control of human behavior, especially mood-changing drugs, and the hunt for techniques to determine in advance the sex of infants.

In a prepared statement of objectives, the council says:

"It is not committed to any view of scientific optimism or pessimism about the future of man . . . It will try to identify areas of research in science and technology which could have important social consequences for good or ill, but which are not yet fully explored; to study these objectively; to attempt to foresee what their consequences might be; whether they could be controlled, and how; and to publish responsible reports designed to stimulate wide public debate . . . In this way it hopes to foster an active corporate social conscience in which the British scientific community can work."

Some of the founders expect that their group will be labelled, a "doom watchdog," a reference to the popular belief that uncontrolled science and technology are leading man to exhaust the planets natural resources and extinguish life.

To avoid any hint of government control, the council is getting its funds from independent, private sources. It is now backed for three years by a grant of about $200,000, from the Leverhulme Trust, a foundation created by the former head of Unilevel, a giant international conglomerate.

The council stems from growing discomfort among many scientists over the unforeseen consequences of their discoveries. By the time these dangerous side effects become apparent, vested interests in government, industry and elsewhere are exploiting the discoveries, and it is difficult to check their malign effects.

In an early discussion of the problem, a group of scientists and others cited as examples the uncontrolled development of antibiotics, computer data banks, plastic containers and the contraceptive pill.

The council members recognize that the spread of knowledge is worldwide, that even if Britain works out successful techniques to restrain the baleful effects of a new discovery, other nations may plunge ahead heedlessly. But, if the council works well here, the hope is that it will become a model for other nations, much like the Royal Society three centuries ago.

Sir Michael, the chairman, described his group as "slightly establishment," but promised that younger scientists would be called in as a balance, to perform the actual research into research.

The group's secretary and lone paid member, Dr. Jerome Ravetz, offered a crucial distinction. He said the council is "of but not in the establishment."

He meant that its members all had reputations valued by men of power and influence, but that many were capable of an unestablishment rocking of the boat. Ravetz, a leader in the campaign against the Concorde, is himself an example. Born in Philadelphia, he has been trained as a philosopher and mathematician and now is a senior lecturer in the history of science at Leeds University.

Other council members are Maurice H. F. Wilkins, Nobel laureate in medicine; Denis Gabor, Nobelist in physics; Sir Bernard Lovell, the astronomer; Conrad H. Waddington, geneticist; Anthony Storr, psychiatrist; Dr. Alexander Comfort, poet, novelist and gerontologist; Edward Crankshaw, the historian; and Asa Briggs, vice-chancellor of Sussex University and social historian.

The council also includes an engineer, biochemist, biophysicist, social psychologist, engineer, three big businessmen and Lenin Peace Prize winner, physicist Eric H. S. Burhop.

The council will not examine controversial projects that have already ripened, like nuclear fast breeder reactors. Nor does it intend to look at those that appear to be a long way from maturity. But the difficulty of deciding what is and is not ripe was illustrated by a difference openly discussed before reporters over research into creation of test-tube babies.

Dr. Robert G. Edwards of Cambridge and Patrick C. Steptoe of Oldham General Hospital in Lancashire have produced some striking results, conceiving an embryo in the laboratory. But their experiments have aroused widespread fears of genetic engineering, of a dictatorial government producing a race of serfs.

Council member John H. Humphrey, deputy director of the National Institute for Medical Research, insisted, "We have got to look at Edwards and Steptoe."

Chairman Swann, however, demurred. "It may not be a social problem for some years to come," he said.

Ravetz, the new group's secretary, observed that if Britain's technology ministers had had a council assessment available, development of the Concorde might have been halted long ago.

He suggested that the council's researchers might well examine controversial scientific concepts, trying for example to define "acceptable risk," and look into the effects on privacy of new developments in electronics.

Ravetz will interview scientists, writers and others over the next few months and propose projects for the council's work. Its members will then select six for their first three years. A few experts in each field, drawn from outside the council, will make reports. These, with their recommendations for control measures, will ultimately be issued under the council's name.

The council is closely modeled on the lines of a paper written by Paul Sieghart, a retired London lawyer, and published in September in Nature, the science journal. Sieghart, the new council's vice-chairman, called for "a body organized by the scientific community itself and expressly charged with the task of informing the public in general, and the organs of government in particular, at the earliest possible time, of all scientific work likely to have important social consequences for good or ill."

RECOGNITION OF FRANK WILLS

HON. RICHARD S. SCHWEIKER

OF PENNSYLVANIA

IN THE SENATE OF THE UNITED STATES

Monday, September 10, 1973

Mr. SCHWEIKER. Mr. President, when I appeared recently on the nationally-televised public broadcasting news interview program "Black Perspective on the News," I was asked by one of the journalists, Robert Jordan of the Boston Globe, why more acclaim has not been given to Frank Wills, the black security guard who discovered the Watergate break-in.

I agree with Mr. Jordan that Frank Wills is the "forgotten man" of the Watergate affair, and I would like to take this opportunity to share with my colleagues several accounts of his activities since June 17, 1972.

The May 13, 1973, Washington Post Potomac magazine contained a lengthy piece on Mr. Wills. Perhaps the most telling insight into the man came in the following passage:

Wills' friends still sometimes call up and ask, "Is the hero in?" and when something appears about it on TV, they coyly say, " 'They're talking about you.' I say, 'Not me, I did my part, I'm finished with it.' "

again—

Yet could he have it to do all over

I would do it five times over if I had to. I'm glad I did it, I have no regrets.

And the reason is duty, a strong sense of doing the job correctly, a concept that Wills returned to often.

I think I was doing my duty, I was doing a job . . . It was part of my job . . . If you're on a job to do something, you just do it. If you're proud of your job, of what you're doing, the rest will take care of itself.

Mr. President, I ask unanimous consent that several articles on Mr. Wills be printed in the RECORD.

There being no objection, the articles were ordered to be printed in the RECORD, as follows:

[From the New York Times, Apr. 28, 1973]

WATERGATE PRODUCES ONE HERO

"My friends think I'm a great celebrity, a great detective," said Frank Wills, a 25-year-old security guard from North Augusta, S.C. who works in Washington. "Down home, I'm big stuff." Mr. Wills went on. "People I know call me up and say "How's the hero?" Mr. Wills said that "it was just part of my job" when, on the morning of June 17, 1972, he discovered that a lock had been tampered with on a door near the offices of the Democratic National Committee headquarters in the Watergate complex. He informed the local police, who arrested the Republican operatives who had broken in. Since then, Mr. Wills said, he had changed security jobs in order to get a $5-a-week raise, bringing his present weekly salary to $85. An unidentified Democratic party spokesman said: "We have talked about doing something for him but we haven't been able to find him. I mean, we would at least like to say thank you."

[From the Chicago Daily News, June 18, 1973]

WATERGATE AND "FRANK WHO?"

(By Ellen Warren)

Years from now, if people still sit in their living room and drink cocktails and play trivia, they'll profit from remembering the name Frank Wills.

Right now, at least, it looks like 25-year-old Wills must resign himself to the small print in the footnotes of history books.

He is the $80-a-week security guard who discovered the Watergate break-in that signaled the White House head-rolling that has become another chapter in American political corruption.

"Frank Miller, Frank Miller," shouted a little boy, running up the steps after Wills, waving a piece of paper. Sign this, sign this, Frank Miller."

Quite obviously, Wills has a long way to go to overcome his obscurity.

Step one of the process is making paid speeches around the country to remind people just who Frank Wills is.

So, it was in a fitting remembrance of the one-year anniversary of the Watergate bur-

glary Sunday that Wills was in Chicago to receive the Social Justice Award and a $500 check from the Concerned African Methodist Episcopal Ministers of Metropolitan Chicago.

Wills seemed genuinely embarrassed by the praise that the ministers and congregation at the Bethel AME Church, 4448 S. Michigan, heaped upon him. He was hailed as a model for young black men.

Some 300 people gave Wills a standing ovation as a pleased Washington attorney, Dorsey Evans, looked on.

The church presentation, and an earlier affair in Detroit, were Evans' ideas.

He is a savvy and eloquent lawyer and public relations man who talks of movies starring Frank Wills, television appearances, souvenirs.

"Until Frank hired be about five weeks ago he hadn't made one appearance," Evans said, aghast.

Wills now is an $85-a-week security guard for a Washington (D.C.) realty firm.

He said he didn't realize that the Watergate break-in was anything more than a routine burglary until three days after it happened. A friend of mine called me and told me my picture was in the paper."

Fame is fleeting, and despite Evans' lofty plans for his client, Frank Wills has other goals: "I'd like to get me a restaurant, cook me some good old soul food and make some money."

[From the Washington Star-News]

HE SOUNDED THE ALARM AT WATERGATE

(By Jerry Oppenheimer)

Frank Wills, the obscure $80-a-week security guard who discovered the now infamous Watergate break-in last June 17, is alive and well and working in another Washington office building—as an obscure $85-a-week security guard.

It was Wills' chance discovery of a piece of tape attached to a Watergate basement door latch during a routine patrol that led to the arrest of five political espionage agents who broke into Democratic National Committee offices and to a scandal that today is shaking the foundations of the White House itself.

For Wills, a 25-year-old native of North Augusta, S.C., his effort has resulted in little more than a commendation from the Watergate management, a few yellowing news clippings and about two dozen letters from people around the country—mostly Democrats—thanking him for doing his duty.

"It was just part of my job," he said yesterday in his tiny furnished bachelor apartment in Northwest Washington that he shares with his cat, Tuffy.

Like the case itself in the initial stages, a veil of mystery surrounded Wills in the weeks after the break-in.

Under orders from the police, he refused to discuss the case with anyone. And as the names of people like Mitchell, Segretti, Stans, Dean, Magruder, Haldemann and Ehrlichman, among others, began to emerge in the ever-widening Watergate investigation, the name of Wills was lost.

Wills himself added to the aura by unexpectedly quitting his job at the Watergate only a short while after he received a promotion to sergeant and a pay raise, which he described yesterday as "50 cents before taxes." He now works in a Connecticut Avenue building—still as a security guard but receiving $5 a week more than he did at Watergate.

At the time he quit his job, he also moved out of his one-room apartment in the Dupont Circle area without leaving his landlord a forwarding address. And he had an unlisted telephone.

Among the men who worked with him at the Watergate there was talk that Wills dropped out of sight because he feared for his physical safety.

There were also rumors around the guards, Watergate locker room that someone had slipped him a bundle "to keep quiet" and that he was living the high life on a Caribbean island.

Others with less colorful imaginations felt he had just plain tired of the publicity and the hounding of reporters "who were camping on his doorstep."

Sitting shirtless and in bare feet in his apartment yesterday, Wills laughed about all the talk.

"I was never afraid, and there was never any pressure put on me by anyone, Democrat or Republican," he said. "All of my friends, though, were concerned about my safety. They were woried about the Cubans. Some of the nice people who wrote to me told me to 'watch out,' and my mother called me long distance and told me to be careful. But I thought it was all really fun."

Wills explained that he had quit his job with General Security Services, Inc., at the Watergate simply because he was not making enough money, that he left his apartment because the owner planned to renovate the building and that he never listed his number in the telephone directory.

Wills came to Washington from Detroit about two years ago after a stint as a store detective there. He was subpoenaed to testify at the Watergate trial in January. His testimony concerned what happened in the predawn hours of last June 17.

It's a story he will never forget, he said. And he recalls the now well-known details with gusto.

"I started to make my rounds, beginning in the basement and working my way up. That's when I first saw the door with the tape on the lock, the door leading to a fire stairwell that goes directly to the Democratic offices." (Placing tape on a door latch prevents a door from locking.)

Wills, figuring the tape had been placed there earlier in the day by building engineers or workmen, removed it, continued on his rounds and found nothing else amiss.

After a snack at the Howard Johnson Motor Inn across the street, he began his second rounds of the night. He again found the door latch taped.

"I got scared," he said. "Something told me not to take the tape off this time. I knew someone had gotten in. I just knew it. I didn't have a gun, just my can of Mace and a nightstick, so I was afraid to go up the fire stairway because I didn't know who might be there. I went back and called the police."

A few minutes later, Wills recounted, three policemen led by a sergeant appeared. He showed them the taped door and they moved up the stairway. Wills then heard the buzzer at the guard desk signaling that someone wanted to be let out of the building. He went downstairs.

By the time he arrived back on the sixth floor where the Democratic offices were located, it was all over. Wills had missed all the action.

More police had arrived by that time, and in their midst were five "very well-dressed men in handcuffs." One of them "asked me nicely for a glass of water. Nothing else was said to me." Wills identified the speaker as former CIA agent and Nixon campaign security adviser James McCord.

Wills tells the story over and over to his friends. "They think I'm a great celebrity, a great detective. Down home I'm big stuff. People I know call me up and say, 'How's the hero?' "

The other day an official at Democratic headquarters, now located across town from the Watergate in the Airline Pilots Association building, told a reporter that the guard was "probably the greatest Democrat—if he is a Democrat—of all time" and should receive some special recognition from the party, like a cash reward.

But the committee official couldn't remember Wills' name.

Frank Wills said that even though he got a lot of satisfaction from catching the Watergate saboteurs, as any good Democrat would (he voted for McGovern), he conceded that a reward would be something he could not refuse.

Two days after the break-in, he recalled proudly, he did get a pat on the back from Mrs. Jean Westwood, the former Democratic National Committee chairman, and he feels that had served him well.

Right now, Wills said, there are other things besides rewards bothering him, like the state of the country.

"What's happening today?" he said. "I think there's a breakdown in the political system. The American people are just not aware of what's really happening. I've seen it first-hand and it's opened my eyes real wide. I really feel sorry for the people who look at Watergate and say it's just politics."

Wills said that because of all he's been through since last June, "I'd like to get into politics myself. It seems real interesting. I'd like to get people to see things in an entirely different way—all this cheating has just turned the people off."

ACTS OF HEROISM OF PUBLIC SERVANTS DESERVE RECOGNITION

HON. LAWRENCE J. HOGAN

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Monday, September 10, 1973

Mr. HOGAN. Mr. Speaker, on July 10 of this year, I introduced a bill to provide for the awarding of a Medal of Honor each year to one policeman and one fireman from each State. I introduced this bill because I feel the acts of heroism performed by our police and firemen in the routine everyday performance of their duties are no less praiseworthy than those performed by the soldier on the battlefield, and this kind of public recognition is long overdue.

Since I introduced this bill, I have written to the law enforcement agencies in the State of Maryland requesting the names of officers who have been commended for their outstanding service. The response to this request has been heartwarming and I include a partial list of those officers at this point:

UNIVERSITY OF MARYLAND,
College Park, Md., August 17, 1973.

Hon. LAWRENCE J. HOGAN,
House of Representatives,
Longworth Building
Washington, D.C.

DEAR MR. HOGAN: Thank you for your letter regarding the awarding of a Medal of Honor for Police Officers who have performed their duties to the highest degree of excellence.

I would like to bring to your attention the performance of University Police Officer Sally Henning who effected single-handedly the arrest of two (2) armed robbers immediately after the robbery.

I am enclosing a photocopy of an article which appeared in the May-June 1973 issue of the Campus Law Enforcement Journal depicting Officer Henning's actions. I feel that she is most worthy of receiving your Medal of Honor.

Thank you for your interest in law enforcement and consideration of this nomination.

Sincerely,

JERROLD L. WITSIL,
Director, Department of Public Safety.

OFFICER SALLY HENNING PLACED IN NOMINATION FOR IACUSD ANNUAL RECOGNITION AWARD

(By Jerrold L. Witsil)

On April 7, 1973 at approximately 8:40 p.m., an armed robbery took place in Hagerstown Hall, a high rise residence hall on our College Park Campus. The two assailants were armed with a revolver and a tire iron. Three students were robbed at gun point and reported the incident to the University Police Dispatcher moments after the assailants fled the building, giving an accurate description of both men.

Officer Private First Class Sally Diane Henning responded to the dispatch and as she neared the dormitory complex observed the two assailants. She notified the Dispatcher and immediately vacated her cruiser to approach the suspects. As she neared the two men they attempted to flee into the crowded student areas of the complex and escape apprehension.

It was at this point that Officer Henning's actions qualify her for the award. Rather than risk losing sight of the suspects while awaiting the assistance of other officers. Officer Henning elected to apprehend them by herself.

With total disregard for her personal safety, Officer Henning approached the suspects and commanded them to halt and placed them both under arrest. A search of the assailants revealed no weapon but did disclose a quantity of ammunition and the wallet of one of the victims. The tire iron and a revolver holster was found on the seat of the suspects' vehicle which they had just left when Officer Henning first observed them. Both suspects are waiting trial and are being held on a bond of $25,000 each. Their criminal records indicate that they are not new to the business of armed robbery and assault.

During the past several months the University has experienced a number of armed robberies during which some of the victims have been beaten with weapons and threatened that they would be shot. Officer Henning was fully aware of these facts when she approached the assailants. I might add that Officer Henning stands 5'4" tall and weighs 115 lbs. while assailants towered over her and presented quite an ominous appearance.

The arrest of these two individuals not only resolved one robbery but appears to be tying in with a number of other robberies and crimes on campus as well as the identification of a possible third suspect in the above robbery.

FOREST HEIGHTS POLICE DEPARTMENT,
Forest Heights, Md., August 13, 1973.

Hon. LAWRENCE J. HOGAN,
Congressman, Fifth District, Congress of the United States, House of Representatives, Washington, D.C.

DEAR CONGRESSMAN HOGAN: In regards to your letter of August 6, 1973 I am enclosing a copy of a letter of commendation recently presented to one of my men per your request. I am very gratified to know that there are representatives in Congress such as yourself who are genuinely interested in the advancement and professionalization of law enforcement and in seeing that police officers who risk their lives daily in the performance of their duties are honored. As you know, my Department is a small agency but my men are dedicated to serving the criminal justice system and the community with the highest degree of professionalization possible. I wish to thank you for the honor you are affording us, if I can be of any future assistance please do not hesitate to contact me.

Sincerely,

HARRY J. POLIS,
Major, Chief of Police.

FOREST HEIGHTS POLICE DEPARTMENT,
Forest Heights, Md., August 1, 1973.

Officer ROY LEE WARNER,
Forest Heights Police Department, Forest Heights, Md.

DEAR OFFICER WARNER: This letter is to commend you for the outstanding job you did on the morning of July 6, 1973 at 0200 hours when you gave chase to armed robbery suspects who had committed a street robbery at Livingston Rd. and Indianhead Highway, Forest Heights, Md. and apprehended them in the District of Columbia. You showed great courage and good judgment in making the apprehension, and I feel that you have certainly distinguished yourself among your fellow officers and the community that you serve. I hope that you will continue to do the same fine job that you have done in the past.

Sincerely,

HARRY J. POLIS,
Major, Chief of Police.

THE VALUE OF STRATEGIC BOMBING—A CONTINUING DEBATE

HON. SAM NUNN

OF GEORGIA

IN THE SENATE OF THE UNITED STATES

Monday, September 10, 1973

Mr. NUNN. Mr. President, now that the bombing in Cambodia and Southeast Asia has been terminated, I believe that it is in order for Congress and the American people to consider all aspects of conventional bombing, including not only its effect on past military activities, but also its role in the future.

To that end, I feel that the bombing survey article which appeared in the Air Force magazine, June 1973 points out several aspects of our conventional bombing capability, and I ask unanimous consent that it be printed in the RECORD.

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

WHAT THE BOMBING SURVEY REALLY SAYS

(By Maj. David MacIsaac, USAF, Associate Professor of History, USAF Academy)

"Bombing surveys after World War II showed that in industrial countries output expanded and morale rose as the bombs fell."—I. F. Stone, The New York Review of Books, January 25, 1973.

If you think the sentence quoted above is far out, then turn to pages 161–162 of David Halberstam's The Best and the Brightest (see USAF Gen. T. R. Milton's review in our "Airman's Bookshelf," April '73 issue) and read about "the U.S. Strategic Bombing Survey . . ., which proved conclusively that the strategic bombing had not worked; on the contrary, it had intensified the will of the German population to resist. . . ." These are two recent examples of the misreading, misuse, and/or misrepresentation of the findings of the USSBS that critics of our involvement in Indochina are feeding an unwary public. For these critics, the implications are simple: (1) strategic bombing in World War II was ineffective and wasteful, and (2) bombing in Indochina therefore was unwise, unprofitable and futile. This is worse than generalizing from particulars; it's more like arguing that one apple plus one orange equal two lemons.

Air Force people who find history irrelevant to current events far outnumber those of us who think the others have a screw loose for thinking as they do. Nonetheless, they are and probably always will be a commanding majority. One price the service pays for this attitude is the ability of the Stones and Halberstams to get us at a disadvantage on what should be our own ground.

THE U.S. STRATEGIC BOMBING SURVEY

Early in 1944, a group of officers working with Gen. Muir S. "Santy" Fairchild in Washington, D.C., set in motion an idea that was to culminate later that year in the establishment by President Roosevelt of a Presidential Commission to investigate the effects of strategic bombing in the war against Germany. An impartial, civilian-dominated commission, the airmen argued, should direct such an evaluation, to assure that the findings would not be taken as self-serving arguments construed by the Army Air Forces. Gen. "Hap" Arnold cleared the idea with Gen. "Tooey" Spaatz, the theater air commander, and then with his own colleagues on the Joint Chiefs of Staff. Finally, in October, the President obtained the agreement of Franklin D'Olier, President of the Prudential Insurance Co., to act as Chairman of the commission.

Before the war in Europe was over, well over 1,000 people (a third of them, including most of the decision-makers, were civilians—experts in structural damage, economic planning, manufacturing, transportation, psychology, etc.) were assigned to the Survey. The quality of men who formed the Survey's top echelon is revealed clearly by their illustrious careers both before and after: Henry C. Alexander, D'Olier's Deputy, later President of the Morgan Guaranty Trust Co.; Paul H. Nitze, later Secretary of the Navy and Deputy Secretary of Defense, recently a principal negotiator in the SALT talks; George W. Ball, later Under Secretary of State and Ambassador to the United Nations; J. Kenneth Galbraith, internationally known economic philosopher and former Ambassador to India.

Divided into teams essentially on the basis of particular industries, the USSBS set to work both in England and on the Continent well before hostilities ended. Many were shot at; five were killed in the line of duty; in several instances Survey teams liberated targets in advance of the ground forces. They measured effects, interviewed survivors at the highest (*e.g.*, Speer and Goering) and lowest levels, impounded records, and even tangled with the Russians in Berlin. Returning to England and later Washington, they sifted and cross-checked evidence, argued occasionally among themselves, but eventually came to a consensus: "Allied air power was decisive in the war in Western Europe." To be sure, the Chairman's report noted instances where airpower might have been applied more effectively (against synthetic-rubber production and the electrical power net, to cite two examples), but the final report stated emphatically:

"Nevertheless, it was decisive. Its power and superiority made possible the success of the [Normandy] invasion. It brought the economy which sustained the enemy's armed forces to virtual collapse [even if it is true that in the prevailing circumstances] the full effects of this collapse had not reached the enemy's front lines when they were overrun by Allied [ground] forces."

When I. F. Stone says that "bombing surveys after World War II showed that . . . morale rose," and when Halberstam asserts that strategic bombing "intensified the will of the German population to resist," they are both, at the very least, badly informed. USSBS European Report No. 64b. The Effects of Strategic Bombing on German Morale, stated clearly that "Bombing seriously depressed the morale of German civilians," and that "Bombing did not stiffen morale." The quoted remarks of both Stone and Halberstam are buried amid arguments about bombing in North Vietnam. Neither writer seems to recognize that in the process of

proceeding from conclusions to supporting evidence, he has succeeded admirably in either ignoring or misrepresenting the very evidence he would call to our attention.

The Chairman's report on the effects of strategic bombing in Japan had no such qualifications as did the report on Europe:

"Based on a detailed investigation of all the facts, and supported by the testimony of the surviving Japanese leaders involved, it is the Survey's opinion that certainly prior to 31 December 1945, and in all probability prior to 1 November 1945, Japan would have surrendered even if the atomic bombs had not been dropped, even if Russia had not entered the war, and even if no invasion had been planned or contemplated. . . . By July 1945, the weight of our air attack had as yet reached only a fraction of its planned proportion. Japan's industrial potential had been fatally reduced, her civilian population had lost its confidence in victory and was approaching the limit of its endurance, and her leaders, convinced of the inevitability of defeat, were preparing to accept surrender. The only remaining problem was the timing and terms of that surrender."

And, if this statement does not in itself say enough about the specific issue of morale effects, the interested reader can either go further in the same report (pp. 20–22), or sample USSBS Pacific Report No. 14, The Effects of Strategic Bombing on Japanese Morale.

MUDDIED WATERS

World War II was scarcely over before those who, in military historian Noble Frankland's memorable phrase, prefer to feel rather than to know about strategic bombing, began to muddy the waters. First in the lists was British Adm. Sir Gerald Dickens with his "Bombing and Strategy: The Fallacy of Total War" (London: Sampton, Low, Marston, 1947), criticizing the very idea of strategic bombing as a legitimate means in war. Another Englishman, the renowned military historian, theorist, and critic, Maj. Gen. J. F. C. Fuller, added fuel to the fire in his "The Second World War" (New York: Hawthorne, 1969, first published in London, 1948), and "The Conduct of War, 1789–1961 (New Brunswick, N.J.: Rutgers Univ. Press, 1961). General Fuller roundly castigated strategic bombing—his target was the area bombing policy of RAF Bomber Command—as contributing to a dehumanization of warfare that he traced to the decline of aristocracy and the effects on warfare of general conscription, introduced by the French levée en masse of 1793. Concerned to show that strategic bombing up to the spring of 1944 was "an extravagant failure," he cited statistics compiled by the USSBS and questioned whether the resources that went into strategic bombing might have been better or differently invested (in landing craft, transport aircraft, anti-submarine aircraft, etc.).

In our own country, the so-called B–36 vs. supercarrier controversy of 1949 sparked similar attacks, of which Marshall Andrew's Disaster Through Air Power (New York: Rinehart, 1950) enjoyed a brief notoriety. These and subsequent critics, when they did review the evidence, generally fell back on one of two devices: (1) rather like Fuller, they cited statistics applicable to the early years of the war, before the weight of the bomber offensive could make itself felt, and then drew conclusions (morals?) that they applied to the entire war; or (2) they cited comments from various of the USSBS reports on particular target systems (aircraft factories, oil, chemicals, etc.), suggesting that better target selection could well have produced more striking results more quickly. [Ed. note: For a grotesque example involving both devices, see the author's "New Look at Old Lessons" in the September '70 issue of this magazine.]

As to the first technique, what almost all critics fail to acknowledge is that of all the bombs dropped over Europe in World War II by the USAAF and RAF (2,770,540 tons), only 17.48 percent were expended prior to January 1, 1944 and only 27.7 percent prior to July 1, 1944. In other words, almost three-quarters (72.3 percent) of the bombs were dropped in the closing ten months of the war (July 1944 to April 1945) when the bombers were finally cut loose in force to drive home the attack on Germany. (The comparable figures on Germany alone were 1,419,604 tons, 18.2 percent, 29.8 percent, and 70.2 percent.)

Output expanded as the bombs fell, Mr. Stone tells us. Presumably, he is referring to the continual expansion of German aircraft production from 1939 to September 1944 when it peaked out—even though it was first attacked in early 1943. The bombing surveys he so glibly quotes, however, remind us that of the entire effort in 1944 (1,593,736 tons) only 38,220 tons could be directed against that industry. This represented a mere 3.9 percent of the USAAF effort and 0.5 percent of the RAF effort. What we are *not* told is how target priorities established by the Combined Chiefs of Staff and Gen. Dwight D. Eisenhower (relating to Overlord, V–1, and V–2 sites, etc.) prevented the air commanders from pressing the attack against aircraft production and aviation fuel sources. When General Spaatz at length prevailed upon General Eisenhower in May of 1944 to allow at least an occasional attack against the synthetic oil refineries in Germany, the results for Germany were catastrophic. "I shall never forget the date May 12," Albert Speer was later to write in his memoirs.

"On that day the technological war was decided. Until then we had managed to produce approximately as many weapons as the armed forces needed, in spite of their considerable losses. But with the attack of 935 daylight bombers of the American Eighth Air Force upon several fuel plants in central and eastern Germany, a new era in the air war began. It meant the end of German armaments production." (*Inside the Third Reich*. New York: Macmillan, 1970, p. 346.)

Any attempt to suggest that "output expanded" during the *last* ten months of the war—in *any* industry—runs smack up against all the available evidence.

The second technique of occasional critics—quoting selective comments from various USSBS reports—can be grossly misleading. Of the 208 reports completed on Germany, only No. 1, 2, and 3 purport to speak for the Survey as a whole; all the others are, in fact, supporting documents, prepared by specialists in discrete fields, and not subject to comparison and cross-checking by the Survey's board of directors. Therefore, instances can be shown where specialists (in synthetic-rubber production, for example) expressed amazement that particular targets in their own area of expertise were either so long "ignored" or not hit at all. No one with knowledge of the campaigns has ever denied that this sort of thing occurred. To expect it not to have happened in what was, after all, an improvised air war, is surely to rate the judgment and clairvoyance of the bomber commanders on an impossible scale.

THE PROBLEM TODAY

The real problem our service faces with the Stones and Halberstams is less their misrepresentation of the World War II evidence than it is their real intent—to criticize (when not condemning) the Air Force role in Indochina over the past decade. This, I would submit, they are free to do if the spirit so moves them. But we must not let them get away with drawing comparisons between the two wars on some presumed basis that the two have enough in common to warrant comparison.

For openers, and to cite the obvious, there are some very real differences between total and limited war—and, hence, in the goals objectives, and restrictions applicable to airpower. Take, for example, the effects of bombing over North Vietnam. At no time (except perhaps for a week or so last December) were the North Vietnamese ever subjected to anything even approaching what the Germans and Japanese had to contend with in World War II.

Or turn the question around and look at it from the viewpoint of the aircrews and air commanders. Over Germany and Japan no impediment whatsoever was placed in the way of attaining the first priority in an air offensive—air superiority. In Indochina, certain enemy airfields and AAA sites were ruled out of bounds from the beginning. In World War II, target selection was in the hands of experienced air commanders (or at least the theater commander). In World War II, air tactics were decided by airmen. Whether the measure is of goals, objectives, targets, or tactics, it's difficult to see what was comparable in the two wars beyond the basic facts that airmen and aircraft were involved in both.

The restrictions imposed on air activity in Vietnam will not be quarreled with here, nor need they be. But their very existence must be acknowledged. And with the acknowledging comes the awareness that the air war in Indochina was unique, requiring justification or attack on its own terms. This will not eliminate controversy, but it will surely legitimize it. At the same time, it will protect the hard-earned record of World War II from being sullied by those who usually have something else in mind to start with anyway.

HOW TO STOP INFLATION

HON. STEVEN D. SYMMS

OF IDAHO

IN THE HOUSE OF REPRESENTATIVES

Monday, September 10, 1973

Mr. SYMMS. Mr. Speaker, every public opinion survey taken recently has shown that inflation and the high cost of living the No. 1 concern of Americans. However, many people do not really understand the true cause of inflation and the only way in which it can be stopped. My friend Leonard Read of the Foundation for Economic Education—FEE—has prepared an excellent paper entitled "How to Stop Inflation."

I am including the text of his paper in my remarks today; I hope my colleagues in the Congress will benefit from Mr. Read's statement.

The excellent paper follows:

HOW TO STOP INFLATION

To know truly is to know by causes.—Francis Bacon.

How to stop inflation? Remove the cause! Stopping inflation is as simple and as difficult as that. Everyone says he's against inflation; yet, what do we find? Nearly everyone overlooking the sole remedy and, instead, conjuring up schemes to soften inflation's disastrous effects. Interestingly, all schemes or nostrums which ignore the cause, if and when adopted, sink us ever deeper into the mire. As if inflation weren't bad enough, most proffered "cures" would worsen the situation!

Many years ago a professor of economics told a group of us about his experiences at the University of Heidelberg during the German inflation. Faculty members were paid twice a month, then each week, then each day. Finally, they were paid in the morning, rushing the checks home to their frauen before going to their classrooms. Why? Prices were multiplying many times each

day, so shop in the morning! There came a time—August 1923—when 100 billion marks would not buy a loaf of bread.

What was this professor's recommendation to those in our group who foresaw similar problems in our own country? His advice was to out-produce inflation! Imagine a professor of economics not understanding that all production creates its own purchasing power!

A few thoughts inspired by the professor's naive thinking: Production involves the efficient combination and use of scarce resources, in the process paying for each resource a price high enough to pull it away from other owners and other uses. To produce more housing, for instance, involves paying higher wages, higher prices for lumber, hardware, masonry, and the like, to attract those scarce resources from other uses. Meanwhile, each supplier of such resources has the additional income to spend, a process sometimes expressed as Say's Law: "Production creates its own purchasing power."

The truth is that inflation does not result from the lack of housing or other goods or services. It is nothing more nor less than the printing of what the government has declared to be legal tender, that is, printing ever-increasing quantities of flat money. Unless house-building or other productive activities stop those printing presses—an absurdity—then trying to out-produce inflation is as futile as trying to out-run one's own shadow. So the professor's cure is on a level with most remedies now being dinned into our ears.

It is not that the inventors of these schemes agree with inflation. Quite the contrary! Rather, it is that they see no way to be rid of it; inflation is here to stay—even worsen—thus, why not find a way to prosper and thrive in a monetary holocaust! The fact that this requires non-existent skills in legerdemain deters them not.

Two such schemes recently have come to my attention. The first proposes that all contracts—loans, for instance—be repaid (legally enforced) in dollars of the same purchasing value as when contracted. If the value of the dollar should decline at the rate of 15 per cent a year, then a 10-year loan of a thousand dollars would be repaid in the amount of more than $5,000, plus interest.

Even in the face of the current inflationary pattern, what borrower would be willing to sign such a contract? Only the person who cannot see "beyond the end of his nose." There would be little if any futures trading; indeed, contractual relations would all but cease, production would decline at a frightening rate. Further, there is nothing in this scheme to halt the outpouring of flat money; it would go on its merry way and, because of the fall off in production, the dollar would buy far less than were the scheme never adopted. Approval? Indeed, not!

The other scheme requires that all business ventures be compelled to adopt the "profit-sharing" procedure—employees as well as entrepreneurs sharing in the gains. This is inspired by some remarkable successes such as Lincoln Electric of Cleveland. The assumption is that if Jim Lincoln could, by this arrangement, earn a great deal for himself, pay higher wages than others, and undersell all of his competitors, so could everyone else—hundreds of thousands of businessmen from hamburger stand owners to General Motors. Simply pass a law and make every entrepreneur operate like Mr Lincoln!

Overlooked is the fact that only one Jim Lincoln ever existed. There are no two entrepreneurs who operate their businesses alike, nor could they do so if they tried. Each is novel to some extent; and consumers—that's all of us—are thus advantaged.

Any profit-sharing arrangement should, in all fairness, be also a loss-sharing arrangement. But most wage earners would shy away from any employer who required employees to share any losses his business might incur. Why? Tens of thousands of businesses fail annually, as everyone knows.

Were profit-sharing made compulsory for everyone, production would dramatically decline, just as in the first scheme. There would be other results, no less disastrous.

Out-producing inflation or fulfilling contracts at a constant purchasing power or forcing every business to engage in profit-sharing are no more than "pipe dreams." Adoption need not be feared. These schemes merely illustrate how people avoid pinpointing the cause of inflation and, thus, propose remedies which compound the problem.

However, what do we find in the day-to-day world of "practical" politics? The worst of all possible schemes: price control and rationing as edicts by the Federal government and wage controls in the hands of labor unions. Below-market prices and above-market wages! Inflation is not questioned; we have instead only futile attempts to escape the effects, which make the effects increasingly disastrous. In what way? Production is both diminished and distorted. Figuring out how to out-scheme the political schemers takes the place of discovering how best to satisfy consumer preferences. Schemers with political and coercive power make schemers of every one of us they overpower.

To illustrate: By reason of governmental intervention, the supply of gas and oil is curbed and the demand increased. What to do? Ration the fuel! To the station attendant say, "Fill 'er up." "Sorry, only $3 worth to a person." So the car owner takes what he can get and goes to another station repeating, "Fill 'er up." Gas wasted from station to station! Eventually, all the gas is gone, but consumers still have "gas money" burning holes in their pockets. The best way to ration gas or any other scarce resource is to let the price rise to a point where the supply is sufficient to meet the demand.

We need only come to our senses to stop inflation; nothing is required beyond discovering its cause and then being rid of it. The cause? *Over-extended government.* To repeat what many of us have written over and over again: when the costs of government rise beyond the point where it is no longer politically expedient to defray the costs by direct tax levies, governments all over the world resort to an expansion of paper money—inflation—as a means of making up the difference. Inflation dilutes and depreciates the medium of exchange as a means of syphoning private property into the coffers of government.[1] Here we have the cause, so simple to see through. But being rid of the cause is not simple. Why the difficulty?

The difficulty is rooted in an unintelligent interpretation of self-interest. Today, all of us without exception are feeding more or less at the Federal trough. True, there are a few who are force-fed, not dipping into the trough willingly. Finding it necessary to live in the world as it is, they participate in the deficit-burdened, socialistic mail system—to name but one of many examples. But most citizens today—a number perilously approaching 100 per cent—mistakenly feel that they have a vested interest in the continuance of one or more, if not all, Federal "programs" that go to make up the deficits that can be met only by inflation: flat money made possible by legal tender laws.

Perhaps this citizen only wishes to be paid for not farming, another to receive social security or Medicare, still others to be protected against competition, or to have their education subsidized, or a Gateway Arch for their home town, or whatever. It would take a book just to list the titles of all the Federal handouts and discriminatory edicts.[2] Anyway, count the persons you know who completely ignore the "gravy train," who would concede nothing to government beyond a peace-keeping, justice-dispensing agency of society, who are free from the feeling that they have a vested interest in this or that deficit-creating, political gimmick. They are "as rare as hens' teeth!"

If an individual could perfectly identify how his self-interest is best served, he would be all-wise. However, I am not alluding to perfect wisdom but to that level of intelligence any adolescent should possess. Most youngsters know that their self-interest is not advanced by stealing—living off the fruits of the labor of others coercively exacted. They would not regard face-to-face thievery as in their own interest. And there are thousands of high school students who are bright enough to see that there is no distinction between pointing the gun oneself and getting the Federal government to do the "stick up." The loot would be ill-gained in either case. Self-interest is not served by either method. One need not be overly brilliant to see this.

Yet, what do we find? Millions upon millions identifying self-interest with legal plunder! The more political largess they can get—regardless of the force used—the better.

It is not that these people, many of whom are college graduates, could not rise above this infantile level of thinking; they could if they would, but they don't. Further, these millions do not see how their self-interest is subverted rather than served by this socialistic plundering, and they cannot be expected to understand why inflation is not also identified with their self-interest. They see inflation, if they see at all, as the means of filling the thousands of troughs from which they feed without either thought or effort. They love the role of parasites!

Given these millions who thoughtlessly behave this way, plus the political exploiters of nonsense, the situation, on the surface at least, looks hopeless. Stopping inflation appears to be impossible, and certainly this would be the case were it a numbers problem. But, thank heavens, it never has been a numbers problem, is not now, nor will it ever be. It is strictly a matter of inspired and intelligent leadership.

Statesmen—in and out of office—are more and more in evidence, persons who think for themselves and stand forthright for their enlightened convictions. These few—thousands, of course—understand that self-interest is to be identified with individuals in the role of hosts—producers, not parasites. They also know that inflation is deadly—for parasites cannot exist without hosts. As the troughs empty, attrition increases, especially among the parasites.

As this natural aristocracy—comprised of men of virtue and talent—approaches the pink of condition, rises to the top in thinking how self-interest is best served, the nonsense is stopped dead, then subsides! Your role and mine? Try one's best to be this kind of an exemplary aristocrat. This, I submit, is the sole formula to stop inflation.

[1] For a more complete explanation of the cause, see my pamphlet, "The Essence of Americanism." Copy on request.

[2] See *Encyclopedia of U.S. Government Benefits*, a tome of more than 1,000 pages with over 10,000 "benefits." (Union City, N.J.; Wm. H. Wise and Co., Inc., 1965.)

SCHOOL PRAYER AMENDMENT

HON. RICHARD S. SCHWEIKER

OF PENNSYLVANIA

IN THE SENATE OF THE UNITED STATES

Monday, September 10, 1973

Mr. SCHWEIKER. Mr. President, the July 29 Scranton Sunday Times con-

tained an interesting column by Joseph Oravec on the school prayer issue. As the sponsor of Senate Joint Resolution 84, the constitutional amendment to restore voluntary prayer to our public schools, I believe Mr. Oravec's column deserves the attention of my colleagues, who may be called upon to cast votes on this matter in the months to come, and I ask unanimous consent that it be printed in the RECORD.

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

CITY DESK NOTES

(By Joseph Oravec)

Sen. Richard S. Schweiker of Pennsylvania is the author of one of seven proposed amendments on school prayer presented on Friday before a Senate subcommittee.

Schweiker said the U.S. Constitution should be amended to "defend the right of those students who wish to pray." He said he did not believe the Constitution denied the right of free, voluntary prayer in public schools.

As is known, prayers in school have been banned since June 25, 1962, when the Supreme Court held 6 to 1 that the use of an official prayer in New York State public schools was unconstitutional.

Explaining that "the problem resulted from what I believe to be the supreme option of declining to pray," Schweiker added:

"But just as we defend their right not to pray, so should we defend the right of those who wish to pray."

And that's the way it should be. For example, students must attend gym classes. Those who have physical ailments report their difficulties and are excused from participation. Yet, those who wish to participate in gym, swimming, or whatever are not denied. The same principle applies to those at church services. Only those who wish, sing.

Back in November, 1971, Bruce Schneider and Tom Dorris of the North American Newspaper Alliance wrote in an article that prayer proponents note that "the world is crumbling morally and that God is needed now more than ever."

The Rev. Richard Constantinos, Episcopal vicar in Stanhope, N.J., was quoted thus: "It's not religion. It's something else. There's a strong sense of the minority imposing its will on the majority and the majority is becoming more and more powerless."

Back in that 1971 period, the Rev. Raymond Crawford, a Baptist minister in Netcong, N.J., which lost a court battle to return prayers to its public schools, said, "When you see that pornography is in, that it's all right to go naked at Woodstock, that it's all right to burn the flag, that obscenity is OK, then there is something wrong."

There was a moral crisis. It's still with us.

Mrs. Ben Ruhlin of Cuyahoga Falls, Ohio, in 1971 took up the fight for public school prayer when her 14-year-old son complained that "they were locking God out of (his) school."

She told a Wall Street Journal reporter at that time that "our students are brainwashed on the idea that (the purpose of) school and college is to educate and make a well-rounded person of each student. How can this be without God at the center of our lives? We teach sex, driver education, math and science. We teach communism and atheism, all of Stalin's and Lenin's works, but the most important part of health study is left out—we need prayer and Bible study which gives you peace of mind."

In recent years many people have forgotten or were not reminded by their teachers that Washington prayed, Lincoln prayed and many other leaders of this nation invoked the help of God.

Wonder what opponents of public prayer would reply to the question of "why the opposition?" from Washington, Lincoln, Eisenhower, Kennedy, our recently returned prisoners of war, the men who were captured aboard the Pueblo, Gen. George Patton, who requested a chaplain to draft a Christmas prayer for his troops.

Benjamin Franklin at the Philadelphia Convention in 1787 in a motion for prayers said, "I have lived, sir, a long time; and the longer I live, the more convincing proofs I see of this truth; that God governs in the affairs of men."

Perhaps, teachers in the schools, colleges and universities of this nation—as well as its leaders and legislators—should refer often to Franklin's words.

If they had, there might not have been a Watergate.

CAMPAIGN REFORM

HON. LESTER L. WOLFF

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, September 10, 1973

Mr. WOLFF. Mr. Speaker, the host of campaign abuses that seem to have been a hallmark of the 1972 Presidential campaign has pointed out to us, all too clearly, the need for campaign reform. Several approaches have been suggested for placing restraints on campaign contributions and expenditures in an effort to minimize the influence of wealthy contributors on elections. I believe that one of the strongest proposals introduced to date is the Udall-Anderson Clean Elections Act, of which I am a cosponsor.

I would like to share with my colleagues a series of editorials which appeared on WCBS-TV by Sue Cott, which addresses itself to the need for campaign reform and discusses the merits of the Udall-Anderson approach in particular. I believe that Ms. Cott has done a real service to the viewing public in her acute analysis of the problem and by focusing attention on the efforts that are underway in the Congress to restore meaningfulness and integrity to our elections process.

Sue Cott's remarks on campaign reform follow:

CAMPAIGN REFORM

The catalogue of campaign horrors revealed since Watergate vividly dramatized something that had been known or suspected for a long time, namely that the way money is raised in campaigns tends to corrupt American politics.

During the last few weeks Americans have heard lurid tales of Nixon campaign fund raisers putting the squeeze on American Airlines when that company was seeking a favorable decision from the Administration, of other corporations and industries with business before government agencies similarly being approached for Nixon reelection funds, of a variety of unsavory, illegal activities financed with vast amounts of unreported cash collected from large contributors, many of whom have, or hope to have, friendly dealings with the Administration.

Even before the Watergate hearings, an indictment was handed down charging John Mitchell and Maurice Stans—the two top figures in the Committee to Reelect the President—with conspiring to influence a Securities and Exchange Commission investigation of Robert L. Vesco in return for a $200,000 contribution.

The problems inherent in financing campaigns with large contributions from special interests are nothing new. Theodore Roosevelt asked Congress in 1906 for a law that would have freed candidates of political indebtedness to such campaign donors. T. R. never got his law and since then the cost of campaigning has skyrocketed.

A look at the total campaign expenditures for Presidential election years just since 1952 shows this startling increase, from $140 million in 1952 to $400 million in 1972.

The increasingly lavish amounts collected and spent on elections compounds the possibilities for corruption. Obviously some new ways of decreasing the influence of wealthy contributors on politics has to be found. Some restraints on contributions and spending are necessary.

It has been argued that limiting the freedom to spend money in campaigns impinges on constitutional rights of free speech. We agree that citizens should be allowed to express themselves in campaigns by giving money to the candidates of their choice, and that candidates should be allowed to spend money to make their views known.

The question is how much money. Beginning tomorrow we'll look at some answers. If Watergate has taught us anything, it is that money contributed and spent in a campaign without any restraints is a clear and present danger to democracy.

The Senate passed a bill last week that goes a long way to correcting the campaign finance abuses the Watergate scandal has unearthed. One of the basic questions raised by Watergate has been how to prevent candidates from being politically obligated to special interest groups that make large contributions to their campaigns. For years, wealthy contributors have tended to dominate campaign financing, with a relatively few donors financing almost 90 percent of federal campaign expenses. That means a few very rich contributors, representing large corporate interests that deal regularly with federal agencies, often expect sympathetic treatment and favorable rulings in return for their campaign largesse. The Senate bill seeks to insulate candidates against this pressure by drastically curtailing the amount of money that can be given by any one contributor. The new ceiling is set at $6,000 per individual contribution to both a primary and a general election campaign. That's quite a contrast to the several hundred thousand and million dollar contributions given to candidates in recent elections by individuals.

Another provision of the bill would stem the floodtide of unreported cash that Watergate revealed had inundated the Nixon campaign in 1972. No cash contributions above $50 are to be allowed. And to make it difficult to cheat on this provision, the bill includes a strict limitation on campaign spending, and requires full disclosure of every dollar spent.

As big an improvement as this bill is over the present system, it still hasn't completely prevented the powerful monied interests from throwing their weight around in campaigns. Voluntary political action groups representing these interests can still make contributions to an indeterminate number of state and local committees, each of whom can contribute $6,000 to the candidate of choice. But no bill that accepts the premise of financing campaigns exclusively through private contributions can hope to close loopholes through which vested interests can crawl. That's why we think that serious consideration must be given to public financing of political campaigns. Tomorrow we'll do just that.

Money has been called the mother's milk of political campaigns. It's true that money is important if a campaign is to be run effectively. The question is how best to assure that candidates have enough money to make themselves and their views known without selling their soul to wealthy financial sup-

porters in the process. Of course not every large contributor exacts a political pay-off and not every candidate can be bought, but there's no question that the present system puts a terrific strain on candidates. Financing campaigns exclusively through private contributions simply tends to place candidates in moral jeopardy. How can candidates avoid the pitfalls and temptations posed by predatory contributors? Part of the answer, it seems to us, lies in some form of public financing of campaigns.

Proposals for the subsidizing of campaigns through public funds are now before committees of both houses of Congress. We think one of the best ideas comes from Representatives Morris Udall, Democrat of Arizona and John Anderson, Republican of Illinois. Their plan would provide a matching federal subsidy for each private contribution of $50 or less. But only serious candidates who raise a certain amount of private contributions would qualify for these matching public funds. That way candidates would have to demonstrate their appeal before public funds would be available to them. We also like the Udall-Anderson plan because it will encourage candidates to seek support from small contributors.

Some people may object to their tax money being spent to help elect politicians, so low have office seekers sunk in popular esteem, but unless the public supports candidates, others, with private interests to protect, will be there to pick up the tab.

What do Stewart Mott, Clement Stone and Nelson Rockefeller have in common? Well, they are all millionaires, but more than that they are all big contributors to political campaigns. Herbert Alexander of the Citizens Research Bureau estimates that the Rockefeller family has contributed at least $25 million to political campaigns, including their own, in the last twenty years. Stewart Mott contributed over half a million dollars to the McGovern campaign and Clement Stone over $2 million to the Nixon campaign in 1972. In fact, Mr. Stone recently said he would be willing to give $10 million to a campaign to change the course of history. The question is should the course of American political history be for sale to the highest bidder?

Now, of course there is a difference between an individual millionaire who takes a personal interest in politics and corporate chiefs and union leaders who make big contributions to the campaigns of candidates friendly to their interests. But should a person or a family with enormous wealth be completely free to give any amount at all to back a particular candidate or cause? We think not because if millionaires can give unlimited amounts to campaigns, then they can buy influence for their personal views out of all proportion to the vast majority of Americans. And that's simply not democratic.

Of course, rich people will always have political influence beyond their numbers simply because they are rich. And they'll always be able to give more easily to campaigns than other people, even if the amounts millionaires can give are in order.

One good approach, adopted by the Democratic Party in New York State, would be to impose strict limitations on the amounts that candidates or their families can spend on their own campaigns. Of course, there's a partisan motive involved. The Democrats are worried about Gov. Rockefeller's seemingly bottomless campaign treasury. And some may argue that if the Democrats were as rich as Rockefeller they would be singing a different tune. Nonetheless, their point is a valid one. Big money—from any source—distorts democracy.

RESOLUTIONS ADOPTED BY RETIRED ENLISTED ASSOCIATION

HON. PETE V. DOMENICI

OF NEW MEXICO

IN THE SENATE OF THE UNITED STATES

Monday, September 10, 1973

Mr. DOMENICI. Mr. President, I am pleased at this time to call to the attention of my colleagues two resolutions which were adopted by the Retired Enlisted Association at its 1973 national convention in Denver, Colo.

These resolutions reflect the position of the Retired Enlisted Association on blanket amnesty for dissenters and deserters of the Vietnam era and our servicemen missing in action. These issues are quite understandably of great concern to the members of the Retired Enlisted Association.

It is my feeling, Mr. President, that regardless of their individual persuasion on these issues, Members of Congress should earnestly consider the position of this organization which is so intimately involved with these two important national issues.

I ask unanimous consent that these two resolutions be printed in the RECORD.

There being no objection, the resolutions were ordered to be printed in the RECORD, as follows:

RETIRED ENLISTED ASSOCIATION, INC.,
Colorado Springs, Colo.

OUR MISSING-IN-ACTION SERVICEMEN

Whereas, Article 8, Section b of the January 27, 1973 Agreement of Ending the War and Restoring Peace in Vietnam and supplement agreements of June 13, 1973 stated "that the parties shall help each other to get information about those military personnel and foreign civilians of the parties missing in action, to determine the location and take care of the graves of the dead so as to facilitate the exhumation and repatriations of the remains, and to take any such other measures as may be required to get information about those still considered missing in action. For this purpose, frequent and regular liaison flights shall be made between Saigon and Hanoi.", and

Whereas, Only two trips have been made to North Vietnam since this agreement, and

Whereas, No arrangements have yet been worked out for the return of the remains of the 55 men North Vietnam claims died in captivity and no prisoners held in Laos have been sent back, and no accounting made of the dead.

Therefore, Be it resolved, by the Retired Enlisted Association, Incorporated, in National Convention assembled at Aurora, Colorado, June 23, 1973, that we request the Congress of the United States to take the necessary action to insure compliance with the aforesaid agreements, and

Be it further resolved that a copy of this resolution be sent to Richard M. Nixon, President of the United States of America; and Members of the United States Congress.

RETIRED ENLISTED ASSOCIATION, INC.,
Colorado Springs, Colo.

NO BLANKET AMNESTY FOR DISSENTERS AND DESERTERS OF THE VIETNAM ERA

Whereas, Birthright is not a right of self-indulgence but rather a trust of honor and integrity and American freedom is a privilege which can be lost, and

Whereas, Though compassion is a wonderful quality, granting amnesty to dissenters and deserters of the Vietnam era would certainly cause discipline in the Armed Forces to deteriorate and national security to be endangered later by thwarting the possible use of the draft during some future emergency, and

Whereas, The deserters have committed a military crime and should be required to stand a military court-martial.

Therefore, Be it resolved, by the Retired Enlisted Association, Incorporated, in National Convention assembled at Aurora, Colorado, June 23, 1973, that we oppose blanket amnesty and believe each case should be reviewed on its own merits, and

Be it further resolved, that we petition the President of the United States of America and the Congress of the United States of America to not grant a blanket amnesty to dissenters and deserters of the Vietnam era, and

Be it further resolved that a copy of this resolution be sent to Richard M. Nixon, President of the United States of America, and Members of the United States Congress.

PUBLIC SERVANT RECOGNIZED

HON. DAVID R. OBEY

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Monday, September 10, 1973

Mr. OBEY. Mr. Speaker, as we all know, this is not a time when public officials, be they at the national, State, or local level, are held in especially high esteem.

I think it especially appropriate, therefore, that diligence of hardworking public servants be recognized whenever possible.

I am inserting for publication in the RECORD a short news item which brings attention to the diligence of one local official in my district, the County Clerk of my home county in Wisconsin, Marathon County.

Many of us, I think, have found it somewhat difficult to determine how revenue sharing funds have been used since the program passed last year. As you know, municipalities are required to publicize their use of revenue sharing funds in local newspapers. Going far beyond minimum requirements, Marathon County Clerk Ray Ott systematically compiled a comprehensive report covering every municipality within Marathon County. That action was most useful in laying out in one place the use of revenue sharing funds in the entire county.

I insert below the story which appeared in the Wausau Daily Record Herald on August 8, 1973, as an example of the kind of hard work done by many public officials which all too often goes unnoticed and unrecognized.

The story follows:

OTT FILED ONLY REPORT

Under the law, every municipality which receives revenue sharing funds from the federal government must publicize in a newspaper their planned use report. Many municipalities have failed to do so, according to reports.

In Marathon County, Clerk Ray Ott prepared a comprehensive report covering all the municipalities.

Today he learned he was the only clerk in the United States to do so. He received this word from Graham W. Watt, director of the Office of Revenue Sharing. In commending Ott, Watt wrote in part:

"Many local governments were understandably confused by the planned use report. Your efforts in compiling the pertinent information for your county is an indication of the conscientiousness with which you must perform your duties. No other county clerk in the entire United States has furnished a similar report."

TRIBUTE

HON. CLEM ROGERS McSPADDEN

OF OKLAHOMA

IN THE HOUSE OF REPRESENTATIVES

Monday, September 10, 1973

Mr. McSPADDEN. Mr. Speaker, I would like to include in the RECORD an editorial reprint from the Pryor, Okla., Daily Times, of August 22, 1973, written by William A. Reynolds, copublisher, first pointing out that I, too, like Senator INOUYE, seek and yearn for that day when we will all be brothers and sisters:

THAT LITTLE JAP

The reference of John Wilson, Watergate attorney, to Senator Daniel Inouye as "that little Jap" may have reverberation that Wilson never intended.

The Democratic Senator from Hawaii is of Japanese origin but he is also a much decorated veteran of World War II. He served in the European Theatre of Operations and suffered a wound that resulted in the loss of his right arm.

Senator Inouye has conducted himself in a courteous manner during the Watergate hearings. His questioning of witnesses has been orderly and intelligent but very penetrating. His voice is low-keyed and he displays no outward sign of being upset if he receives a response from a witness that he believes to be inaccurate or evasive.

Wilson's remark has focused as much attention on Senator Inouye as the Senator's slip of the tongue, heard over the mike, in using a descriptive word about the veracity of John Ehrlichman. Members of the Senate from both sides of the aisle have made it a point to laud Senator Inouye, his patriotism, his dedication and his ability.

Mr. Wilson may be the catalyst who brings sufficient national attention to the Senator that he will be even more prominently in the limelight that so often results in being selected for a position on a National ticket. The Democrats are looking for new faces. They could do worse than having Senator Inouye on their ticket in 1976, the 200th birthday of the nation "dedicated to the proposition that all men are created equal."

WHAT HAPPENS NOW?

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, September 10, 1973

Mr. RANGEL. Mr. Speaker, the Watergate scandal has dominated our minds for the past few months. But now that the scandal is being exposed to the public, our Nation and its people must seriously consider an alternative to the system that created Watergate.

I am referring to the imbalance of power between the three branches of Government, especially between the legislative and executive branches. For years the Congress has been conceding increasing amounts of its power to the executive branch.

It is time for the Congress to retrieve its lost powers and restore the balance of power so that a threatening situation like Watergate will never occur again.

In this respect I submit the following broadcast by Ivan Shapiro, president of the New York Society for Ethical Culture. The broadcast, which follows, was heard over WQXR and is entitled, "What Happens After Watergate?"

WQXR—VIEWPOINT

WHAT HAPPENS AFTER WATERGATE?

(Address by Ivan Shapiro, President, New York Society for Ethical Culture)

TAPED JULY 3, 1973.

We will be in the midst of Watergate for a long time yet, but one thing is apparent. The immediate threat to liberty is over, at least for the next few years. The Soviet-style activities and the mentality of the Administration, have been brought into the open, and the wrongdoers are on display before an angry public. Our rescue came just in time. We have learned that attempts were made to corrupt or pervert the functions of at least five non-political government agencies. In addition, the criminal acts which have already been confessed by members of the President's entourage include illegal wire tapping, bribery, attempts to tamper with judges, perjury, obstruction of justice and burglary. The range of crimes, the variety of agencies affected, and the number of participants doubtless will grow as the investigations continue. But no matter what is revealed, this is past history and poses no immediate threat.

But if our rescue is to endure beyond the life of this Administration, you and I must make our voices heard, demanding that our elected representatives do their jobs. This means, first, that they may have to confront squarely and wisely the matter of impeaching the President of the United States and removing him from office. The White House's illegal activities came dangerously close to being a coup d'etat—a clandestine effort to supersede the existing structure of our government. If the President was a consenting party, he is of course a malefactor. If he had no knowledge of what his personally chosen cabinet members and closest assistants were doing, under the cloak of his authority, then he abdicated his powers and responsibilities and left this country without an elected leader.

The Nixon Administration did not create the circumstances in which a Watergate could occur. The President's remoteness from the Congress, from his critics and from reality itself was the legacy left by President Johnson and perhaps by Presidents Kennedy and Eisenhower as well. George Reedy, the press secretary for President Johnson, wrote a book in 1970 in which he described the isolation-chamber atmosphere of the White House, the atmosphere of a king surrounded only by his fowning courtiers. Watergate is the result of both the growth of presidential power—the President's practice of ruling by memo and by executive order—and also of the inability of Congress to maintain and to exercise the powers granted to it by the Constitution. Therefore, the larger job which faces our representatives is to revamp the machinery of Congress, to enable it to fulfill the role required of it. For instance, Congress must have its own staff of civil servants equipped, and of adequate strength, to furnish Congress with the facts needed for a real policy making role, without being dependent upon the executive branch. In addition, the Office of Management and Budget must be brought wholly within the control of the Congress. We've always known that whoever exercises the power of the purse and the power to make war is the ruler. It took the English two revolutions to get this power out of the hands of the monarch and into those of Parliament, and the framers of our Constitution themselves fought one bloody revolution on this very issue. They were terrified of the possibility of presidential tyranny and they foresaw just the kind of activities that fill this morning's newspapers.

Watergate is a warning to us that if we treat the presidency with reverence rather than with respect, if we view the President as being our monarch instead of being our most important servant, if we permit his power to go unexamined and unchecked, radio talks such as this will not be heard for long. America is not the place for treating the President's critics as the nation's enemies, or for spying on such opponents and destroying them. The wrongdoers have been caught and doubtless many will be punished. But if it again becomes possible for a President to rule as a tyrant, it will be because you and I have not assured ourselves of having representatives in Congress who are capable and desirous of discharging their Constitutional responsibilities to us.

TWO CITIZENS OF ONTARIO, CALIF., TO RECEIVE HONORS FOR VOLUNTEER WORK

HON. GEORGE E. BROWN, JR.

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, September 10, 1973

Mr. BROWN of California. Mr. Speaker, recently I was reflecting on the vast amount of volunteer time that dedicated citizens spend making our Government work. I was thinking particularly of the tens of thousands of citizens from every walk of life who spend countless hours of their own time serving without remuneration on local boards of education.

Later this fall, the Ontario-Montclair Teachers Association of Ontario, Calif., will be holding a special recognition day honoring two community leaders for their many years of devoted guidance to their school district and community. The two persons being honored are Mrs. Mary Stern (William) and Harold "Tony" Zenz.

Mrs. Stern will be completing over 19 years on the Ontario-Montclair School District Board of Education. Mr. Zenz will be completing 13 years on the same board. Mr. Zenz has been president of the board for 10 years, and Mrs. Stern has been secretary of the board for 18 years.

A partial listing of the endeavors of these two people lends support to the old saying, "If you want something done, give it to someone who is busy."

Mrs. Stern has played an important role in PTA, Service Club, Ontario Police Community Action Committee, Parks and Recreation, League of Women Voters, Womans Club, American Association of University Women, Assistance League, Cancer Fund, United Fund, Den Mother, American Field Service, and even helped in establishing the public library in her old hometown of Marshall, Tex.

Mr. Zenz is a Mason, chairman of the finance committee of the United Methodist Church, Upland, secretary of the flood control board, county planning director, vice president of the board of trustees, San Antonio Community Hospital, member of the Friends of Ontario International Airport, former member of Toastmaster, served on board of YMCA, treasurer of Inland Action, Inc., vice chairman of Juvenile Justice and County Probation Commission, past president of chamber of commerce.

I believe, Mr. Speaker, that the distinguished records of these two outstanding citizens deserve our recognition.

NELSONVILLE'S FIRST PRESBYTERIAN IS 100 YEARS OLD

HON. CLARENCE E. MILLER

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Monday, September 10, 1973

Mr. MILLER. Mr. Speaker, I'd like to take this opportunity to bring to the attention of my colleagues in the Congress a most noteworthy anniversary being observed in Nelsonville, Ohio, which is located in the heart of southeastern Ohio.

The birthday to which I am referring is the 100th anniversary of the laying of the foundation of Nelsonville's First Presbyterian Church. Actually the land for this fine old church was secured in 1869 and building plans began shortly thereafter. Funds for construction of the church were provided through private contributions and public sales.

The entire building has a touch of southeastern Ohio to it: the foundation stone is from nearby Sugar Grove; the architecture was done by a firm in Marietta; and much of the woodwork is of native timber.

In a service commemorating the anniversary of the church, Rev. John Lloyd Evans—who has devoted 50 years of outstanding service to the First Presbyterian Church—provided the congregation with an extensive history of the church. I found this information both enlightening and interesting. One particular passage was especially significant. Essentially, the Reverend Evans placed the well-being of the church in the hands of the membership, and in so doing advised them:

So I would recommend that each member of the church, and as the years go by, you young people as you grow up, watch the church. After a storm walk through and see that it is all right, because anxious eyes and careful scrutiny has been given to this church practically every day for all the one hundred years of its existence. Eternal watchfulness will keep the church where it is now.

It is my pleasure to join with all those who have saluted the First Presbyterian Church on its anniversary and I know that the House of Representatives seconds my wish for many more years of service to mankind.

THE TRUE MEANING OF "PEACEFUL COEXISTENCE"

HON. ROBERT J. HUBER

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Monday, September 10, 1973

Mr. HUBER. Mr. Speaker, little noticed by the American people in general was the fact that the principle of "peaceful coexistence" was incorporated into the Soviet-American Accord reached last summer in Moscow. In the mind of the average American this means that we will not attack each other with military forces. But what does it mean to the Soviet leadership? What does it mean as regards wars of "national liberation?" How does it apply to the "class struggle?" A member of my staff has put together what I consider to be a very succinct statement on how the Soviets view such things. I commend it to the attention of my colleagues.

The statement follows:

President Nixon's visit to Moscow in May resulted in the signing of two agreements with the Soviet Union, the ABM treaty and the five-year interim agreement on offensive systems. The culmination of lengthy SALT negotiations, they have received wide attention and although reservation has been expressed by Senator Henry Jackson during the Senate debate now under way, their reception has been mostly positive.

The President signed two other important documents with Leonid Brezhnev: a "Declaration of Basic Principles of Mutual Relations Between the USA and the USSR" and a joint communique on problems of mutual interest. The texts of both of these were carried in full in the press but scarcely commented upon, at least here at home. On July 20th the *New York Times* reported from Europe ("Soviet-American Accord Embitters NATO Officials"),[1] however, that reaction was critical.

Both the declaration and communique deserve a second look.

In the declaration of principles both parties agreed:

They will proceed from the common determination that in the nuclear age there is no alternative to conducting their mutual relations on the basis of peaceful coexistence. Differences in ideology and in social systems of the U.S.A. and the U.S.S.R. are not obstacles to the bilateral development of normal relations based on the principles of sovereignty, equality, noninterference in internal affairs and mutual advantage.[2]

Is peaceful coexistence—a Marxist-Leninist concept, in fact—suitable, one may well ask, as a basis for "normal" relations?

An indication of what the communists have in mind when they speak of normal relations may be found in a recent book[3] by G. Arbatov, the Soviet expert who is Director of the USSR Academy of Sciences Institute [for the Study] of the USA.

In discussing how the Communist Party of the Soviet Union, a ruling party, approaches the problem of relations with a capitalist state (as any other ruling Communist Party would), he emphasizes the problem's unique complexity. He points out that communist foreign policy must discover "forms and ways of assistance by the victorious proletarian class [the Soviet proletariat, in this case] to the revolution in other countries."[4]

The working class and each of its Communist Parties, whose outlook is by definition internationalist, must render this assistance as their duty. According to Arbatov, even after having conquered power and built the new society in a country, the working class cannot consider its historic task completed. In terms of international class solidarity, this task, in Lenin's words, is "To do the maximum realizable in one country *for* the promotion, support and stirring up of revolution *in all countries*." [Lenin's own emphasis][5]

As communist spokesman, Arbatov, understandably, denies that this is tantamount to export of revolution, or even its instigation (*"podtalkivaniye"*), and that it leads to blatant interference in internal affairs of other countries. Communist assistance is justified, he says, since it is a reaction to the capitalist "export of counter-revolution." (For instance, assistance by a capitalist (free-enterprise) government to any non-communist government confronted with internal aggression led by local communists supported by "foreign" communists—the situation in Greece following World War II.)

This assistance formula offered by Arbatov represents "the dialectical unity of peaceful coexistence of states with divergent social systems and the revolutionary process." Communist-controlled states are thus able to coexist peacefully with their capitalist counterparts while "promoting, supporting and stirring up" the revolutionary process in those countries by all available means short of conventional armed conflict.

The dialectical concept of peaceful coexistence—to which the Marxists-Leninists constantly assert their commitment—as a specific form of revolutionary class struggle in interstate relations has disturbing implications for any kind of negotiations with communist-controlled states.

[1] Flora Lewis, "Soviet-American Accord Embitters NATO Officials," *New York Times*, July 20, 1972, p. 1.

[2] *New York Times*, May 30, 1972, p. 18.

[3] G. Arbatov, *Ideological Struggle and Contemporary International Relations* (Moscow: 1970).

[4] *Ibid.*, p. 285.

[5] *Ibid.*

TRIBUTE TO LOGAN COTTON

HON. ALPHONZO BELL

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, September 10, 1973

Mr. BELL. Mr. Speaker, one of the South Bay area's most eminent citizens, Logan Cotton, will be honored with the City of Hope Award on Thursday, September 13, 1973. I want to join with the other members of the community in congratulating him on this well deserved accolade.

Born at the turn of the century in Ohio, Mr. Cotton moved to the South Bay area in 1925. He graduated in 1927 with bachelor of arts and bachelor of science degrees from the University of Southern California.

This award represents the significant contributions that Mr. Cotton has made to all South Bay communities. He is the former mayor and city councilman of Hermosa Beach, past president of the South Bay Shrine Club, and past president of the Redondo Beach Round Table. He has been particularly active in working with retarded children in the South Bay area.

Mr. Cotton has also been a member of the California Republican State Central Committee. He was chairman of the public and business affairs committee of Kiwanis International. He was chosen to make an inspection trip of Radio Free Europe in the Iron Curtain countries.

He is on the board of trustees of St. Andrew's Presbyterian Church. Additionally, he is a former instructor of accounting and economics at Loyola University. He also serves on the advisory board of California State College at Domingues Hills.

For these many reasons, Mr. Speaker, I am pleased to bring to the attention of my colleagues the honor which is being bestowed upon Mr. Cotton.

OVERRIDE OF EMERGENCY MEDICAL ACT VETO

HON. ANTONIO BORJA WON PAT

OF GUAM

IN THE HOUSE OF REPRESENTATIVES

Monday, September 10, 1973

Mr. WON PAT. Mr. Speaker, as you are aware, the House will have the opportunity on September 12 to override the President's veto of the Emergency Medical Services Systems Act, S. 504. The Senate voted 77 to 16 to override the veto on August 2.

One of the benefits of this legislation would be to bring emergency health care services to the rural areas of the United States, as well as to the outlying territories such as Guam, where it is sadly lacking. In many remote areas, health services are nonexistent, and emergency medical services are not available. As a result, many persons injured in accidents and especially those suffering from heart attacks die needlessly for lack of proper emergency treatment.

The establishment of programs for the training of personnel in emergency procedures as well as for the purchase of necessary equipment is beyond the financial scope of many rural, as well as inner city, governments and organizations. S. 504 would provide a modest amount, $185 million, to help local governments and nonprofit groups start such programs. The bill would also prevent the administration from closing Public Health Service hospitals without legislative authority.

It is vital to the health and well-being of the people living away from urban areas, as well as those residing in the inner recesses of large cities, that improved emergency services be made available to them. The bill has the backing of all sectors of the American public; it is up to the House to see that their will is expressed at this time.

I call on my colleagues to give their support toward overriding the veto of S. 504 on September 12. An affirmative vote by the House will reassure the American people that the Congress is sincerely interested in their well-being.

THE SUDDEN INFANT DEATH SYNDROME

HON. RICHARD C. WHITE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Monday, September 10, 1973

Mr. WHITE. Mr. Speaker, among the mysteries of American health care, few are as persistently complex as the disease known as sudden infant death syndrome—SIDS.

SIDS has been defined by the International Guild for Infant Survival as "the death of an ostensibly healthy infant or young child which occurs suddenly and unexpectedly and which remains unexplained after postmortem examination." Every day between 40 and 60 mothers put their child to bed for a nap or for the night and later, in the morning, or when checking, find their child dead. Because SIDS always occurs while the baby is sleeping, it is often referred to as "crib death" or "cot death".

Excluding the first week of life when many infants die from complications of prematurity, birth defects, or from postnatal asphyxia, SIDS is the leading cause of death in infants under 1 year of age. It is second only to accidents as the largest cause of death to children under age 15. Each year it is estimated that SIDS claims the lives of 10,000 infants in the United States, or about three per 1,000 live births.

Perhaps the most serious problem inherent in studying the etiology of SIDS is the fact that the study begins with the child already dead. Unlike a disease such as cancer or tuberculosis, SIDS cannot be studied until after it has occurred; death is instantaneous and without warning. It is therefore impossible to observe the direct forces or interrelationships leading to the death. The best means of studying the pathology and etiology of SIDS is through an autopsy of the body.

At the moment, serious and tragic injustices often occur because parents of SIDS victims are falsely accused of child abuse. Dr. Abraham B. Bergman, M.D., president of the National Foundation for Sudden Infant Death, points to a recent California case in which a young couple was taken to jail while their baby's body still lay in the house. The parents were charged with involuntary manslaughter but the charges were eventually dismissed by a municipal court judge. Dr. Bergman, in discussing the event, said:

It was clearly a case of ignorance and prejudice against a couple who were young and poor and couldn't defend themselves.

Public awareness of SIDS has been rapidly increasing, largely due to the efforts of independent volunteer agencies such as the International Guild for Infant Survival, the National Foundation for Sudden Infant Death, Inc., and the media of congressional hearings.

As a result of hearings held before the Senate Subcommittee on Children and Youth, the Senate passed legislation during the last Congress that directs the Department of Health, Education, and Welfare to designate the disease of highest priority in intramural research and in awarding research training grants; to develop, publish, and distribute literature to be used to inform the public concerning SIDS; to develop reliable statistical procedures and to designate SIDS as a cause of death in the International Classification of Diseases; and to encourage the availability of autopsies of children who die of SIDS and to release the autopsy results to the parents. No action was taken on the resolution in the House.

Mr. Speaker, I am today introducing legislation encompassing the provisions of the Senate-passed resolution, and in addition, provides financial assistance for research activities for the study of SIDS.

The point is not that possible child abuse should be ignored but rather that unwarranted criminal investigations should not occur. The parents are already undergoing severe emotional pain. As one witness said in hearings last year, the parents "have enough to do just attempting to maintain their sanity and marriage while trying to explain to their not-too-understanding relatives how their happy, healthy infant could possibly have died."

We are only beginning to understand SIDS. What is important is that serious research begin at once, not only to save lives among infants but to protect parents in the event that tragedy does occur.

My bill, Mr. Speaker, provides the means by which this research may begin, and a protective device for those parents who are falsely accused of neglect because of the public's lack of knowledge and awareness of SIDS. I urge the House to follow the Senate's past action and urge the Congress to enact legislation enabling this research to begin.

A SALUTE TO GRAHAM T. NIXON

HON. JOHN P. HAMMERSCHMIDT

OF ARKANSAS

IN THE HOUSE OF REPRESENTATIVES

Monday, September 10, 1973

Mr. HAMMERSCHMIDT. Mr. Speaker, the 93d Congress is now considering many legislative proposals which relate to the important area of public health.

It is therefore timely that I share with my colleagues as a salute to a retiring Arkansas leader in this field.

The Arkansas Hospital Association, one of our outstanding organizations, has recently lost the services of a dedicated servant, Mr. Graham T. Nixon, who was forced to resign his position as executive director due to reasons of health.

Mr. Nixon had headed the Arkansas Hospital Association since December 1, 1958. During his 14-year tenure as executive director, he led the association through its development into a formidable force in the health care field in Arkansas. He participated as an active member of numerous health care committees on the State, regional, and national level, and maintained an active role in the American Hospital Association. Mr. Nixon was the first State association executive to serve on the American Hospital Association's Council on Government Relations.

His record of public service includes membership in the Arkansas State Legislature.

Mr. Nixon plans to retire with his wife, Clara, to the countryside outside Austin, Ark.

The administration of health care was well served by Mr. Nixon, and I know that all members of the Arkansas health community share with the President and the Board of Directors of the Arkansas Hospital Association the sincere feeling of regret at the loss of his service.

INDOCHINA POLICY—LETTER FROM THE PRESIDENT

HON. BEN B. BLACKBURN

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Monday, September 10, 1973

Mr. BLACKBURN. Mr. Speaker, you and my colleagues will recall that on June 28 I inserted a copy of a letter I addressed to the President dealing with the continuing problems in Indochina.

During the recess, by letter dated August 13, 1973, I received a response from the President.

To make the record complete, I am inserting the President's response as follows:

THE WHITE HOUSE,
Washington, D.C., August 13, 1973.

Hon. BEN B. BLACKBURN,
House of Representatives,
Washington, D.C.

DEAR BEN: I have read with interest your letter to me as well as your speech to the House on June 25 expressing your reservations concerning the Administration's Indochina policy. I appreciate your views. Your firm support in the past has helped us greatly in achieving a responsible peace in Indochina.

Through patience and strength, substantial advances have been made toward lowering the hostilities and establishing stability in Southeast Asia. As you acknowledge, the Agreement on Vietnam has allowed the return of our POW's. It has also resulted in a substantial reduction in fighting and has left the government of South Vietnam in a strong political and military situation.

While the other side's performance so far has been far from adequate, it is imperative, I believe, that the South Vietnamese not take dramatic military actions which would discredit their comparatively good record in implementing the peace Agreement. This record, for example, will have a strong bearing on chances of favorable legislative action on urgently needed economic assistance. Given the mood of Congress, South Vietnamese restraint will also better protect our option, if necessary, to take appropriate countermeasures against any massive cease-fire violations by the other side, and thus enhance the deterrent effect of this contingency on the Vietnamese Communists. A comparatively clear record by South Vietnam, furthermore, builds our case for restraint by Hanoi's principal allies against providing the kind of support the DRV would need for a military takeover in the South.

Provided Saigon continues to receive substantial economic assistance and Hanoi is restrained by its own allies and our own ability to react, I am fully confident that the South Vietnamese will survive indefinitely against the North. However, each of these factors is dependent to varying degrees upon Congressional support for our Indochina policy, which in turn is affected by the Government of Vietnam's image in keeping the peace.

In this light, I hope you will reconsider your decision to terminate your support of a prudent yet vigilant Administration policy in Indochina. I urge you to join with us in supporting these small nations which need our help and in working toward a lasting peace in the area.

Sincerely,

RICHARD NIXON.

CIVIL AIR PATROL

HON. LESTER L. WOLFF

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, September 10, 1973

Mr. WOLFF. Mr. Speaker, in these times of runaway inflation and increased Government spending, it is indeed a pleasure to remember that there are some organizations that save the U.S. Government money. The Civil Air Patrol is retained by the Air Force for search and rescue missions. It has been estimated that, if the Air Force were to perform these vital services, it would cost the Air Force an additional $10.5 million. As Commander of the Congressional Squadron of the Civil Air Patrol, I am proud to insert the following article from the Civil Air Patrol News in the RECORD:

CAP SAVES AF $$$$ ANNUALLY

(EDITOR'S NOTE: The following is the first in a series of subjects on CAP Background Data (see Commander's Column in July 1973 issue of CAP NEWS) which will appear in the next five issues of your Civil Air Patrol NEWS. We suggest that you clip this article for your personal files. The subject for this month is CAP versus Military Flying Costs).

MAXWELL AFB, ALA.—Since most of CAP's reimbursable flying training activities (search and rescue test exercises, flight clinics, air mobility exercises, etc.) are aimed at improving the overall capability of CAP to perform aerial search and rescue, the reimbursement made for authorized flying training must be included in the total amount it costs the Air Force to retain CAP for search and rescue purposes.

National Headquarters generally weighs the annual CAP SAR flying hours against the total annual Air Force aviation fuel and oil (POL) reimbursements to compute a realistic hourly cost to the Air Force. The average hourly cost to the Air Force for CAP conducted search and rescue missions over the past three years was $7.25. This cost is affected by many variables, and is not constant for all locales or in comparing any two specific missions.

In addition, CAP is reimbursed for communications and ground POL expenses. This came to $2.25 per SAR mission flying hour making the total cost $9.50 to the Air Force to retain CAP as a search and rescue force.

Though little statistical information is available on what it would cost the Air Force to fly this same number of hours in SAR, using its own personnel, equipment and supplies, cost figures for a missing F-111 mission in which the military did participate have been computed. An analysis of this mission performed in January 1971 reveals that it cost the military an average of some $400 per flying hour. Aviation POL reimbursements to CAP in this particular mission averaged some $5 per flying hour.

If the Air Force had to fly the 27,400 hours CAP flew on SAR missions in 1972, the cost would have been nearly $10.9 million. The reimbursable costs to CAP that year were $260,300; in effect, saving more than $10.5 million.

FOOD SUPPLEMENTS

HON. WENDELL WYATT

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Monday, September 10, 1973

Mr. WYATT. Mr. Speaker, I rise today to urge immediate hearings and prompt action on legislation which would once and for all prevent the Food and Drug Administration from infringing on the rights of consumers to purchase safe food supplements for their own consumption without hindrance or restriction. Such legislation, in the form of H.R. 643, has been languishing before the Interstate and Foreign Commerce Committee for months, without receiving even an initial hearing.

The past decade has witnessed a veritable explosion of freeze-dried, fabricated, frozen and "fast" foods. While most of these products are high in polyunsaturated convenience, many are woefully low in real nutritional quality. We are experiencing the strange phenomenon in the United States of a standard of living which has soared to the highest level in the world, while the quality of our diets has steadily deteriorated .

Americans consume over 8½ billion gallons of soft drinks yearly, and triple that amount of coffee. We eat more than 8½ billion hot dogs a year, and each man, woman and child swallows an average of 10 pounds of potato chips. Hamburger and french fries establishments have proliferated along our highways and become a way of life. Cookbooks are regular bestsellers in the United States, fad diets make millionaires of their inventors and losing weight is the No. 1 American preoccupation. We have reached the point where many of our eating habits are determined more by expensive advertising campaigns and enticing packaging than by taste or nutritional value.

The food products on our grocery shelves have been stabilized, colored, emulsified, preserved, canned, frozen, freeze-dried, engineered, gas ripened, reconstituted, bleached, refined, and ad-

ditive-filled. The route traveled by our food from the field or farm to its final destination on the table is a long and arduous one, often consisting of hundreds or thousands of miles, with a serious and significant loss of nutrients along the way.

We have little control over the distance our food must travel before it reaches the grocery store shelves, and little control over the treatment and processing most of our foodstuffs must undergo before we buy them. We do have the opportunity to insure that the American consumer is guaranteed the privilege of replacing these lost vitamins and nutrients if he so desires. H.R. 643 would insure the availability of vitamins and food supplements for those nutritionally aware consumers who seek to overcome the widespread deficiencies in our food.

It is quite clear in my mind that the FDA should not make a regulation that interferes with the proper nutrition of the American people. It is our obligation to stop the FDA from limiting our freedoms without justification.

Mr. Speaker, we are talking today about vitamins, minerals, and food supplements—not drugs. We are discussing the lack of vital nutrients in American diets which we have little power to control. In short, Mr. Speaker, we are discussing an issue of urgent national import which deserves the promptest attention of Congress.

DOES IRS HAVE A HEART?

HON. J. HERBERT BURKE

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Monday, September 10, 1973

Mr. BURKE of Florida. Mr. Speaker, there has been a great deal of criticism leveled from time to time at the way our Internal Revenue Service treats some of our taxpayers. Some of the complaints are no doubt justified, but I thought my colleagues might enjoy hearing of at least one instance when this Agency did its job in a manner for which it should be complimented and, in addition, went out of its way to help a taxpayer. The following is a letter I received from one of my constituents praising what might be termed the public's least loved Government agency—the Internal Revenue Service:

HOLLYWOOD, FLA.

Congressman J. HERBERT BURKE,
Washington, D.C.

DEAR SIR: I have a set income so each year to save expenses, my wife and I prepare our own income tax return. We felt that it was simple, with just the average deduction, interest, etc.—no chance of making a mistake—well this, for the return shown below, we discovered, via a notice from the IRS, that we had made quite a mistake, when we received a check for over $62.00.

The IRS discovered that our listed deductions weren't as much as the standard allowable deduction, so gave us the benefit and returned the difference. They could have kept it and I would never have known the difference.

I hope you will express my thanks to the proper and responsible people, not only because I received a refund that I could surely use, but because it is indicative of an efficiently operated department.

Sincerely,

WILLIAM W. BAUGH.

RECLAMATION—AN INVESTMENT IN SOCIETY

HON. HAROLD T. JOHNSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, September 10, 1973

Mr. JOHNSON of California. Mr. Speaker, the National Water Commission, created by the act of September 26, 1968, has completed its report, transmitted it to the Congress and expired as contemplated by the act. Each Member of the House and Senate has received a copy of the report and there has been an opportunity to examine its many conclusions and recommendations.

As the Commission clearly and succinctly sets forth, seven major themes emerge from the report. These themes are given meaning by literally hundreds of individual recommendations. Only the most subjective and biased can disagree with these themes and I certainly do not disagree. Unfortunately, detailed consideration of the report discloses that the Commission's recommendations do not always logically implement its central themes. This is particularly evident in the case of the Commission's fifth theme in which the Commission states the belief that "sound economic principles should be applied to decisions on whether to build water projects"—a completely supportable premise which no one can dispute.

It is therefore quite interesting, Mr. Speaker, to see what the Commission does with this theme. It proceeds to completely subvert it by the narrow and restrictive assumption that the only objective of water resource development is a net increase in goods and services available to consumers—consistent with protection of environmental values. This is the classic, shortsighted, cash flow, national efficiency economics that has been implicitly rejected by the Congress on most projects authorized for development in the last 40 years. It assumes that our society is fully homogeneous and that all elements of production, labor, capital and management are fully mobile.

In other words, it overlooks and ignores the diversity of our social and economic order and expressly assumes that anything good for one region of our country is attained at the expense of another region. In short, it denies the value of regional economic strength and effectively eliminates this important element from the decisionmaking process.

Those of us who have been close to water resource decisionmaking for any considerable period of time have heard this argument many times before. In fact, the relative validity of this assumption has been at the heart of the ongoing debate over the standards and principles for evaluating water resource projects which has been under consideration by the Water Resources Council for the last 3 years. Many observers of this dialog, including some Members of Congress, have viewed the standards and principles issue as being one of the discount rates. While discount rates are admittedly important to economic evaluation, I believe that the rejection of benefits stemming from regional improvement and the social betterment of affected citizens is an issue of equal or greater relevance.

This matter, perhaps more than any other, is at the root of my disappointment with the overall effort of the Commission. While not the only case, it is a classic example of the tendency of the Commission to take a "finger to the wind" approach to its duties. While the enabling act does not explicitly so require, one hoped that the Commission would pursue, develop and propose a well-reasoned national policy for water resource development. Unfortunately, it has chosen to compile an uncoordinated array of objections and complaints that have been around for years. Absent from the report is any assessment of the role or contribution of water resource development to our economic and social well-being, much less any assessment of the likely consequences of following its many recommendations.

One can only regret that the Commission, despite the expenditure of many years of time and many millions of dollars, failed so completely to understand the dynamic nature of our economic order and chose to pursue a course based on the cliches, truisms, and conventional wisdom of 10 or more years ago. No place is this approach more evident than in the treatment of the role of irrigated agriculture in the nationwide scheme of things.

The Commission obviously approached its analysis of the Federal reclamation program from the mistaken assumption that it, the reclamation program, has as its primary purpose the production of commodities for their own sake. Now, at the time the Commission was structuring its study this was not a valid premise. In 1902, when the Federal Reclamation Act was enacted, this Nation was not a commodity-short country and, until recent weeks, there has been no time since when we were short of commodities except for a limited period during the dark days of World War II. The justification for this program, at the inception, at all times since the inception and to this day, is the stimulation of regional economic strength and well-being. The program has well-served the American people in this regard. Vast areas of the otherwise inhospitable West are today contributing to our overall economic strength and diversity—as the direct result of irrigated agriculture brought into being through reclamation law. Mr. Speaker, reclamation-based communities are taxpayers—not tax consumers as are so many of our communities whose existence is based on utilization of nonrenewable resources. Land and water are constantly renewable and once they are melded into a workable production matrix their capacity to continue working effectively and economically is without limit as to time.

This circumstance alone is ample to refute and deny the premise of the Commission that there is no justification for public support of programs of this character. Now, admittedly, the Commission does not state its case in these terms—preferring to characterize such support in the more inflammatory manner by labelling it as a Federal "subsidy." If an investment in the well-being of a major segment of our society is a subsidy then all of government is a subsidy and we can leave it at that.

While I stoutly deny that the reclamation program must rely on its ability to produce commodities for its justification, as the Commission report insists, I would like to point out something that happened to the Commission report on the way to the printer. It must be a source of chagrin and dismay to the Commission to observe that events have overtaken its report. Instead of the embarrassment of riches of agricultural commodities for which the Commission blames "subsidized irrigation," what do we find today to be our true situation? I doubt that a single one of my colleagues need to be reminded by this Member that we are all besieged by complaints of shortages, spiralling prices caused by limited supplies and projections of worse yet to come in the basic foodstuffs upon which the American consumer depends for his daily diet.

Mr. Speaker, I do not have to dwell on the awful mess that has befallen our national food industry. It is on a par with the rest of our economy insofar as the individual that must work for a living is concerned. I am compelled, however, to express my total disagreement with, and disdain for, the point of view that would have us scrap one of the few time-tested and proven public institutions that has a capability to help us out of the mess in which we find ourselves. This is what the National Water Commission would have us do with respect to the reclamation program. It can expect no help in this regard from this Member.

TRY BICYCLING—FOR FUN AND RELAXATION

HON. GEORGE E. BROWN, JR.

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, September 10, 1973

Mr. BROWN of California. Mr. Speaker, I would like to take just a moment to inform you and our colleagues of the notable achievement of Dr. Allan Abbott, a member of the emergency room staff at St. Bernardine's Hospital in San Bernardino, Calif. Dr. Abbott, a resident of Crestline, in the district represented by our able and distinguished colleague Mr. PETTIS, last month set a new world speed record for unlimited speed on a bicycle—an almost unbelievable 138.674 miles per hour.

I am indebted to Mr. Phil Fuhrer, a sports writer at the San Bernardino Sun-Telegram, for my information about this new record.

If cruising along at 138 miles per hour on a bicycle sounds a little bit dangerous to you—kind of a sink or Schwinn proposition—let me assure that Dr. Abbott is still in one piece, and unharmed by his experience. And the previous record-holder, Jose Meiffert of France lived to tell about it when he set his record of 127.34 miles per hour in 1962. Of course, he was killed in a subsequent attempt to break his own record, but nothing is completely safe.

Frankly, Mr. Speaker, I am not particularly anxious to ride at 138 miles per hour in a car, let alone a bicycle. But I am happy to offer him my congratulations on his new record, and I would like to offer him some advice as well: I hope he keeps his job in the emergency room at St. Bernardine's. The job goes well with his hobby.

WHOSE OX IS BEING GORED?

HON. ROBERT J. HUBER

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Monday, September 10, 1973

Mr. HUBER. Mr. Speaker, recently the syndicated columnist William F. Buckley placed in his column a letter he characterized as being from a thoughtful lawyer in Arizona. It concerned a subject very much in the headlines these days, the rights of a Senate committee to investigate wrongdoings in the executive branch of our Government. The matter is of more than passing interest since this man was condemned for his investigation in which he used much the same approach that the Watergate investigators are using. Many of the same issues were raised. The letter, as reproduced in the column in the Washington Star-News of September 4, 1973, follows:

WHOSE OX IS BEING GORED

(By William F. Buckley)

"While we tend sometimes to overemphasize the importance of current events," he writes, "nevertheless, history books will some day record a most dramatic period in the course of the nation.

"A group of willful men conspired to subvert the democratic process, but fortunately were caught in the act and exposed.

"They were highly educated (most of the prominent figures were lawyers educated to revere and respect the law). Many were associated with the President himself. Some traveled with the President regularly and advised him in delicate matters involving relationships with China and Russia which would determine the future of the nation, and in a larger sense the world.

"Most were young, highly committed in political life, and of the same political party. They had come into government during a landslide election, and held high appointments in many branches of the U.S. government. Many were close social friends. Some were classmates in school.

"Some went by code names, gave code names to their groups and their projects; they used couriers instead of mail; they stole records and made copies; they used false pretenses of all sorts; they made elaborate plans to transfer money and documents, and made telephone calls from public phone booths instead of their offices.

"When all this began to come to light, a special committee of the Senate was appointed to investigate. One member, a lawyer, took the lead. He was fearless in his demand for a full public disclosure from every witness to the scheme, and explained that the true function of a Senate committee was not only to seek facts for future legislation, but also to focus the public spotlight on wrongdoing, and wrongdoers, that they might be judged by the people. As to those who refused to testify on constitutional grounds, he was disdainful. He contended that this position was a sham, that if they really didn't have anything to hide, they would come forward and cooperate with the committee, and thus, the American people could not be blamed for inferring guilt from their silence.

"He attracted great attention; from that moment on this obscure lawyer was known by everyone.

"His name was Joe McCarthy."

93D CONGRESS BUILDING CONSTRUCTIVE RECORD OF LEGISLATION AND REASSERTING CONSTITUTIONAL AUTHORITY

HON. JOE L. EVINS

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Monday, September 10, 1973

Mr. EVINS of Tennessee. Mr. Speaker, although the President has criticized the performance of the 93d Congress to date as "disappointing," an assessment of the accomplishments and achievements of this Congress indicates this will be an historic Congress—and much already has been accomplished.

In this connection I place in the RECORD herewith my recent newsletter Capitol Comments, because of the interest of my colleagues and the American people in the work of the Congress.

The newsletter follows:

93D CONGRESS BUILDING CONSTRUCTIVE RECORD OF LEGISLATION AND REASSERTING CONSTITUTIONAL AUTHORITY

As Congress reconvenes following the August recess, the Democratic Leadership has taken sharp issue with a statement by President Nixon describing the work of this Congress as "disappointing". The Leadership and other Members of Congress have pointed out that the President, through his concentration on the Watergate scandal, his vetoes of bills passed by Congress and the termination of more than 100 programs established by Congress, has tended to stalemate government in many areas.

Although the Senate Watergate TV hearings have attracted the attention of many Americans for several weeks, the more than 50 other committees of the Congress have quietly moved forward with their legislative work and more than 100 important bills have been passed—including the Economic Stabilization Act of 1973 which provides the President with continuing authority to impose economic controls to prevent inflation. Other important bills enacted by this Congress in its first seven months include an increase in Social Security benefits, the Airport and Airways Development Act of 1973, Rural Electrification Act Amendments, a four-year Omnibus Farm bill, Public Works and Economic Development Act, of 1973, Crime Control Act of 1973, the Minimum Act of 1973, and the Older American Benefits Act, Public Works appropriations and

other annual departmental appropriations bills. Defense and Foreign Aid are as yet to be considered.

The Leadership has also pointed out that this is an historic Congress because it has assumed the difficult task of reasserting the constitutional powers and responsibilities of the Congress in both domestic and foreign policy.

This has included the termination of the bombing in Southeast Asia by Congressional action and the passage of legislation by both Houses to halt the massive and illegal impoundment of funds appropriated by the Congress for vital and important domestic programs.

Both Houses of Congress have also set a spending ceiling substantially less than that recommended by the President, who insists on lecturing Congress on fiscal responsibility. The House bill sets a ceiling $1 billion 600 million lower than that recommended in the President's budget and the Senate has set a ceiling $700 million less than the total Federal budget requests.

The Leadership has emphasized that the differences between Congress and the Administration relate primarily to priorities—not to the amount of expenditures. In other words, one question is whether Congress should accept the Administration's recommendation for a $5½ billion increase in military spending with the United States out of the war in Southeast Asia—and whether increased foreign aid—including aid to the warlords of Hanoi-North Vietnam—recommended by the Administration should be approved when vital and important domestic programs are being terminated.

Research indicates that the Administration is financing precisely the same types of programs and projects in other nations that it proposes to terminate at home.

Many feel that the President's attack on Congress is obviously designed to divert attention from the disclosures of the Watergate hearings As a result of disclosures and investigations, a total of 16 persons have been convicted, pleaded guilty or indicted in the District of Columbia and three states—New York, California and Florida.

Those involved include the former Attorney General of the United States, the former Secretary of Commerce, and more recently indictment of the President's chief administrative assistant in California.

As one Congressional leader commented recently, "Watergate is just the tip of the iceberg and investigations by Congress and the Justice Department must be carried through to conclusion to restore the people's confidence in the government."

Despite the continuing conflicts between the Executive and the Congress, there are indications that with a more cooperative staff in the White House, there will be a better working relationship between Congress and the President.

Certainly this would be desirable and helpful in the public interest in arriving at mutually acceptable compromises, understandings and agreements. Congress, however, does not exist to rubber-stamp Executive recommendations—it is the responsibility of Congress to make independent judgment and set national priorities.

OFFICERS HONORED

HON. MARJORIE S. HOLT

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Monday, September 10, 1973

Mrs. HOLT. Mr. Speaker, I rise today to recognize the outstanding efforts of Prince Georges County police officers in redirecting the lives of youthful offenders from crime to responsible citizenship.

Six police officers were recently honored for their contribution to this program: Darrell Griswold, Edward Forbes, James Murray and Gerald Howard, all of Forestville, Md., John Fasick of Laurel, Md., and Thomas Van Valkenburgh of Greenbelt. These men were recommended by fellow officers and the public, and were acclaimed by the Maryland Association of Women Highway Safety Leaders.

I take great pride and pleasure in adding my congratulations to these fine law enforcement officers for the truly remarkable achievements which they have accomplished in the rehabilitation of these young offenders.

THE PUBLIC SPEAKS OUT IN SUPPORT OF THE PUBLIC HEALTH SERVICE HOSPITALS

HON. BROCK ADAMS

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Monday, September 10, 1973

Mr. ADAMS. Mr. Speaker, I was very disappointed to learn that the President has seen fit to veto the Emergency Medical Service Systems Act. It is clearly the intent of the majority of the House and the Senate that the Federal Government involve itself in the very important business of saving lives that are currently being lost because of the lack of immediate medical attention when they need it most—at the point of injury.

Another of my concerns with the President's action on this bill is the fact that he is hereby ignoring the intention of Congress to keep the Public Health Service Hospitals open. These hospitals play a substantial role in health manpower training and health research and provide facilities for a wide variety of health programs serving those people who cannot afford to purchase these services independently.

I would like to submit the following letters and statements expressing the concern of the public and of public officials of the State of Washington for the continued operation of the Public Health Service Hospitals. I believe that they clearly indicate the need for these facilities and the services they provide.

The letters and statements follow:

NATIONAL ASSOCIATION OF BLACKFEET INDIANS,
Seattle, Wash., January 31, 1973.

BROCK ADAMS,
Longworth House Office Building,
Washington, D.C.

DEAR MR. ADAMS: I am writing this letter to you asking for your assistance, in a matter of vital importance. This concerns the closing of the Public Health Service Hospital, here in the city of Seattle.

It seems whenever there is a cut back in Federal aid, it is always the poor that is hit the hardest. If this hospital was closed, many people would suffer, for the need of Medical assistance.

They cannot afford health insurance, so I cannot think of any other solution, but to keep the Hospital open, for their convenience. I also believe that many people would suffer an untimely end, for the lack of medical attention.

I know what illness is Mr. Adams, and I feel a very great concern for these poor people. It would be impossible for them to get medical help without available finances.

Mr. Adams, I hope that you will be able to lend us your assistance in this very important matter.

Hoping to hear from you at the earliest possible convenience, I remain.

Sincerely,

CECELIA M. BARNHIT

INTERNATIONAL LONGSHOREMEN'S AND WAREHOUSEMEN'S UNION—LOCAL 3,
Seattle, Wash., April 17, 197

The Honorable BROCK ADAMS,
House of Representatives,
Washintgon, D.C.

DEAR MR. ADAMS: The Seattle Public Health Service Hospital, known among seafaring people for many years as the "Marine Hospital", has been expanded to care for Indian people, Aleuts, Eskimos, and many others. In the fishing industry there are a number of people working on processing floaters who, at times, will qualify for coverage.

Many seamen-fishermen have this protection, including vessels whose owners are not financially able to provide the kind of coverage now provided by this hospital. They roam the Pacific Ocean from California to Oregon to Washington to Alaska and back.

Other organizations and associations have outlined many other reasons for keeping this hospital open, however we call this to your attention as it is most serious to the people above mentioned.

We urge your active and strong support in whatever way you care to support this fight for the retention of this hospital.

Sincerely yours,

JOE JURICH, *Secretary.*

MARCH 9, 1973.

STATEMENT CONCERNING CLOSURE OF PUBLIC HEALTH SERVICE HOSPITAL, SEATTLE, WASH.

The University of Washington Association of Women Medical Students protests the cuts in funding for health and social services in the proposed federal budget.

The proposed closing of Public Health Services hospitals will seriously impair good health care delivery. The PHS Hospital in Seattle provides services for many workers and poor people as well as back up services for free clinics and for native Americans. The other hospitals in our area, already crowded, cannot compensate for the loss of the PHS Hospital.

The PHS Hospital is an excellent teaching facility. About one-fifth of our medical students are assigned to the PHS Hospital for clinical clerkship. Closure of the hospital would create crises both in funds for faculty and in the numbers of patients available for instruction.

The proposed federal budget will drastically cut research and training grants. These cuts would force the dismissal of 81 faculty members and 374 researchers, seriously compromising the quality of the University of Washington Medical School as a teaching and research facility.

The proposed budget would also halve the funds that have been used to financially aid minority students at the UW Medical School. Proposed cuts in funding for maternal and child health, comprehensive health services, prevention of lead poisoning, and rat control programs would have their predominant effect on those who have least access to health care and training, and so disproportionately affect poor people, particularly minorities and women.

The PHS Hospital should not only be kept open, but it should be modernized and its services expanded. We urge you to support a

federal budget that will recognize the importance of comprehensive health care and preventive medicine for *all* sectors of our population.

ASSOCIATION OF WOMEN
MEDICAL STUDENTS,
University of Washington Medical, School, Seattle Washington.

KING COUNTY COUNCIL,
Seattle, Wash., March 15, 1973.

The Honorable BROCK ADAMS,
House of Representatives, House Office Building, Washington, D.C.

MY DEAR MR. ADAMS: The King County Council in regular session on March 12, 1973 passed a Memorial to the President of the United States and to the Senate and House of Representatives of the United States and to the Secretary of Health, Education and Welfare from the State of Washington requesting that the Department of Health, Education and Welfare use all resources at its disposal to keep the Public Health Hospital in Seattle open and properly funded.

Attached hereto is a copy of the above mentioned Memorial.

Very truly yours,
LEE KRAFT, *Council Administrator.*

Attachment.

MEMORIAL.—TO THE HONORABLE RICHARD M. NIXON, PRESIDENT OF THE UNITED STATES, AND TO THE SENATE AND HOUSE OF REPRESENTATIVES OF THE UNITED STATES OF AMERICA, IN CONGRESS ASSEMBLED AND TO THE SECRETARY OF HEALTH, EDUCATION AND WELFARE

We, your Memorialists, the County Council of the County of King, State of Washington, in legislative session assembled, respectfully represent and petition as follows:

Whereas, the Public Health Service has the responsibility and obligation for the care and treatment of many categories of beneficiaries living in Montana, Idaho, Alaska and Washington, including Indians, seamen and some groups of uniformed service personnel and their families, and furnishes primary back-up service for the fifteen Free Clinics in the Seattle area; and

Whereas, following a public hearing in Seattle in April of 1972, a Congressional Committee found that there is a continuing need for a Public Service Hospital in this area; and

Whereas, the Congress of the United States committed itself to maintain and expand Public Health Service Hospitals in Senate concurrent Resolution No. 6, 92d Congress, First Session, September 23, 1971; and

Whereas, the Public Health Care Coalition made up of representatives of the uniformed services, the Free Clinics, Indian, and employees of the Public Health Service Hospital as well as other interested persons, have proposed the following goals:

(1) The Public Health Service Hospital should be kept open; until such a time that an alternative system beneficial to the citizens can be established; and

(2) The Public Health Service Hospital should be renovated and modernized to improve the present health care services;

(3) Services of the hospital should be extended consistent with health needs of the 1970's. These include family medicine, drug and alcohol programs, day care for workers and patients, transportation, extended care at home and in nursing homes, family planning, extension of services to the Free Clinics, etc.;

(4) A council representing employees beneficiaries, and the community at large should be formed to assist in planning the hospital's priorities and needs in the future, as well as participating in preparation of a budget; and

Whereas, the goals and objectives of the Public Health Care Coalition have the endorsement of the Puget Sound Comprehensive Health Planning Council; and

Whereas, the Department of Health, Education and Welfare is continuing to cut back service through negative funding and now proposes to eliminate inpatient operations as of July 1, 1973.

Now, therefore, your Memorialists respectfully request that the Department of Health, Education and Welfare use all resources at its disposal to keep the Public Health Service Hospital in Seattle open and properly funded to assure that the above objectives be fulfilled and that our Congressional Delegation from the State of Washington in the Senate and House of Representatives use every available avenue to bring about the fulfillment of this petition.

Now, therefore, be it resolved, that copies of this memorial be transmitted to the Honorable Richard M. Nixon, President of the United States, the President of the Senate, the Speaker of the House of Representatives and the members of the Senate and House of Representatives of the United States, in Congress assembled, and to the Secretary of the Department of Health, Education and Welfare.

HOUSE OF REPRESENTATIVES,
STATE OF WASHINGTON,
Olympia, Wash., February 21, 1973.

Hon. BROCK ADAMS,
Cannon House Office Building, Washington, D.C.

DEAR REPRESENTATIVE ADAMS: I have the honor to transmit a certified copy of House Resolution No. 73-24 which was adopted by the Washington State House of Representatives on February 20, 1973.

Very truly yours,
DEAN R. FOSTER, *Chief Clerk.*

Enclosure.

STATE OF WASHINGTON,
HOUSE OF REPRESENTATIVES.

House Resolution No. 73-24 by Representatives Maxie, Eng, Douthwaite, O'Brien, Chatalas, Sommers, Valle, Ceccarelli, Charnley, and Williams

Whereas, The Public Health Service has the responsibility and obligation for the care and treatment of many categories of beneficiaries living in Montana, Idaho, Alaska and Washington, including Indians and some groups of uniformed service personnel and their families, and furnishes primary back-up service for the fifteen Free Clinics in the Seattle area; and

Whereas, The Congressional Committee consisting of Congressmen Brock Adams, Paul Rogers, William Roy and John Schmitz, after holding public hearings in Seattle in April of 1972, found that there was a continuing need for the Public Health Service Hospital in Seattle and that it should remain open; and

Whereas, The Health, Education and Welfare Administration is continuing to reduce service through inadequate funding, thus lowering employee morale and undermining the health care delivery system; and

Whereas, The Public Health Care Coalition proposal, containing the following goals and objectives, has the endorsement of the Puget Sound Comprehensive Health Planning Council that:

(1) The Public Health Service Hospital should be kept open;

(2) The Public Health Service Hospital should be renovated and modernized to improve its health care delivery;

(3) The Public Health Service Hospital's services should be extended, consistent with the health needs of the 1970's. This includes family medicine, drug and alcohol programs, day care for children of workers and patients, transportation, extended care at home and in nursing homes, family planning, obstetric-gynecology services and extension of services to the Free Clinics;

(4) A study should be made of the unmet health care needs in our region which a modernized and expanded Public Health Service Hospital could serve;

(5) A council should be formed representing beneficiary groups, Public Health Service Hospital workers and the community, with the authority to help plan the hospital's future, determine priorities for the services it provides, and prepare the budget;

Now, therefore, be it resolved, That the members of the House of Representatives do hereby request that our Congressional Delegation in Washington, D.C. take all steps necessary to facilitate and insure the continued delivery of high quality medical care at the Public Health Service Hospital in Seattle; and

Be it further resolved, That the Chief Clerk of the House of Representatives transmit a copy of this Resolution to each member of Congress from the State of Washington.

STATES CHALLENGE PRESIDENTIAL IMPOUNDMENTS

HON. JOHN BRADEMAS

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Monday, September 10, 1973

Mr. BRADEMAS. Mr. Speaker, over the past year, the issue of Presidential impoundment of congressionally appropriated funds has become a critical one, both for us as legislators and for numerous potential recipients of Federal aid across the Nation.

Both the House and Senate have now adopted anti-impoundment bills. Along with this, many States have filed suits against various executive branch agencies and President Nixon claiming these impoundments are illegal and unconstitutional.

The Committee on the Office of Attorney General (COAG) of the National Association of Attorneys General, located in Raleigh, N.C., has compiled a thorough list of these suits.

Mr. Speaker, at this point I would like to include for the RECORD the current list of impoundment cases now pending in the courts:

IMPOUNDMENT CASES IN COURT

MULTI-SUBJECT

State of Georgia v. Nixon et. al. (filed February 28, 1973—U.S. Sup. Ct.). State asks leave to file complaint against the President, the Secretary of Transportation, the Acting Commissioner of Education, the Acting Administrator of the Environmental Protection Agency, and the Director of the Office of Management and Budget. Asks court to enjoin defendants "from impounding or withholding from the State of Georgia any sums of money, obligational authority, or other fiscal assistance or grants to which it is entitled under the above described programs . . ." (COAG has copy of Motion for Leave to file Complaint, and of Brief).

Status: The case had been scheduled to go before the Justices on July 9. The U.S. Department of Justice has requested a delay to file responses. The Attorney General's office expects that pleadings will be in by the end of July.

Contact: Assistant Attorney General Alfred Evans, Telephone: (404) 656-3330.

AGRICULTURE

Berends v. Butz (USDC-D. Minn; 357 F. Supp. 143, 1973). Class action by four farmers for injunction, declaratory judgment and

relief in nature of mandamus, concerning emergency loan program under consolidated Farmers Home Administration Act of 1961, 7 USC sec. 1961, and the Disaster Relief Act of 1970, PL 91-606. On June 26, 1972, Butz designated area as "emergency loan" area. On December 27, he directed cessation of acceptance of application. On February 15, 1973, the court issued a temporary restraining order to resume acceptance but not processing of applications. Court held that defendants have unilateral, ministerial duty to implement the loan program; its termination violated the federal statutes, regulations and due process. Defendants ordered to process applications submitted before June 30, 1973.

Contact: Vance Opperman (Private Attorney) Tel: (612) 277-7621.

Dotson v. Butz (USDC—D.C.; Civ. No. 1210-1973, Judge Gash). (Subject not known).

Status of Case: preliminary injunction issued June 20.

Pealo v. the Farmers Home Administration (USDC—D.C., Civ. No. 1028-19B, Judge Ritchey). Impoundment of funds for Interest Credit Loans.

Status of case: July 31, ordered to process loans. The Rural Housing Alliance says the agency has not complied with the order and has asked that it be held in contempt of court. Judge Richey said he wasn't "interested in this extreme course" of a contempt citation, but ordered the telegram sent.

EDUCATION: MULTI-SUBJECT

Commonwealth of Pennsylvania et al. v. Weinberger, Ottina and Ash. (USDC - D.C.; filed April 25, 1973). Challenges impoundment of federal funds under eight programs:

(1) Title I of ESEA, 20 USC sec. 241 a. et seq.; (Assistance to schools with high concentration of low-income children);

(2) Title II of ESEA, 20 USC sec. 821-827 (instructional materials);

(3) Title III of ESEA (model programs);

(4) Vocational Education Act, 20 USC sec. 102(b), (programs for academically or economically handicapped);

(5) Part B of VEA, 20 USC sec. 1261-1264 (career training programs);

(6) Part F of VEA, 20 USC sec. 1341 (homemaking education);

(7) Part H of VEA, 20 USC sec. 1371-74 (work-study programs);

(8) Adult Education Act, 20 USC sec. 1201-122.

A total of $2,651,891,000 has been appropriated by Congress for funding these programs through June 30, 1973; defendants had allotted only $2,271,409,789 of this. (COAG has Complaint).

Status of case: (1) A preliminary injunction was issued June 28, setting aside the total sum appropriated. (2) Order was issued June 29 allowing a class action; Pennsylvania is representing all states which have not filed separately. (3) Both sides have moved for summary judgment.

Deputy Attorney General Adams notes that the attorney for the defense, in oral argument, effectively admitted that the language of the underlying legislation is mandatory rather than discretionary. The defense memo in opposition to the motion for preliminary injunction dealt solely with Art. II powers to impound funds for the purposes of controlling inflation, holding down taxes, securing the national defense, and protecting the national interest in foreign affairs.

Contact: Deputy Attorney General James R. Adams. Telephone: (717) 787-4099.

State of Alabama ex rel. William J. Baxley v. Weinberger and Ottina (USDA—M.D. Ala., No. 4103-N). Impoundment of funds under ESEA, VEA, and AEA.

Status: A preliminary injunction issued on July 18.

Contact: Assistant Attorney General Myron Thompson. Telephone: (205) 269-7738.

State of Alabama ex. rel. William J. Baxley v. Weinberger and Ottina (USDC—M.D. Ala., No. 4101-N; filed June 29). Challenges impoundment of funds under Title III of the National Defense Education Act and Title III of the Higher Education Act.

Status: A temporary restraining order has been issued. Preliminary injunction issued.

Contact: Assistant Attorney General Myron Thompson. Telephone: (205) 269-7738.

Minnesota ex. rel. Warren Spannaus, Attorney General, v. Weinberger and Ottina. (USDC-D. Minn.; File No. 4-73, Civ. 313; filed June 14). Concerns impoundment of funds under Title III of NDEA and Title I, Part A of ESEA.

Status: Preliminary injunction issued June 27.

Contact: Special Assistant Attorney General Thomas R. Muck; Tel: (612) 296-2961.

EDUCATION: TITLE III OF NDEA

State of Arkansas v. Weinberger and Ottina (USDC—E.D. Ark., filed May 15, 1973). Action seeking mandamus to compel the Secretary of DHEW and the Acting U.S. Commissioner of Education to allot Arkansas' share of funds under Title III of the National Defense Education Act. Funds had been appropriated by Public Law 92-334, as amended. Title III provides 50 percent reimbursement funds for laboratory and other special equipment. (COAG has copy of complaint).

Status of Case: (1) on May 24, a motion for a preliminary injunction was filed; (2) on June 22, the motion was granted; (3) on July 3, the injunction was dissolved on motion of the Attorney General, relying on HCR 636 to maintain availability of funds. The case is now proceeding to trial on its merits. Assistant Attorney General Powers comments that the defense filed a 52-page brief in response to the motion for injunction and that it was "extremely broad and theoretical".

On June 26, Oklahoma filed a motion to intervene; this has not been ruled on. (No change in status).

Contact: Assistant Attorney General Lonnie A. Powers. Tel: (501) 376-3871.

State of Kansas ex. rel. Attorney General Vern Miller v. Weinberger et. al. (USDC—Kansas, No. T-5346; filed May 18). Concerns impoundment of Title III funds.

Status: Temporary injunction signed June 30.

Contact: Assistant Attorney General Kurt Schneider. Tel. (913) 296-2215.

(Illinois). Bakalis v. Weinberger and Ottina. (USDC N. Dr. Ill.; filed June). Concerns impoundment of funds under Title III of the National Defense Education Act, 20 USC sec. 401 *et. seq.*

Status of case: (1) A temporary restraining order was issued on June 29; the terms and conditions of the TRO ordered DHEW to issue a grant award for the sum claimed. (2) Nevada, Michigan, Texas and Missouri interpleaded on June 29. (3) Hearing on motion for preliminary injunctions set for September 20. (4) On August 16, a meeting of intervenors will be held in Chicago (apparently, the number of intervenors has increased), bringing material with them; those who cannot attend will send position papers.

Contact: Allen D. Schwartz, Legal Advisor for the Superintendent of Public Instruction. Tel.: (312) 793-2236.

Commonwealth of Massachusetts v. Weinberger et. al. (USDC-D.C.; No. 1308-73; filed June 28). Impoundment of funds under Title III.

Status: Temporary restraining order granted June 29. Hearing July 19 on preliminary injunction. Order granting summary judgment to plaintiffs issued June 29. Court reviewed Title III.-A of NDEA, and found that "the Commissioner is obligated to allot all of whatever remains after he has reserved whatever amounts he chooses within those limits prescribed by Congress [up to 16 percent of total appropriation]." The appropriation for FY 1973 was by means of a Continuing Resolution, calling for amounts at a rate for operations not in excess of the current rate. The term "Not in excess of" does not give defendants discretion. The court said that "control of federal spending is an entirely laudable objective, but there is no authority either in Article II of the Constitution or in the case law, for the defendants' position that they may achieve this by refusing to comply with the terms of a statute." (COAG has copy of opinion).

Contact: Assistant Attorney Andrew M. Wolfe. Tel.: (617) 727-2216.

State of Maine and Carroll R. McGary, Superintendent of Public Instruction, v. Weinberger, Ottina and Ash, (USDC-Maine; Civ. No. 14-52; filed June 28). Action concerning impoundment of $265,000 in Title III funds.

Status: A temporary restraining order was issued June 29. Maine has received a notification of grand award, showing that the funds have been set aside pending final court action. (no change in status).

Contact: Deputy Attorney General John W. Benoit, Jr. Tel.: (207) 289-3661.

State of North Carolina, ex. rel. Attorney General Robert Morgan, Dallas Herring, Chairman, State Board of Education, and A. Craig Phillips, Superintendent of Public Instruction v. Weinberger, Ottina and Ash. (USDC-E. D.-N. Car.: filed June 29). Seeks declaratory judgment, injunction, and mandamus. (COAG has complaint).

Status: No further action.

Contact: Deputy Attorney General Andrew A. Vanore, Jr. Tel.: (919) 829-7387.

State of Washington, ex. rel. Superintendent of Public Instruction v. Weinberger et al. (USDC-D Wash.; filed June 28). Concerns Title III funds.

Status of Case: June 28; court ordered temporary restraining order; July 11, a preliminary injunction was issued.

Contact: Special Assistant Attorney General James B. McCabe, 404 Olympic National Building, Seattle, 98104. Tel.: (206) 624-8888.

Note: Mr. Kenton Pattie, Vice-President of the National Audio-Visual Association, Telephone: (703) 273-7200, reports that injunctions in impoundment suits concerning education, obtained prior to June 30—the end of the Fiscal Year—enjoined $13.3 out of $50 million in impounded funds.

LIBRARIES—EDUCATION

Louisiana v. Weinberger, Ottina and Ash, (USDC—E. D. La.; filed 29 June, 1973). Plaintiff seeks declaratory judgment, mandamus and injunctive relief to compel allotment of funds appropriated by Congress under: (1) the Library Services and Construction Act of 1956, 20 USC sec. 351 *et seq.;* (2) Title III of the National Defense Education Act, 20 USC 401 *et seq.* (COAG has copy of: Complaint; Motion for Temporary Restraining Order and Preliminary Injunction; Order of Court).

Status of Case: On 30 June, the Court issued a Temporary Restraining order requiring the defendants to allot to Louisiana funds for FY 1973. A hearing on motion for preliminary injunction is set for September 12.

Contact, Assistant Attorney General Kendall L. Vick. Telephone: (504) 527-8375.

Oklahoma v. Weinberger. (USDC—W. D. Okla.; filed June 30, with Michigan and New Mexico as intervenors). Impoundment under LSCA.

On June 30, the court directed defendants to set aside the full amounts which had been impounded nationwide and to issue grant awards to Oklahoma and the two intervenors, Michigan and New Mexico. On July 23, Pennsylvania, Wisconsin, Nevada, Washington, Kansas and Texas were permitted to intervene as plaintiffs and came within the scope of the prior mandatory injunction, postjudgment. In the June 30

order, Judge Chandler said that "Insofar as defendants have followed this policy to impound funds appropriated for formula grant programs such as those programs presently at issue, they have violated the clear mandate of the AB discussed herein, the United States Constitution, the Administrative Procedures Act, and their own regulations." (COAG has copy of declaratory judgment, permanent injunction and mandatory writ.

Contact: Assistant Attorney General Paul C. Duncan. Telephone: (405) 521-3921.

State of Alabama ex. rel. William J. Baxley v. Weinberger and Ottina (USDC—M.D. Ala., No. 4104-N.) Impoundment under LS CA.

Status: A temporary restraining order has been issued. Preliminary injunction issued.

Contact: Assistant Attorney General Myron Thompson. Telephone: (205) 269-7738.

EDUCATION: VETERANS

National Collegiate Veterans Association et. al v. Ottina et. al. (USDA—D.C., civil No. 349-73; filed Feb. 22). Seeking declaratory and injunctive relief to compel defendants to accept, process and approve applications under sec. 420 of the Higher Education Act of 1965, 20 USC sec. 1070e-I, for veterans' cost-of-instruction payments. Complaint was amended to include Commonwealth of Pennsylvania and the Community College Section, California School Boards Association, as plaintiffs. (COAG has copies of: Complaint; Motion to File Amended Complaint; Motion for a Preliminary Injunction and Memorandum in Support of Motion; Order Granting Motion; and Order to Dismiss.)

Status of Case: (1) Preliminary injunction granted on March 27. (2) Case dismissed as moot on May 24, because the Department was accepting and processing applications. Plaintiffs granted right to reopen case if payments were not made.

Contact: W. Thomas Jacks, (Attorney with Public Citizens, Inc.) Tel.: (202) 785-3704.

FOOD STAMPS

Bennett v. Richards (USDC—Minn.). Impoundment of food stamp funds.

Status: Preliminary injunction granted June 26.

Contact: Robert Peets. Tel.: (415) 642-4911.

HEALTH MANPOWER ACT

American Association of Colleges of Podiatric Medicine (D.C.—D.C., Judge Hart). Impoundment under Comprehensive Health Manpower Act of 1971 (medical schools).

Status of case: preliminary injunction issued June 27; briefs due in September.

National League for Nursing v. Ash. (D.C.—D.C.; Civ. No. 1316-73, Judge Pratt). Concerns closing of eight public health service hospitals.

Status of Case: preliminary injunction issued June 29.

HIGHER EDUCATION

National Association of State Universities and Land Grant Colleges, et. al. v. Weinberger. (USDC-D.C., No. 73-1014:) concerned impoundment of funds under the Second Morrill Act, 7 USC sec. 322 and the Bankhead-Jones Act, 7 USC sec. 329.

Status: Case dismissed as moot on June 29. Defendant informed the court that all currently authorized funds had been certified to the Treasury and were being disbursed.

HIGHWAY CONSTRUCTION

State Highway Commission of Missouri v. Volpe et. al. (USCA—8th Cir.; No. 72-1512). The Court of Appeals affirmed the ruling of the district court (USDA—W. D. Mo.); enjoining defendants from withholding from the state the authority to obligate its apportioned funds under the Federal-Aid Highway Act, 23 U.S.C. sec. 101 *et seq.* (347 F. Supp. 950). (COAG has copies of complaint, USDC ruling, appellee's brief in USCA, and opinion.)

Status, of case: The Highway Commission Counsel reports that William Appler, of the U.S. Department of Justice, assured him that he would let him know by July 1 if the U.S. was going to appeal. No notification has yet been received, although the period for appeal has not yet expired. The state notified the federal Highway Administrator on July 11 that it expects the money to be issued without contract controls.

Contact: Robert L. Hyder, Chief Counsel, Missouri State Highway Commission. Telephone: (314) 751-2551.

South Carolina State Highway Dept. v. Volpe et. al. (USDC—S. Car.; filed July, 1973). Similar to Missouri case.

Status: U.S. Dept. of Justice has filed brief. On July 9, the Chief Highway Commissioner of South Carolina informed Assistant Attorney General Joseph Good that he had received Memo. 30-3-73 from the U.S. Highway Commissioner that, in effect, releases the balance of 1973 funds for South Carolina.

Contact: Assistant Attorney General Joseph C. Good, Jr. Telephone: (803) 758-3385.

HOUSING PROGRAMS

Commonwealth of Pennsylvania, National Committee Against Discrimination in Housing, et al., v. James T. Lynn, Secretary of HUD, et al. (USDC-D.C.; filed June, 1973). Plaintiffs seek to enjoin defendants from refusing to accept or process applications, or to issue feasibility letters or commitments, for subsidiaries of projects under sec. 235, 236 and 101 of the National Housing Act, 12 U.S.C. sec. 17152, 17152-1 and 17015. Brief argues that: (1) irreparable and immediate injury will be done to the plaintiffs if a preliminary injunction is not issued; (2) the defendant's actions are unlawful, as they contravene Congressional intent and are in violation of their own regulations; (3) the government's usual threshold arguments (sovereign immunity, political question, justiciability) are inapplicable; (4) the defendant's actions are an unconstitutional assertion of legislative authority by the executive; and (5) this action discriminates against minority groups, because they suffer disproportionately from substandard housing, in violation of civil rights statutes. (COAG has copy of Complaint, Motion for Preliminary Injunction, and Brief).

Status of case: The end of July, the court held for the Commonwealth and ordered defendants to begin processing applications. Defendants filed motion for stay pending appeal; this was denied. Appeal will be argued in October, in the court of appeals.

Contact: Assistant Attorney General Michael L. Golden. Telephone: (215) 238-7351.

[*Note*: The City of Camden has filed a similar suit].

INDIAN EDUCATION

Minnesota Chippewa Tribe v. Carlucci. (USDC-D.C., 41 LW 2625, April 25, 1973). Suit to compel President to appoint members of the National Advisory Council on Indian Education under Title IV of PL 92-318. Court held that: (1) plaintiffs have standing as they are the intended beneficiaries of the Act; (2) the case does not involve a political question or an "executive" act; the President has no discretion to decide whether or not to appoint; (3) relief is not possible by suing another person, because only the President may appoint the Council.

Status: In a separate order, the case was dismissed as moot, because the Council had been appointed.

MENTAL HEALTH

National Council of Community Mental Health Centers v. Weinberger (USDC-D.C. No. 1223-73). Class action on behalf of all parties who have applied for grants under B or F of the Community Health Centers Act, 42 USC sec. 2681 *et seq.*

Status of case: On August 3, Judge Gesell ordered processing of applications, required compliance with iB order by September 1, 1973 and denied a stay, saying that "these cases should move to higher courts for prompt, definitive determination shown of the confusing inconsequential defenses so typical of Government legalese these days." The 10-page opinion held that "Money has been appropriated to achieve the purposes of the Act and the defendants are given the non-discretionary statutory duty to spend those funds for grants that meet the . . . lawful criteria embodied in rules and regulations promulgated to achieve the purposes of the Act. The defendants have no residual constitutional authority to refuse to spend the money." (COAG has copy of order and opinion). Jerome S. Wagshal notes that: "With respect to 1974, although the Court technically denied relief as premature, it can be hoped that the Executive will apply the principles of the decision to fiscal 1974."

OFFICE OF ECONOMIC OPPORTUNITY

Local 2677, the Am. Fed. of Gov't Employees v. *Phillips.* (USDC-DC; April 11, 1973). Suit to enjoin the dismantling of OEO by defendant, the acting director of OEO. Plaintiffs contended that Sec. 2(a) of the 1972 Amendments, whereby the Director "shall" carry out programs, prohibits termination. USDC granted motion for summary judgment. (Opinion reported Congressional Record, daily ed., April 12, 12161).

Status: (not ascertained).

Contact: (not ascertained; May/73 *Clearinghouse Review* lists plaintiffs counsel as G. R. Graves, 625 Washington Building, Washington, D.C.; John M. Ferren, 815 Connecticut Avenue, N.W., Washington, D.C. and others).

West Central Missouri Redevelopment Corporation v. *Schultz* (D.C.-D.C.; Judge Jones—Civ. No. 1237-33).

Status of case: preliminary injunction is sued June 29.

Local 2816, OEO Employees Union v. *Phillips,* (USDC—N.D. Ill. No. C-500). Plaintiffs allege that defendants violated sec. 3(c)(2) of the 1972 Amendments requiring the Director to make available $328,900,000 for sec. 221 programs. Court ruled that this section is concerned only with amounts which Congress has authorized to be appropriated, and there is no appropriation for fiscal 1967. *Clearinghouse Review* (May, 1973), say that "on the basis of the evidence . . . the court held that the functioning of OEO would continue as provided by law through fiscal 1973 unless Congress acted to discontinue it, and accordingly denied the plaintiff's motion for a preliminary injunction.

Status: (not ascertained).

Contact: (not known).

SOCIAL SECURITY

Mason v. *DeGeorge et al* (USDC—Md.; filed May 2, 1973). Suit by Md. Secretary of Employment and Social Services to compel DHEW to pay state for past expenditures made under the public assistance titles of the Social Security Act. State officials submitted to defendants estimates of expenditures for the fourth quarter of FY/73; defendants refused to authorize payment until they have investigated certain past expenditures for which state has already received funds. (COAG has copy of complaint).

Status: Preliminary injunction granted May 31; argument will be July 16th.

Contact: Deputy Attorney General Henry R. Lord. Tel. (301) 383-3737.

WATER POLLUTION CONTROL

New York City v. *Ruckelshaus,* (— F. Supp. —. UDSC-D.C., Civil No. 2466-72 May 8, 1973.) This was a class action on behalf of New York municipalities; the City of Detroit was an intervenor. The court ruled that Environmental Protection Agency must allocate among the states the sum of $5 billion for FY 1973 and $6 billion for FY 1974, pursuant to sec. 205(a) of the Water Pol-

lution Control Act Amendments of 1972. The court rejected contentions that it lacked jurisdiction because of sovereign immunity, or because the action failed to present a justiciable case. The court reviewed the legislative history of the Act and found it was intended to require the Administrator to allocate the full sum authorized. The court noted it was not being asked to determine whether EPA should spend the money, but rather whether the Administrator should make available for obligation the sums authorized to be appropriated. (COAG has copy of decision).

Status: Has been appealed.

State of Minnesota v. *U.S. Environmental Protection Agency and Robert W. Fri.* (USDC—Minn., No. 4–73 Civ. 133, —— F. Supp. ——, June 26, 1973). Concerns impoundment of funds under the FWPCA. The court reviewed the language of the Act and its legislative history and concluded that "it is clear to the Court that the Administrator should allot all of the authorized funds." While the Congress tried to give the Administration discretion, it was intended "that this discretion be exercised at the obligation stage of the process." (COAG has copy).

Status: Has been appealed. State will file respondents brief by September 14. Oral Argument will be held week of October 14, in St. Paul.

Contact: Special Assistant Attorney General Eldon G. Kaul, Tel.: (612) 378–1320.

Campaign Clean Water Inc. v. *Ruckelshaus* (—— F. Supp. ——, No. 18–73–R., D. Va., June 5, 1973). In a decision on impoundment of FWPCA funds, the district court judge held that, although the Administrator had some discretion at the allotment stage, the drastic reduction in available funds was a violation of the intent of the Act and constituted an abuse of discretion.

Status: A motion for Stay of Appeal was denied on June 8, and an appeal was taken. The briefing schedule will be completed in August.

Contact: W. Thomas Jacks (Attorney with Public Citizens, Inc.) Tel.: (202) 785–3704.

State of Maine, ex. rel. Attorney General Jon Lund, and State Board of Environmental Protection v. Rikert Fri, Acting Administrator, and John R. McGlennon, Regional Administrator. (USDC—Maine, Civil No. 14–51; filed June 28). Concerns impoundment of $29 million in FWPCA funds.

Status: A temporary restraining order was issued on June 29. On July 6, U.S. Attorneys sought to get TRO removed, on the grounds that the funds would not lapse, and it was unnecessary. The court denied their motion and they are taking an appeal to the circuit court.

Contact: Assistant Attorney General Lee Schepps. Tel.: (207) 289–3361.

George E. Brown, Jr. v. Ruckelshaus (USDC—Cent Dr. Cal.; filed January, 1973.) Concerns impoundment under IWPCA. *City of Los Angeles v. Ruckelshous* filed with *Brown.*

Status of case: Defense filed motion to dismiss; plaintiffs motion for summary judgment was denied. Decision is expected in October.

Contact: Nancy Mullins. Tele. (202) 225–6161.

Martin-Trigona v. Ruckelshaus (USDC—N.D. Ill.). Impoundment of funds under FWPCA.

Status of case: Stay has been ordered pending appeals of summary judgment.

State of Texas v. Ruckelshaus (USDC—W. D. Texas, Cir. No. A 73 CA 38; filed———). Concerns impoundment of funds under FWPCA. Plaintiff contends that defendant has no discretion at the allotment stage. (COAG has: Plaintiff's Motion for Summary Judgment; Affidavit in Support of the Motion; Plaintiff's Memorandum in Support of the Motion; Plaintiff's Memorandum in opposition to Defendant's Motion to Dismiss).

Oklahoma intervened in case.

Status of Case: Action pending on plaintiff's motion for summary judgment and defendant's motion to dismiss.

Mayor Morton Salkind v. Ruckelshaus (USDC—N.J.). Impoundment under FWPCA.

Status of case: action pending on defendant's motion to dismiss.

Hubert Klein v. Ruckelshaus. (USDC—D.C.).

Status of case: dismissed for lack of standing.

WELFARE

State of Minnesota ex. rel. Vera J. Likins, Commissioner of Public Welfare and Attorney General Warren Spannaus v. Caspar Weinberger, Secretary of DHEW; Clyde Downing, Acting Regional Commissioner, and George P. Shultz, Secretary of the Treasury, (USDA—D. Minn.). Concerns funds under Title 42 USC, Social Service programs for needy persons. As well as impoundment, case involves refusal to pay certain past and future costs of welfare programs, (case still in pre-trial stages.)

Contact: Deputy Attorney General Eric Schultz. Tel. (612) 296–3201.

YOUTH CORPS

Community Action Program Executive Directors Association of N. J. v. Ash et al. (D.C.—N.J. Civ No. 899–73; Judge Garth). Impoundment of neighborhood youth corps funds.

Status of case: on June 29, ordered release of $239 million funds; on July 10, court of appeals denied request for stay of order July 10, the Labor Department authorized regional officers to proceed with hiring.

YOUNG BASEBALL TEAM

HON. LAWRENCE J. HOGAN

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Monday, September 10, 1973

Mr. HOGAN. Mr. Speaker, I would like to take this opportunity to call to the attention of my colleagues the recent accomplishments of a young baseball team from my district.

The Prince Georges County All-Star Little League Senior Division fielded a team that, on August 18 of this year, worked its way into the finals of the world championships. In doing so it was necessary for them to first win their district championship, the State championship, the division II championship, and finally the eastern regional championship.

The Prince Georges County team met a powerful team from Taiwan in the world series championship but lost in a great game 4–0. The fact that this team held the team from Taiwan scoreless for four full innings is quite an achievement in itself.

I am very proud of these boys who represented their league in the world championships. This is the first time in the history of Little League Senior Division World Series games that a team from Maryland has represented the eastern region. By becoming U.S. champions and second in the world, I believe these boys have done an outstanding job of representing their league and I extend my personal congratulations to them.

NOISE BOYS AND HONEST ABE

HON. ROBERT McCLORY

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, September 10, 1973

Mr. McCLORY. Mr. Speaker, it seems to me that a recent tongue-in-cheek column by the distinguished columnist, Jenkins Lloyd Jones, nevertheless helps to place in perspective the type of ready-made, on-the-spot comments of our various TV news analysts who are always ready to take apart, analyze, and debunk virtually every public statement—particularly of our President and other Republican leaders.

Mr. Jones' column suggests the type of phony analysis which might have occurred if these TV oracles were around when the late President Abraham Lincoln delivered his historic Gettysburg Address.

Mr. Speaker, I am pleased to attach Mr. Jones' article for the benefit of my colleagues and others who may have missed reading this perceptive and highly entertaining column in the September 1 issue of the Wanhington Star-News:

NOISE BOYS AND HONEST ABE

(By Jenkin Lloyd Jones)

". . . and that government of the people, by the people, for the people shall not perish from the earth."

"Good afternoon ladies and gentlemen. I'm Everett Eyebrow in Washington and the Blue Network has just brought you live the speech of President Lincoln at the dedication of the Gettysburg Military Cemetery.

"To analyze the President's remarks I have in the studio my colleagues, Samuel Stiletto and Dirk Smirk. On the split screen you can see the President getting into his carriage and the—well, I thought—rather disappointed listeners dispersing. But that's just one man's opinion and I'd like to hear from Sam."

"You'll have to make that two men's opinion, Ev. You heard the small smattering of applause and I think the television audience was probably as surprised as the Gettysburg crowd that the speech was over almost as soon as it began."

"Dirk?"

"We've got to be fair to the President, Ev. After all, he followed Edward Everett's brilliant two-hour speech, and, obviously, he couldn't top one of America's great orators. Besides, every time Mr. Lincoln tries to get eloquent he seems to come out stilted."

"Right you are, Dirk. Take the way he started his remarks—'Fourscore and seven.' Every man willing to be clear would have simply said, 'Eighty-seven.' And I thought he was groping for words at times, like 'We cannot consecrate, we cannot hallow.' That's saying the same thing two different ways. Don't you agree, Sam, that although the speech was short there was some padding in it."

"Exactly. Take 'government of the people, by the people, for the people.' 'Popular government' would have said it all in two words, and 'democracy' in one. But what disappointed me, Ev, was not what the President said, but what he didn't say. Eh, Dirk?"

"That's the big point, Sam. Here's the country in an awful mess after two bloody years. People are looking to the President for a way out. They are rioting against the draft in New York City and a lot of disgusted soldiers are going over the hill and heading

west. Just what did the President give the people this afternoon, Ev?"

"You can't say that he didn't give them a few fancy phrases, Dirk. Like 'unfinished work so far nobly advanced' and 'great task remaining before us' and 'last full measure of devotion.' But what meaningful and relevant guidelines did he give us for either winning this war or ending it? Yes, Sam."

"I thought it ironic and more than a little impertinent that Mr. Lincoln should come to Gettysburg with vague generalities. There were no vague generalities about what happened there. More than 23,000 of our lads were killed or wounded and here is Gen. Lee, back in Virginia with his army intact. I'd say we're just about where we were two years ago. How about it, Dirk?"

"That's probably why the speech was so short, Sam. Let's be fair to the President, if you'd make as much of a fiasco out of this war as he has what could you do but make a short speech? We get a new commanding general every couple of months and he takes a new army across the Potomac and loses it. What can Mr. Lincoln really say to the people, Ev?"

"I suppose he could say, 'keep on dying,' Dirk, but neither he nor anyone else would want to put it so bluntly. So he says it is for us, the living, to be dedicated, that we must take increased devotion, that we must highly resolve. All this adds up, of course, to more of the same. I wouldn't want to put any words in the President's mouth but it seems to me that what he really implied this afternoon was, 'Hang on, and maybe I'll think of something.' Your turn, Sam."

"Well, I think, again, that we've got to be very fair to the President. I maintain he was not entirely responsible for the war. He was a country lawyer, a circuit-riding joke-teller and one-term congressman who was hurled by a series of accidents into the pinnacle of power at a time when a cool head and skillful hand were desperately needed. I think he was tired, but one more performance like this afternoon could finish him. What about you, Ev?"

"I'm sorry our time is up because I think Sam really put his finger on it. But, in line with giving the President his due, there was one part of his speech to which no one will object—that line where he admitted that the world will little note nor long remember what he said.

"And now an important message from Chompies Dog Food. . . ."

PRESIDENT NIXON REPUDIATES OPPONENTS OF HOME RULE

HON. DONALD M. FRASER

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Monday, September 10, 1973

Mr. FRASER. Mr. Speaker, I am greatly encouraged by President Nixon's renewed support for self-government for the District of Columbia. This strong support from the White House should help guarantee passage of the home rule bill when it reaches the House floor September 24 and 25.

President Nixon's statement that the Nelsen commission recommendations "would greatly strengthen the capability and expand the authority of the city's government" is most welcome. The House bill enacts 70 percent of the major legislative recommendations of the Nelsen commission. The "rapid action by the Congress" urged by the President can be achieved by passage of H.R. 9682, the House District of Columbia Committee's bill for "Self-Government and Governmental Reorganization."

Senate adoption of the District of Columbia home rule by a vote of 69 to 17 last July 10 should be followed by overwhelming House approval in 2 weeks. The President's pledge today "to work—to achieve true and effective self-government for the District of Columbia," is good news to us all, and a clear repudiation of the opponents of home rule in his own party.

CONCERN FOR THE PHYSICALLY HANDICAPPED

HON. GEORGE M. O'BRIEN

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, September 10, 1973

Mr. O'BRIEN. Mr. Speaker, the Environmental Protection Agency has been conducting hearings throughout the Nation regarding programs in urban areas to reduce pollution by automobiles. The agency held hearings in the Chicago area during August and just completed hearings in the District of Columbia.

Many of the proposals by various city and State governments involve restricting the use of the automobile for private transportation. However, many persons with physical handicaps must rely on private automobiles for the simple reason that the kinds of mass transit that may be available to you or me is not equipped for the physically handicapped. While I do not object to necessary restrictions to alleviate pollution, I am concerned about the needs of the physically handicapped.

I have written letters expressing my concern to officials of the Environmental Protection Agency. I urge my colleagues to join me in alerting this agency to the needs of the physically handicapped.

The letters I have written are:

SEPTEMBER 6, 1973.

Mr. JAMES MACDONALD,
Director, Enforcement Division, Environmental Protection Agency, Region V, Chicago, Ill.

DEAR MR. MACDONALD: I realize that the official comment period regarding the transportation control plan submitted for the Chicago area to meet the air quality standards imposed by the Clean Air Act ended on August 11. However, I hope that in your agency's consideration of these and other transportation control plans you will take into account the special needs of the physically handicapped. Many of the proposals which I have seen to reduce auto emissions in urban areas involve restricting the use of the automobile in order to encourage greater use of public transportation.

While I do not object to necessary restrictions to alleviate pollution, it is important to recognize that persons with mobility limitations must rely on private automobiles for transportation.

I am confident that, aware of the exceptional needs of this special category of individuals, your agency will be able to devise adequate pollution control measures which avoid imposing undue hardship on the physically handicapped.

Sincerely,

GEORGE M. O'BRIEN,
Member of Congress.

SEPTEMBER 6, 1973.

Mr. JOHN R. QUARLES,
Acting Administrator, Environmental Protection Agency, Washington, D.C.

DEAR MR. QUARLES: I understand that the Environmental Protection Agency is currently holding hearings regarding the transportation control plan submitted by the District of Columbia, Virginia and Maryland, to meet the air quality standards imposed by the Clean Air Act.

I hope that in your agency's consideration of these and other transportation control plans you will take into account the special needs of the physically handicapped. Many of the proposals which I have seen to reduce auto emissions in urban areas involve restricting the use of public transportation.

While I do not object to necessary restrictions to alleviate pollution, it is important to recognize that persons with mobility limitations must rely on private automobiles for transportation.

I am confident that, aware of the exceptional needs of this special category of individuals, your agency will be able to devise adequate pollution control measures which avoid imposing undue hardship on the physically handicapped.

Sincerely,

GEORGE M. O'BRIEN,
Member of Congress.

FOOD PRICES AND THE ELDERLY

HON. HERMAN BADILLO

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, September 10, 1973

Mr. BADILLO. Mr. Speaker, runaway inflation and soaring food prices are playing havoc with the lives of our constituents. Low- and middle-income families are having their buying power reduced, in some instances below the poverty level, through diversion of increasing percentages of their incomes for food items. Those on small, fixed incomes, especially the elderly and the disabled, find themselves forced to live lives of destitution and misery. Yet, despite the mounting evidence that serious ills beset our country and our economy, the administration continues to assert that incomes have more than kept up with prices and we never had it so good. In fact, I have been informed, after making extensive inquiries, that there has been only a 1-percent increase in the overall food budget of the American family.

Mr. Speaker, this simply is not true. Instead of the much-publicized 17.6 percent of income many of our families are spending over one-third of their budgets for food. A rough extension of the figures of a Department of Labor survey indicates that during recent years, even after full allowance is made for increases in earned income, some families have to spend as much as 13 percent of their incomes more just to maintain diets they enjoyed in 1960–61. Others are experiencing increases ranging from 11 to 3 percent.

Tom Buckley, in last Friday's Times, describes very vividly just how the economic squeeze is affecting New York City's elderly. For the information of my

colleagues, I am inserting his article into the RECORD.

The article follows:

POVERTY AND PRIDE TRAP CITY'S AGED

(By Tom Buckley)

Many of the old people who shop at the A. & P. at First Avenue and 90th Street stand in front of the meat cases for long periods of time, like children gazing through a toy store window.

Some of them shuffle through the plastic-wrapped steaks and chops, as though they could taste them with their fingertips.

Occasionally, an old man or woman will bring a small package of chopped meat close to his eyes, to read the smudged price label, and, more often than not, put it back.

At the checkout counter they put down their purchases—two cans of spaghetti perhaps, a head of celery, a couple of potatoes, a package of tea bags. Their attention never wavers as the clerk rings up the total, and then arthritic fingers dig reluctantly into worn change purses and wallets to pay the bill.

In his office a couple of days ago, Eamon Murphy, the store manager, shook his head. "There's not much they can buy, and that's the truth," he said.

"Old people sometimes steal food," he went on. "It's never very much—a small package of chicken maybe—and I don't think very many do it. A woman could leave it in her shopping bag or a man could drop it in his shirt".

"What can you do?" he said. "When I catch them, I tell them that we can't run the store that way and if they won't stop, then please not to come back. Sometimes they get very emotional. They cry and say they're sorry."

About 13 per cent of the city's 8 million are 65 or older, a figure that increased from about 10 per cent in 1960. They tend to be concentrated in the inner boroughs, and in the old Yorkville section, where the A. & P. is situated, the number of aged persons may be double the citywide average.

Many cling to their tenement apartments on the side streets, despite rising rents, the decay of the buildings and the occasional harassment of landlords, as old people do throughout Manhattan, Brooklyn and the Bronx.

Aside from the handful of affluent elderly who clip their coupons in their cooperatives, the most fortunate of the old people in Yorkville are the 700 or so who have been able to get low-rent apartments in the Stanley M. Isaacs Houses at 91st Street and First Avenue.

There they can pass their final years in comparatively safe and decent surroundings. In the project's senior center there are social activities, a clinic, and, most important these days, a cafeteria that serves a hot lunch for 35 cents.

* * * * *

Like virtually all of the city's senior citizens, the residents of the Isaacs Houses are entirely dependent on their monthly Social Security checks. The amounts they receive differ, but the nationwide average, according to the Social Security Administration, is $159 for a single person and $273 for a couple.

In comparison, the Bureau of Labor Statistics of the Department of Labor says that the minimum budget level for a retired couple living in this area, which has a cost of living about 13 per cent higher than the national urban average, works out to $323.33 a month for a couple and something like $200 for a single person.

INFLATION HURTING MORE

The Social Security Administration points out that its benefits have risen 51.8 per cent since 1969, which is, in fact, at a faster rate than the cost of living. Benefits will be increased another 5.9 per cent next year.

However, the picture is confused by the fact that until the past 18 months the inflation was disproportionately high in the service sector of the economy, which has comparatively little impact on the lives of older persons, while since then the sharpest increases have been in food and rents.

"From July, 1972, until last month," a spokesman for the Bureau of Labor Statistics said, "meats rose 18 per cent and fruits and vegetables 17 per cent. Old people can't help but be aware of that. They've got to eat every day. It's not an expense that can be deferred, like buying a car, say."

"You can't buy shoes, you can't buy clothes, you can't buy anything," said Mrs. Ernestine Brown, one of the women on the bench.

For those receiving the minimum Social Security payment of $84.50, which like other benefits will be increased by 5.9 per cent next June, the situation is far grimmer, particularly since only 75,000 of the nearly 1 million elderly in the city receive old-age assistance payments.

WELFARE AVOIDED

Those who are getting average or larger Social Security checks are not eligible for it, but of those who are, only a comparative handful will apply.

"Old people around here hate welfare like poison said Mrs. Mary Yankauer, the executive director of the Burden Center for the Aging, at York Avenue and 85th Street. "They won't even go to the welfare office to get food stamps or to renew their half-fare subway cards."

It is this quality of thorny pride, of a refusal to accept charity after a lifetime of honest work, that fills many of the persons like Mrs. Yankauer who work with the elderly with admiration and with rage at what they regard as the shabby way they are treated by society.

What stops most old people from applying for welfare, even in desperation, is the requirement that they can have no more than $500 in liquid assets. Lacking either the guile or the wish to conceal, say, the existence of a savings account of a couple of thousand dollars, they prefer to do without.

"It's inhuman that they have to be stripped that far down," said Mrs. Yankauer, "when you can see comparatively young people ripping off welfare and wearing fur coats and driving new cars. That money gives the elderly a sense of identity, of not being totally impoverished. It may be set aside for their funeral, to make sure they aren't buried in Potter's Field."

Among its activities, the center, which receives $41,000 a year, the bulk of its income, from the family of City Councilman Carter Burden, helps the old people of the area in threading their way through the bureaucratic complexities that confront them.

Unlike some welfare recipients who have expressed their displeasure with certain policies in recent years by beating up caseworkers and setting fire to their offices, old people can only try to struggle through the four-page application for food stamps or the 10-page application for Medicaid and accept silently what Mrs. Yankauer described as the incivility of city clerks.

"They tend to take out their frustrations on the old people," she said. "Many of them in Yorkville are foreign-born, and there may be a language problem. And I'm not saying that all old people are angels, either. Some of them can be very difficult."

What strikes Mrs. Yankauer as bitterly ironic is the fact that while most old people struggle to retain a shred of pride and independence on an income far below the poverty level, they could bankrupt the country if they simply decided to lie down on the sidewalk and wait to be carted off to a municipal hospital, nursing home or welfare hotel, at 10 times the cost.

ELDERLY MOBILIZING

"Very few people realize that only about 3 per cent of the elderly are living in places like that," she said. "They don't want it, and they are willing to make all kinds of sacrifices to keep out of them, and I think the least that the country can do is to help them more effectively than it's doing now."

Gradually, as their number in the total population increases, and as they watch the assets they accumulated in a lifetime of labor destroyed by inflation, older persons are mobilizing to improve their position.

The Congress of Senior Citizens has 250,000 members here and is affiliated with a national organization that numbers more than 4 million. It is generally regarded as highly effective in forcing society to consider the plight of the aged.

Surprisingly, old people show little resentment. Conversations with dozens of them revealed a seeming acceptance of their lot. "Old people don't have to eat so much," said one woman, explaining how she got by with one meal a day at a senior center.

LITTLE HELP FROM CHILDREN

Few seem to get any assistance from their children. "He's got a lot to contend with," said another woman, speaking of a married son in the suburbs. "Sometimes I lend him money."

If there are resentments, and there certainly must be, they are buried deep, and as anyone knows, grandparents can be artful dissemblers, indeed.

The economic situation of older persons who are receiving Social Security payments at or near the minimum and who have refused to accept welfare will improve markedly in January.

At that time, the Social Security Administration will state old-age assistance plans take over the distribution of throughout the country, guaranteeing a minimum income of $130 per month for single persons and $195 for couples.

"We expect 100,000 New Yorkers to apply," said Miss Alice Brophy, who heads the New York City Office for the Aging. "They will be getting Social Security checks instead of welfare checks, which will be much more acceptable, since older people feel they helped to build the Social Security system."

Others will qualify because the means test under the new law allows single persons $1,500 and a married couple $2,500 in assets, considerably more liberal than the present limitations.

CITY LENDS HAND

Although the services that are provided for older people in the United States, particularly in the area of medical care, are regarded as far from adequate, particularly in comparison with what is available in many countries in eastern and western Europe, there is general agreement that more has been done for them in New York City than anywhere else.

The city's Human Resources Administration, for example, operates 65 senior centers, where hot lunches are available at token cost, and which provide recreation and health facilities.

In addition, there are the cut-rate bus and subway fares, for which the city pays 17.5-million annually to the Transit Authority, and rent-increase subsidies and property-tax reductions that cost another $22-million.

The Office for the Aging has also secured reduced prices for Yankee baseball games—the Mets limit their generosity to four games a year and the pro football clubs, which sell all their tickets, give none—to afternoon movies and other events that the aged could not otherwise attend.

One reason, observation suggests, why old

people have been so long neglected is their invisibility. There are many of them on the streets of Yorkville by day, for example, trudging slowly from their apartments to the market, or to the clinic at Metropolitan Hospital, to the Burden Center perhaps, or to the Lenox Hill Neighborhood House, which has a broad program of assistance, to buy food stamps, or sitting quietly on the benches in Carl Schurz Park.

THE WITHDRAWAL OF AGE

But by early evening, when the area's young secretaries and brisk executives are arriving home from work, the aged, tired and more fearful than most people of being mugged, have withdrawn themselves into their apartments.

Then again, one does not really see old people, in the way, for example, that a man sees a pretty girl or an Afghan hound or a man at the wheel of a large and shiny car.

Their clothes are drab, their eyes, by and large, reflect little light, their backs are bent, knees stiff. They seem to withdraw into themselves, as though ashamed of having survived so long, of providing, for a country that worships youth and beauty and cares little for the fruits of experience except at the odd moments when a 76-year-old senator catches its fancy, a disagreeable reminder of mankind's common end.

ASPIN AND PIKE FIGHT FLIGHT PAY FOR ARMCHAIR OFFICERS

HON. HENRY S. REUSS

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Monday, September 10, 1973

Mr. REUSS. Mr. Speaker, I wish to commend our colleagues Representative LES ASPIN of Wisconsin and Representative OTIS G. PIKE of New York for their leadership last June in our vote against flight pay for noncombatant Air Force and Navy officers—a vote which will save taxpayers $14.6 million a year.

An editorial from the July 9, 1973, Kenosha News, and articles from the June 27, 1973, Milwaukee Journal and the June 29, 1973, New York Times, follow:

ASPIN VERSUS THE PENTAGON

For a comparatively new congressman, Les Aspin, Democrat, Wisconsin First District, is compiling quite a record of leadership.

Even in his freshman term, a bottom-of-the-heap position for congressmen, Aspin's knowledge of government and hard work commanded respect. Now six months into his second term, he and his energetic staff are showing no letup.

One of Aspin's latest endeavors was to take on the Pentagon. Together with Rep. Otis Pike, D-N.Y., they wanted to know why some earthbound Air Force colonels and generals and Navy captains and admirals should be receiving flight pay.

Congress had decided last year that those officers serving in noncombat assignments should not receive flight pay and it passed a law that went into effect this June 1 to cut off funds for such payments.

But then Aspin learned that the Air Force chief of staff, Gen. John D. Ryan, signed an order that for all practical purposes ignored the law for a list of 65 Air Force generals. (One of the 65, as fate would have it, was a Gen. John D. Ryan.)

Ryan said that those generals and 67 colonels were in jobs that might require them to fly, whether they actually flew or not, and that such officers as the commander of the Air Force Academy were in "combat assignments."

Aspin, charging that Ryan's action represented a "clear violation of law and utter defiance of civilian authority," joined with Pike to lead a fight against a House bill that would have prolonged the lame duck flight payments until at least the end of this year.

Somewhat surprisingly, they succeeded. A motion was passed telling the House members of a Senate-House conference committee to stand firm on the June 1 cutoff date.

They did it in the face of a lobbying blitz from officers. And if it is upheld in the conference committee, their action could make certain that the $14.6 million a year savings foreseen in the original cutoff bill will stay in the taxpayers' pockets.

In a country increasingly concerned about inflation and increasingly concerned about the behavior of the people it pays with its tax money, the issue involved is not a trifling one.

Congress should uphold the June 1 cutoff.

Aspin and Pike are to be commended for their role.

ASPIN BLOCKS FLIGHT PAY EXTENSION

WASHINGTON, D.C.—The House Armed Services Committee attempted to slip an extension of flight pay for some generals and colonels through Congress Tuesday without mentioning the subject.

The attempt to get quick approval was stopped by Rep. Les Aspin (D-Wis.). Aspin said 65 Air Force generals, including Air Force Chief of Staff John D. Ryan, still got the flight pay for which Congress cut off funds effective May 31.

TERMED DEFIANCE

The committee tried to get the flight pay extended to Dec. 31 by having the House accept a Senate amendment to a dependents' benefits bill. But the House never heard the words flight pay mentioned.

All it had was a motion by Rep Samuel Stratton (D-N.Y.) to take up the dependents' bill, accept the Senate amendment and grant final approval.

Aspin objected, forcing the bill to be passed by some other procedure.

Aspin, who disclosed the continuing flight payments to the 65 generals called it "a clear violation of law and an utter defiance of civilian authority by the Pentagon brass."

ABUSES CHARGED

The Air Force confirmed, after Aspin's statement, that it had authorized flight pay status for 132 general officer positions under the new restrictions.

Congressional restrictions on flight pay were enacted because of widespread complaints that the system was being abused by "weekend warriors"—officers who drew full flight benefits by putting in token flying time.

Aspin said Ryan's order according himself and other high ranking officers flight pay status was "a new low in the whole grubby history of armchair officers and their fight to collect flight payments they don't deserve."

The Wisconsin Democrat said he had asked the General Accounting Office to investigate the Air Force's compliance with the new flight pay restrictions.

HOUSE BARS FLIGHT PAY FOR DESK-BOUND OFFICERS

WASHINGTON, June 28.—Two iconoclasts on the House Armed Services Committee—Representatives Otis C. Pike of Suffolk and Les Aspin of Wisconsin—took on the military establishment on the House floor today and won on the issue of flight pay for desk-bound admirals and generals.

With some lobbying, satire and appeal to the political instincts of Congressmen, the two Democrats got the House to go on record against giving flight pay to colonels, navy captains, generals and admirals who do not fly.

As was gleefully pointed out after the vote by Mr. Pike, who has sat in critical isolation on the committee for 13 years, it was the first time in more than a decade that the House Armed Services Committee, working in tandem with the military, had lost an issue on the House floor.

The issue before the House was whether to continue a provision incorporated in the defense budget last year banning flight pay after May 31 to any officer of the rank of colonel or above who was serving in a "noncombat assignment."

SENATE MOVE OPPOSED

The Senate had approved an amendment to a military dependents bill postponing the May 31 cutoff to the end of the year. The counter-move of Mr. Pike and Mr. Aspin was a motion instructing House conferees not to accept the Senate amendment in a Senate-House conference on the legislation.

For the last two days, as the two Representatives mounted their campaign, generals and admirals faced with loss of flight pay had been buzzing the Capitol in a concerted lobbying campaign. From their home districts, many Congressmen received calls from officers warning that they could not pay for their homes if the flight pay, which is $245 monthly for a colonel and $165 for a general or admiral, was stopped.

Meanwhile, Mr. Pike and Mr. Aspin were engaging in some lobbying and publicizing on their own. On Tuesday Mr. Aspin issued a news release complaining that Gen. John D. Ryan had signed an order permitting himself and 64 other Air Force generals to continue to receive flight pay.

In the floor debate, Mr. Pike told stories of Air Force generals who swivel around so rapidly in their Pentagon chairs that they think they are doing outside loops and are thus entitled to flight pay.

By the time the members reached the floor for the vote, Mr. Pike and Mr. Aspin had succeeded in casting the issue in terms of whether flight pay should be given to generals and admirals who did not fly. Cast that way, the choice was easy for the majority. The Pike-Aspin motion was approved by a 238 to 175 vote.

CONGRESSMAN BURKE'S QUESTIONNAIRES

HON. J. HERBERT BURKE

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Monday, September 10, 1973

Mr. BURKE of Florida. Mr. Speaker, each year since I was first elected in 1966, I have submitted my annual questionnaire to my constituents in order to better ascertain their opinions on issues before the Congress. I submit the following results to my colleagues so that you may compare the views of my constituents with the views of your own. In April 1973, I sent out 210,000 questionnaires to the people living in my congressional district—the 12th Congressional District of Florida. I am pleased to state that thus far I have received 36,183 replies. The following is a tabulation of the responses by percentages from the respondents:

BURKE CONGRESSIONAL QUESTIONNAIRES, 1973

1. President Nixon has indicated he intends to make substantial cuts in govern-

ment spending. Do you favor such reductions even, if they affect your favorite federal programs?

Yes	85.8
No	14.2

2. Do you think taxes should be increased if this would help balance the budget and curb inflation?

Yes	23.2
No	76.8

3. National Health Insurance will be a topic of discussion in Congress soon. Which of the following would you favor? Select one.

A. a program should be financed by increased taxes and operated by the federal government.

Yes	51.8
No	48.2

B. a federally operated program should be financed by employer and employee contributions.

Yes	70.8
No	29.2

C. income tax credits should be allowed for those purchasing private health insurance.

Yes	85.8
No	14.2

D. a federally funded insurance program for catastrophic illnesses only.

Yes	75.3
No	24.7

E. no additional federal programs.

Yes	64.2
No	35.8

4. The Supreme Court recently declared most State abortion laws unconstitutional. Would you favor a Constitutional Amendment restricting the practice of abortion?

Yes	36.3
No	63.7

5. Congress must pass highway legislation in this first session of the 93rd Congress. Would you favor taking monies set aside for highway construction in the Highway Trust Fund for use in urban mass transit?

Yes	53.7
No	46.3

6. Do you agree with President Nixon's decision to transfer most of the OEO programs to other agencies and to dismantle and close down the Office of Economic Opportunity?

Yes	84.7
No	15.3

7. According to the peace agreement recently signed, the United States agreed to contribute to the post war reconstruction of North Vietnam. Do you agree with this provision?

Yes	14.1
No	85.9

8. The President has lifted mandatory wage and price controls except on food, health care and construction. He has substituted voluntary controls. Do you agree with this change?

Yes	24.4
No	75.6

9. A. Do you believe the U.S. should withdraw from the United Nations?

Yes	35.1
No	64.9

B. If we do not withdraw, do you believe that there should be further cuts in our contributions?

Yes	89.4
No	10.6

10. In your opinion, should a newspaper reporter have the right to refuse to reveal the name or source of his news story?

Yes	62.9
No	37.1

11. Do you favor diplomatic recognition and economic and cultural trade with:

A. Red China

Yes	76.9
No	23.1

B. USSR

Yes	76.2
No	23.8

C. Cuba

Yes	76.2
No	23.8

12. Do you favor legislation to assist in the development of land-use programs for critical areas? If so, do you favor:

A. Federal legislation to assist the States?

Yes	69.2
No	30.8

B. State laws only?

Yes	70.3
No	29.7

C. Local control?

Yes	72.5
No	27.5

This year in response to several requests from my constituents I provided separate columns for the answers of the husband and wife. The following is a tabulation by percentage of each of their views:

	Wife		Husband	
	Yes	No	Yes	No
1. President Nixon has indicated he intends to make substantial cuts in Government spending. Do you favor such reductions, even if they affect your favorite Federal programs?	86.0	14.0	85.7	14.3
2. Do you think taxes should be increased if this would help balance the budget and curb inflation?	22.0	78.0	24.4	75.6
3. National Health Insurance will be a topic of discussion in Congress soon. Which of the following would you favor? Select 1:				
(A) A program should be financed by increased taxes and operated by the Federal Government	50.8	49.2	52.9	47.1
(B) A Federally-operated program should be financed by employer and employee contributions	73.7	26.3	68.2	31.8
(C) Income tax credits should be allowed for those purchasing private health insurance	87.2	12.8	84.5	15.5
(D) A federally funded insurance program for catastrophic illnesses only	75.1	24.9	75.6	24.4
(E) No additional Federal programs	67.7	32.3	60.7	39.3
4. The Supreme Court recently declared most State abortion laws unconstitutional. Would you favor a Constitutional Amendment restricting the practice of abortion?	36.7	63.3	36.0	64.0
5. Congress must pass highway legislation in this 1st session of the 93d Congress. Would you favor taking moneys set aside for highway construction in the highway trust fund for use in urban mass transit?	56.0	44.0	51.4	48.6
6. Do you agree with President Nixon's decision to transfer most of the OEO programs to other agencies and to dismantle and close down the Office of Economic Opportunity?	84.9	15.1	84.5	15.5
7. According to the peace agreement recently signed, the United States agreed to contribute to the post war reconstruction of North Vietnam. Do you agree with this provision?	12.9	87.1	15.4	84.6
8. The President has lifted mandatory wage and price controls except on food, health care and construction. He has substituted voluntary controls. Do you agree with this change?	25.0	75.0	23.9	76.1
9. (A) Do you believe the United States should withdraw from the United Nations?	35.8	64.2	34.5	65.5
(B) If we do not withdraw, do you believe that there should be further cuts in our contributions?	91.1	8.9	87.1	12.9
10. In your opinion, should a newspaper reporter have the right to refuse to reveal the name or source of his news story?	64.5	35.5	61.5	38.5
11. Do you favor diplomatic recognition and economic and cultural trade with:				
(A) Red China	76.8	23.2	77.1	22.9
(B) U.S.S.R	78.2	21.8	74.2	25.8
(C) Cuba	48.0	52.0	48.1	51.9
12. Do you favor legislation to assist in the development of land use programs for critical areas? If so do you favor:				
(A) Federal legislation to assist the States?	70.9	29.1	67.6	32.4
(B) State laws only?	71.4	28.6	69.3	30.7
(C) Local control?	76.1	23.9	68.8	31.2

THE FARM LABOR RESEARCH COMMITTEE: A NEW LOOK AT FARM LABOR

HON. EARL F. LANDGREBE

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Monday, September 10, 1973

Mr. LANDGREBE. Mr. Speaker, recent attempts by the United Farm Workers Union, led by Cesar Chavez, to organize farmworkers have resulted in consumer boycotts of grapes and lettuce, counterboycotts by the Teamsters Union, coercion, intimidation, and death.

The consequence, not surprisingly, is a number of proposals to "remedy" the situation by Federal law. There are presently six bills before the Subcommittee on Agricultural Labor of the House Education and Labor Committee which would either extend current labor law—the National Labor Relations Act—to cover farmworkers, or establish a new regulatory system which would incorporate parts of the NLRA and the Railway Labor Act under a national farm labor relations board arrangement.

Let us consider, therefore, three significant facts about American agriculture: It is one of our most efficient and productive industries; its history is, remarkably, relatively free of labor strife and damaging strikes; farmworkers are not now covered by Federal labor law.

In light of these facts, not only should proposals to extend Federal labor law to

farmworkers be seriously questioned and studied, but a fundamental reexamination of Federal labor law as such is in order. The costs of goods have soared on the domestic market and U.S. industry is having great difficulty competing in the world market. Has U.S. labor law been a major cause of this? Have the monopolistic, compulsory privileges given to unions by our labor law greatly contributed to labor strife and undermined efficiency and production? Surely such questions deserve careful and thoughtful attention.

I am, therefore, greatly encouraged by the recent information of the Farm Labor Research Committee. The FLRC has a single purpose—to research and analyze farm labor-management relations with particular attention to proposed legislation in this field. The committee does not, however, merely rehash the same old issues from the same old perspective: they analyze current legislation, but in so doing question many of the supposedly unquestionable assumptions upon which current labor law is based.

This is admirably demonstrated by Dr. Sylvester Petro, a professor of law at Wake Forest University, in a speech presented to the FLRC on July 17, 1973. Dr. Petro carefully examines the main provisions of the six bills before the Agricultural Labor Subcommittee, contends that all of them would be harmful to the agriculture industry, the farmworker, and the consumer, and offers some provocative, basic principles to follow in handling the farm labor problem.

Although Dr. Petro's speech is too long to be printed in its entirety in the CONGRESSIONAL RECORD, the FLRC is preparing a series of abstracts dealing with the essential points discussed by Dr. Petro. Following is the first abstract:

EXCLUSIVE REPRESENTATION—WHOSE INTERESTS SERVED?

The National Labor Relations Act and legislative proposals to extend it or similar labor law to agriculture, all base their central provisions upon the stated principle of free employee choice. However, they all flatly contradict that principle by their "exclusive representation" provisions. Under these provisions, a particular union selected by a bare voting majority of employees becomes the exclusive bargaining agent for all employees in the unit. This perversion of the majority rule principle abrogates the free choice of the employees who do not want to be represented by a particular union, or indeed may wish to act as their own bargaining agents, without representation by any union. The effect is to serve the interest only of union officials.

Under our current system of labor law based on the NLRA as it has been amended and interpreted, the exclusive representation provision amounts to an overwhelming organizing advantage for union officials, and a denial of the freedom and common law rights of employers and employees. The only thing union officials are required to do in order to become the sole bargaining agents for all the employees in a particular unit is to sign up or win the election votes of fifty percent plus one of those employees. Then fifty percent less one are required to accept the terms and conditions of employment negotiated by those union officials, losing the right to seek their own best deal with their employer in free competition. Furthermore, the nonconsenting employees will probably have to pay dues or equivalent fees to the union officials they voted against, since one of the primary bargaining objectives of any union bargaining agent is a contract clause requiring union membership and dues payment as a condition of employment.

The organizing advantage accorded to union officials by the exclusive representation provision has been further extended at the cost of individual rights by the National Labor Relations Board. Under an NLRB rule, upheld by the Supreme Court, an employer can be required to bargain with union representatives who have actually been rejected by a majority of his employees in a secret ballot election. According to the NLRB, this is justified where union officials have obtained the signatures of a majority of the employees on "bargaining authorization" cards prior to the election, and where they have charged the employer with "serious" unfair practices that make a fair rerun election an "unlikely possibility." Of course, anything the employer might do or say to in any way discourage his employees from casting ballots for representation by a particular union might be construed as a "serious" unfair practice under the NLRB's interpretation. On the other hand, the NLRB and the Supreme Court have held, in the recent *Gissel* case, that a card majority authorizes exclusive representation even where the meaning of the card is misrepresented to the employees who sign them. In that case, employees signed cards believing that they were calling for a representation election, only to be told later that their signature on the card was considered as a vote for exclusive representation by a particular union.

Once past the organizing stage, union officials enjoy a monopolistic advantage in the collective bargaining process by virtue of the exclusive representation principle. The employer is forbidden to deal with anyone other than the exclusive bargaining agents in all matters pertaining to wages, hours, and other terms and conditions of employment.

The exclusive representation provision thus binds both employers and employees, and ultimately consumers, in a strait jacket. The organizing advantage it gives to union officials, along with the other special privileges granted by the NLRA, has contributed to the unionization of virtually all the organizable "blue collar" employees in American industry, destroying the employees' freedom of choice in the process. The bargaining advantage under the exclusive representation principle has enabled union officials to make the demands that have created inflation and unemployment in industry and have priced many American goods out of world markets.

But while industry has been suffering under union monopolistic privileges for 38 years under the NLRA, its amendments and interpretations, American agriculture has used its freedom from governmental intervention in farm labor-management relations to establish an impressive record of productivity and efficiency, and has developed into one of the healthiest segments of our national economy. Ninety-five percent of American farms are small family farms, which would be at least as vulnerable to unionization as industry generally, if pending legislative proposals were passed. Armed with the special monopolistic privileges granted by our current system of labor law, union officials would be able to undermine the productivity, destroy the economic health, and abuse the rights of agricultural employees, employers, and consumers of agricultural products to the same extent as in industry generally. Can we afford to extend to the food-producing sector of our economy labor laws that serve the interest only of power-hungry union officials?

OUTSTANDING SERVICE

HON. LAWRENCE J. HOGAN

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Monday, September 10, 1973

Mr. HOGAN. Mr. Speaker, I have received a list of those people from the State of Maryland employed by the Department of Health, Education, and Welfare who have been cited for their outstanding service during 1972 and 1973.

Mr. Speaker, in recognition of these employees I would like to have printed into the RECORD the names of the recipients of those awards:

THE SECRETARY OF HEALTH, EDUCATION, AND WELFARE,
Washington, D.C., August 14, 1973.

Hon. LAWRENCE J. HOGAN,
House of Representatives,
Washington, D.C.

DEAR MR. HOGAN: In response to your letter of July 30, 1973, I am pleased to submit a list of employees of the Department from the State of Maryland who received awards during 1972 and 1973.

It is indeed commendable that you are able to find the time, in view of your busy schedule, to pay tribute to these outstanding employees, and I am sure they will be most appreciative of your efforts.

Sincerely,

CASPAR W. WEINBERGER,
Secretary.

RECOGNITION OF RECIPIENTS OF AWARDS

DISTINGUISHED SERVICE AWARD—1972

Sidney Edelman, Thomas McFee,, Charles Miller, John R. Seal, M.D., and Thomas M. Tierney.

DISTINGUISHED SERVICE MEDAL—1972

Surg. Gen. Harold M. Graning, Surg. Gen. Emery A. Johnson, Surg. Gen. Seymour J. Kreshover, and Surg. Gen. Robert Van Hoek.

SECRETARY'S SPECIAL CITATION—1972

Stuart H. Clarke, William Russell, and Dr. Carl Kupfer.

MERITORIOUS SERVICE MEDAL—1972

Diet Dir. Merme Bonnell, Surg. Gen. Bertram Brown, Scient. Dir. Lewis J. Cralley, Surg. Gen. Edgar N. Duncan, Med. Dir. David M. Fried, Surg. Gen. John C. Greene, Surg. Gen. Gerald M. Hansler, Vet. Dir. Joe R. Held, Surg. Gen. Thomas J. Kennedy, Jr., and Nurse Dir. Florence M. Seidler.

COMMISSIONER'S CITATIONS—1972

John L. Gianoncelli, Doyle Hagan, Richard P. Harmon, John A. Helsper, Theordore G. Kalandros, Arthur E. O'Dell, David R. Smith, John N. Traino, Levi J. Ogden, Ursula K. Stickles, John E. Hahn, Gerald Sheinbach, Elmer C. Lupton, Robert C. Marks, and Revoe P. Matthews.

Joseph L. Alesczyk, Winifred Brogden, Camillo E. Colletta, Farrell K. Davis, Leonard S. Diamond, Albert L. Harrison, Jack H. Hill, Kent B. Keene, William J. McGraw, Hazel G. Mills, Valerie J. Murphy, Estelle C. Parker, Marion E. Reals, Beulah E. Saunier, and Lawrence S. Schulman.

Lawrence E. Seng, Irene C. Shea, David B. Smith, Kathleen A. Stevenson, Veronica B. Adamski, Mildred J. Alexander, Charlotte S. Bennett, Thomas H. Boyer, Mary Carolyn Brazezicki, Jack H. Campbell, Mary Ann Cecconi, Carolyn D. Davis, Dorothy M. Dewsnap,

Veronica L. Freeman, and Ollie E. Hanson.

Ronald W. Hillman, Joan A. Jennings, Paul F. Koehler, Alfonso R. Lewis, Donald L. Louey, Charles J. Schreibeis, Jr., Donald E. Marks, Walter B. Murphy, Bruce A. Neumyer, Agnes A. Schmitt, George L. Smigovsky, William J. Thompson, Dorothy M. Belzer, Leon Bernstein, and Patience Lauriat.

Laura M. Chambers, Gilbert C. Fisher, Alvin L. Freedman, Robert C. Mullen, Karen S. Adams, Wendell H. Bearden, Ronald Blavatt, Elsie C. Fried, Frederick S. Heuschele, Lyle T. Hickey, Molly L. Leath, James A. Lesh, Karen H. Ross, William E. Wood, and Mary C. Kudyba.

MEMBERS OF GROUP AWARDS—1972

Dieter Ammann, Loree Bengston, Merman Berger, Ronald Bowling, Susan Brownstein, Martin Corcoran, Edumund Di Giorgio, Ruth Eggelston, Irving Eisenmeyer, George Freed, John Gillard, R. Douglas Glynn, Frank Gould, Peter Hughes, Arthur Jeffriees, Julius Johnson, Benjamin Kirman, Donald McSween, Sharon Miller, Charles Payne, Charles Pearson, Edwin Prigmore, Elizabeth Rieger, Nathaniel Roberson, Olivia Singh, Robert Spigner, Virginia Stasica, Susan Stoddard, Martin Wallach, Beverly Weber, Ralph Adcock, and John Colburn.

James Gerhardt, Alan Harris, Mike Herrick, Lee Hosford, George Kretz, Harry Overs, Roger Paton, Don Rank, Donald Ryerson, Arthur Solomon, Satoru Terada, George Yamamura, Kevin Buckley, Gary E. Good, Douglas B. Hoffman, Harry A. Synder, John Brassard, Leonard Grebow, Alan Hunzeker, Earl Kraisser, David Macioch, Gary Miller, Richard Schaefer, Raymond Swartz, Joseph Ward, Elaine Whelan, Theodore Zamerski, Nelson J. Brenneman, Kenneth C. Hansely, Michael P. McCoy, Frank D. Rettaliata, and Stephen P. Lippenholz.

Malcolm W. Ewell, Lillian M. Dodson, Dorothy S. Projector, Judith S. Bretz, Kenneth Dymond, Ellen Murray, Tillie Mazor, Eugene Moyer, Gilbert C. Deshaies, William D. Bevensee, Charles F. Ferrara, Allan Gorochow, Warren L. Hobbs, Alvin S. Levy, Joseph R. Michel, Mary F. O'Connor, David Bernstein, Robert Beveridge, William Denk, Leonord Ensor, Catherine Glanville, John M. Hayes, Ralph Hersh, Robert Marder, Nancy Ranck, Winston D. Rohrbeck, and Raymond Worley.

COMMENDATION MEDAL—1972

Med. Dir. Joe W. Atkinson, Nurse Dir. Margaret Benson, Nurse Dir. Rita Chow, Nurse Dir. Elizabeth Edwards, Sr. San E. Richard A. Coddington, Nurse Dr. Helen Foerst, Sa. Hso, William C. Jenkins, Sr. San. John E. LaPlante, Nurse Dir. Ruth J. Metka, Med. Dir. J. Kiffin Penry, Diet Dir. Jean M. Pope, Sr. Surg. Charles L. Vogel, and Sr. Hso. Joseph K. Wagoner.

FDA AWARD OF MERIT—1972

Paul DiNenna, John Collins, Robert Rosenthal, Pearlie McKeough, Herbert Blumenthal, Ogden Johnson, and Robert Sauer.

Group award

Robert Britton, Mary Jo Robinson, Samuel Ingraham, Walter Gundaker, Robert Farley, Marguerite Ward, Rodger Leupold, John Eure, Jane Fahey, and Marie Shaffer.

Earl W. Robinson, Ethel Johnson, Darryl Adams, Angelina Calomeris, D. J. McConeghy, Thomas Moore, Walter Beaugh, Robert Jacobs, James Mague, and N. M. LaTorre.

SUPERIOR SERVICE AWARD—1972

Donald Hirsch, Ruth Bozeman, Betty Waller, Doris Conley, David Dukes, Nathan Dick, Jerry Sutton, Stuart H. Clarke, and Robert B. Herman.

Ms. Edith Robins, Judith L. Carpenter, Ronald J. Wylie, Dr. Erminio Costa, Dr. Saul Feldman, Dr. Marian Radke Yarrow, Isaiah Russell, Ms. Virginia Knode, and Ella J. Jones.

Group award

Lillian M. Buhl, Arlene A. Mosier, and Rose B. Holly.

Donald C. Parks, Joseph Leiter, Ph.D., Davis B. McCarn, Verda E. Rexroth, James W. Schriver, Earle L. Browning, Virginia John Evans, Sc.D., Frank J. Rauscher, Jr., Ph.D., J. Palmer Saunders, Ph.D., Saul A. Schepartz, Ph.D., Robert H. Purcell, M.D., David R. Davies, Ph.D., Elizabeth F. Neufeld, Ph.D., Herbert A. Sober, Ph.D., Robert E. Burke, M.D., Arnaldo Lansansky, M.D., Theodore Cooper, M.D., W. Glen Moss, Ph.D., Gordon J. Dlovdahl L. Earl Laurance, Edward J. Driscoll, D.D.S., Otto A. Bessey, Ph.D., Donald T. Chalkley, Ph.D., and William Fine Raub, Ph.D.

RECOGNITION OF RECIPIENTS OF AWARDS

DISTINGUISHED SERVICE AWARD—1973

Stuart H. Clarke, Elizabeth A. Chase, Charlotte E. Crenson, Thomas C. Parrott, James D. Isbister, and Theodore D. Woolsey.

MERITORIOUS SERVICE MEDAL—1973

Med. Dir. G. Gilbert Ashwell, Sr. Surg. Lewellyn T. Barker, Pharm. Dir. Mark H. Barnett, Med. Dir. Ruth E. Dunham, San. E. Dir. James H. Eagen, Pharm. Dir. Robert Frankel, Med. Dir. George G. Glenner, Med. Dir. Jerome Green, Nurse Dir. Marie F. Hanzel, Med. Dir. Clarence L. Hebert, San. Engr. Dir. Edwin M. Lamphere, Med. Dir. John M. Lynch, Hso Dir. Ruth F. Richards, Scient. Dir. John A. Scigliano, Med. Dir. Thomas L. Shinnick, Diet. Dir. Jeanne L. Tillotson, Scient. Dir. Elizabeth K. Weisburger, Med. Dir. Kamehameha K. Wong, Ther. Dir. Dean P. Currier, Pharm. Dir. Arthur Dodds, Harry W. Bruce, Jr., D.D.S., Daniel F. Whiteside, D.D.S., Richard R. Bates, M.D., and George E. Garrington, D.D.S.

SECRETARY'S SPECIAL CITATION—1973

Audrey Vincer, Peter Wheeler, Peter Hutt, Peter Holmes, Richard Seggel, Scott Flemming, Foy L. Lunsford, Donald E. Johns, Dr. Emory Johnson, and Gerald Kurtz.

COMMENDATION MEDAL—1973

Sr. San. E. Robert L. Bolin, Jr., Hs. Dir. Gloria S. Burich, Sr. San. E. John Keith Carswell, Med. Dir. Jean R. L. Herdt, Sr. Surg. King Holmes, Pharm. Dir. Thomas H. Hodges, Nurse Dir. Marion Keagle, Nurse Dir. Beatrice Marino, Sr. No. Helen M. Mangan, Hs. Dir. Sheldon Miller, San. Dir. William C. Miller, Sr. No. Barbara Rolling, Hso. Douglas Lee Spron, Dent. Dir. Kenneth T. Strauch, and Nurse Dir. Virginia Worsley.

COMMISSIONER'S CITATIONS—1973

Elliot Kirschbaum, Jane H. Pelesz, Ruth A. White, Irving L. Becker, Robert E. Beveridge, Peter O. Guthrie, Eva R. Stunkel, James H. Troy, Barbara E. Glaser, Glen R. Dehn, Evelyn B. Faulk, Royce C. Eisen, Nathaniel M. Pigman, Michael J. Borman, Vernon W. Burnett, Minnie R. Christian, Carroll T. Cogar, James A. Cornish, Joan R. Coughlin, Evelyn M. Fetterman, Geneva R. Fitzgerald, Maceo C. Holland, Patricia B. Kisner, Charles F. Lear, Robert A. Lilly, Margaret D. Murphy, Lucille B. Reid, Lylie M. Smith, Mary C. Stokes, J. Arthur Thomas, Helen M. Tippett, Lee P. Washington, Charles L. Weber, Arthur Garnet West, Mary S. Alderman, Lucille D. Aler, Gordon A. Berg, Jr., Lena G. Bunch, and Marion F. Goldberg.

Huldah Lieberman, Frank E. Murphy, Marion C. Myers, Evelyn J. NeSmith, John Ross, Kenneth J. Seaman, Beverly Smith, Beverly A. Taylor, Dorothy L. Allulis, Kathleen M. Klinger, Robert Marder, John J. Hladky, Sylvia Cooke Martin, Sol Sherman, Raymond M. Sillup, Bernard A. Dowgiello, Hinda E. Silver, Marvin Brody, Flora N. Brooks, Idella Hardy, Diane James, George Kotishion, Marylou M. Lewis, Rosemarie E. Naugski, Salvatore A. Petti, Abraham J. Teitler, and A. Robert Trazzi.

MEMBERS OF GROUP AWARDS—1973

Philip A. Merchant, Kenneth N. Russell, Jr., Benjamin Longnecker, John Burkhart, Patricia Briscoe, Karl Zeuch, Henry O'Brien, Carolyn Elbeck, Jannette Recek, Claire B. Bates, Nancy S. Benjamin, James W. Casey, Emily Cogswell, Louis Hillman, Bertha B. Jones, Mildred C. Longerbeam, Gwendolyn H. McCray, and Marv V. Means.

Lynda Jackson, M. Dolores Athas, Michael C. Coco, Clara R. Fields, Dorothy K. Thomas, Margaret E. Houchins, Carl E. Cookerly, Emma C. Anderson, Felipa A. Bond, Frances M. Brown, Anna C. Carter, Shirley L. Clark, Lewis P. Coale, Audra I. Doll, Annie L. Jones, Norma C. Lamar, Myrtle M. Snack, Julius E. Wilson, and Jacqueline E. Yellowdy.

Anna I. Miller, Esther Nicolaus, Bernard H. Reichlyn, Roy C. Thompson, Ruth E. Woods, Paul Arca, Charles A. Russell, Ralph G. Salvagno, Carl H. Walker, Russell J. Eldridge, James Bern Illencik, Benjamin L. Delaney, Robert Thomas Williams, Joseph John Tighe, James Robert Kelley, and Louis J. Schott.

DISTINGUISHED SERVICE MEDAL—1973

Med. Dir. G. Robert L. Bowman.

SUPERVISORY EXCELLENCE AWARD—1973

Stephanie F. Delvecchio, Gladys E. Palmer, and George L. Smigovsky.

CERTIFICATE OF APPRECIATION—1973

William Brown Mary Z. Gray, Mozelle Mulloy, Mary Jumalon, and Oliver A. Hinton.

FDA AWARD OF MERIT—1973

John T. Walden, William F. Randolph, Ropert Moure, John Droke, Jacob Markowitz, Gerald F. Meyer, Julian Kramer, Henry E. Simmons, Marion Finkel, and Donald Helm.

Ogden Johnson, Mae Walton, J. William Boehne, Allan Forbes, Joseph V. Rodricks, Jerry Gaskill, Samuel Sperling, Henry L. Verhulst, James O. Gesling, Peter Hutt, and Robert Wilmoth.

SUPERIOR SERVICE AWARD—1973

Edward J. Dyer, Helen H. Hudson, Henry M. Kissman, Ph.D., Calvin B. Baldwin, Jr., Doris M. Chaney, Gregory T. O'Conor, M.D., Ira H. Pastan, M.D., Herbert J. Rapp, Sc.D. William D. Terry, M.D., Rosemary H. Williams, Seymour H. Wollman, Ph.D., Henry M. Fales, Ph.D., Robert P. Akers, Ph.D., George L. Payne, Dewitt Stetten, Jr., Ph.D., Norman P. Salzman, Ph.D., Robert L. Schreiber, Martin Gellert, Ph.D., Ronald W. Lamont-Havers, M.D., George T. Brooks, Ph.D., Reubin Andres, M.D., Fernando L. Leon, Carl D. Douglass, Ph.D., Francis A. McDonough, A. James Thomas, John M. Dolan, Estelle S. Eisendrath, Andrew J. Cardinal, Barbara Cummings, Mrs. Margaret Barbour, Tillie Pollock, and William L. Bort, Sr.

Marie Wharen, Helen Sutherland, Dr. Jane Lin-Fu, Donald Harrington, Ph.D., Ms. Gloria Wackernah, Thomas F. A. Plaut, B. J. Sadesky, Alice L. Muth, Anne M. Gibson, Judith F. Funkhouser, Ralph Simon, Ph.D., Sam Silverstein, Ph.D., Bonnie Zevin, Kate Krupen, Beatrice Shriver, Ph.D., Esther Diamond, James Stockdale, Morris Cohen, Albert J. Richter, George F. Russell, Jr., Giovanni, DiChiro, M.D., J. Gordon DuBay, Julius J. Kessler, Ervin F. Rothenbuhler, Kenneth C. Blythe, Henry V. Chadwick, Philip S. Lawrence, Ralph L. Sloat, Jr., Reta America (Mrs.), Fred Elmadjian, Ph.D., Leo G. Leitner, Jr., and Marie A. Freeman.

EQUAL OPPORTUNITY ACHIEVEMENT AWARD—1973

Herbert R. Compton, Jr. and James A. Thomas.

OUTSTANDING HANDICAPPED EMPLOYEE OF THE YEAR AWARD—1973

Howard M. Nickelson.

EQUAL OPPORTUNITY ACHIEVEMENT AWARD—1973

Peter Barton Hutt, Alvin L. Gottlieb, Sharon Beall, Eric Blumberg, Linda Broadwater, Roscoe Bryant, Becky Butler, Grace Edwards, Linda Edwards, Virginia Farkas, Carol Furlow, Jay Geller, Louis Hankins, Phillis Henkel, Michele Isaacson, Maureen James, Shelly Kornspan, Arthur Levine, Francis McKay, Stephen McNamara, Lois Parrish, Mary Saperstein, and Richard Shupack.

Richard Silverman, Barbara Spivak, Robert Spiller, Jeffrey Springer, Jack Wohlreich, Rose Adler, Gerald G. Altman, Ella Barahan, Susan Blizzard, Ruth Bozeman, Evelyn Bradford, Mary Brennan, Mary Broening, James Bruce, Frak Dell'Acqua, Geraldine Dernoga, Lester Ebert, Henry Eigles, James Fritz, Shirley Gaby, Randolph Gaines, Donald Garrett, Mary Gludt, and Henry Goldberg.

Diane Haynes, Marjorie Hoffman, Sandra Huber, Kinsey James, Doris Johnson, Robert Longo, Christie Lowman, Marjorie McGee, Dora McMichael, Joseph Moran, Lila Morgan, Stephanie Morris, Sharon Neil, James Pyles, Edward Schor, Steven Selzer, Edward Steinhouse, Gard Stephenson, Richard Strom, Thomas Stuber, Kathryn Wagner, Jerry Wall, and Stephen Weiss.

Frances White, Gloria White, Llewellyn Woolford, Verrell Dethloff, Bill Hicks, Walter McCabe, John Watson, Selma Floyd, Donald Hirsch, Galen Powers, Shirley Smith, Jacqueline Bennett, Burton Berkley, Thomas Ferris, Beverly Gillette, Ronald Guttman, Manuel Hiller, Vivian Jones, Norman Latker, Edward Lowenberg, Leroy Randall, Karin Reynolds, David White, and Peggy Whittington.

Dorothy Wilfong, Pearlie Winzer, Sidney Edelman, Esther Rechenback, Joel Mangel, Howard Walderman, David E. Benor, Joan Beach, Donald Young, Jerry Tipton, Richard Riseberg, William G. Ketterer, Pam Wines, Katherine Cage, Christine Butler, Betty Harmon, Eula James, William Kaplin, Katherine Saunders, and Steven Winnick.

Dorothy Ashwood, Ann Baldea, Cheryl Calloway, Al Hamlin, Howard Holstein, Alan Jacobson, Jerry Luck, Marriann Shultz, St. John Barrett, Darleen DelValle, Marga Laboy, Mary Moulton, Donald Bass, Elizabeth Croog, Azalee Lattimore, Virginia Mitz, Marguerite Oswald, Alberta Payne, and Arthur Shapiro.

OUR NATION SALUTES HON. ROBERT STAKESING, MANAGING EDITOR OF THE NEWS, PATERSON, N.J.

HON. ROBERT A. ROE

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Monday, September 10, 1973

Mr. ROE. Mr. Speaker, it is my privilege and honor to call your attention to the lifetime of outstanding public service rendered by an esteemed member of my Eighth Congressional District, State of New Jersey, and good friend, the Honorable Robert Stakesing of Hawthorne, N.J. As a leading news correspondent and editorial writer for over a half century, Bob Stakesing during the past four decades has been city editor and later managing editor of the Paterson News, one of New Jersey's most prestigious newspapers. The Paterson News has been a source of great strength in contributing to the vital and essential role of the news media in our society. On Saturday, September 15, I look forward to participating in a fellowship-testimonial-retirement dinner in tribute to his illustrious and distinguished career performed quietly, industriously, and unbiased, in fairness to all, with effectiveness, brilliance of character and the highest integrity.

The intensity of Bob Stakesing's seriousness of purpose, the depth of his sensitivity, his thoroughness and fairness in reporting the news in every respect were undoubtedly evident to his predecessor, the city editor who interviewed and hired him, just out of high school, as a cub newsman a little more than 50 years ago. To those of us who have had the good fortune to know him, his warm human characteristics have certainly manifested themselves in the quality of his writing and the wealth of his wisdom which have truly enriched the newspaperman's institution and instrumentality by which information and ideas on public matters are disseminated in our community, State, and Nation.

Mr. Speaker, we are all agreed that as sources of information and sources of influence, the news media is an integral and critical element in America's democracy and the expression of opinion by the newspaperman's translation of daily contacts, events, and experiences of our people is, in large measure, responsible for America's preeminence in having the best informed citizenry in the world today. The initiative and leadership of the newsmen help shape the destiny of our Nation and their writings are oftentimes the bellweather and a dominating force in the conduct of public affairs: the policies, personnel, and procedures of government.

In our American democratic system of government, the doctrine of governmental checks and balances has always been essential to the basic freedoms of mankind and the very cornerstone of the foundation of democracy itself with freedom of the press and the people's right to know as one of our most vital constitutional principles. The newsman's privilege is a sacred public trust in the very vanguard of the fiber of our Nation's conscience, and I am very honored and pleased to state in this historic journal of the Congress that Bob Stakesing has demonstrated the highest standards of excellence of leadership and trust for which the citizens of his hometown of Hawthorne and all of us of the Eighth Congressional District and State of New Jersey can indeed be most proud.

Mr. Speaker, I appreciate the opportunity to seek national recognition of Bob Stakesing's achievements as one of our most distinguished newsmen, leading citizen, and great American and respectfully request you and our colleagues here in the Congress to join with me today in saluting Bob Stakesing and extending to him and his wife, Lillian, our best wishes for continued success and happiness in their retirement years. Our Nation salutes one of New Jersey's most distinguished newsmen and outstanding journalist of our time—Best wishes and good luck, Bob and Lillian Stakesing.

CONSTITUENT MAIL REFLECTS NATIONWIDE SUPPORT FOR SELF-GOVERNMENT FOR THE DISTRICT OF COLUMBIA

HON. CHARLES C. DIGGS, JR.

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Monday, September 10, 1973

Mr. DIGGS. Mr. Speaker, the volume of mail reaching Members' offices in support of self-government for the District of Columbia can be understood best by glancing down the list of national organizations actively supporting this legislation:

NATIONAL ORGANIZATIONS COOPERATING WITH THE COALITION FOR SELF-DETERMINATION FOR THE DISTRICT OF COLUMBIA

American Association of University Women (AAUW).
American Civil Liberties Union (ACLU).
American Federation of Government Employees (AFGE).
American Fed. of Labor—Congress of Indus. Organizations (AFL–CIO).
American Fed. of State, County & Municipal Employees (AFSCME).
American Federation of Teachers (AFT).
Americans for Democratic Action (ADA).
American GI Forum.
American Jewish Committee.
American Jewish Congress.
American Veterans Committee.
Association of Student Governments.
B'nai B'rith Women.
Central Conference of American Rabbis.
Common Cause.
Communications Workers of America.
Delta Sigma Theta Sororities, Inc.
Democratic National Committee.
General Board of Christian Social Concerns, United Methodist Church.
Improved Benevolent Protective Order of Elks.
International Union of Operating Engineers.
Leadership Conference on Civil Rights.
League of Women Voters.
League of United Latin American Citizens.
Legislative Affairs Project, United Methodist Council on Youth Ministries.
National Alliance of Postal and Federal Employees (NAPFE).
National Association for the Advancement of Colored People.
National Association of Human Rights Workers.
National Assoc. of Negro Business & Professional Women.
National Center for Urban Ethnic Affairs.
National Council of Churches.
National Council of Negro Women.
National Education Association (NEA).
National Farmers Union.
National League of Cities.
National Sharecroppers Fund.
National Urban Coalition.
National Urban League.
New Democratic Coalition.
Newspaper Guild.
Ripon Society.
Southren Christian Leadership Conference (SCLC).

Union of American Hebrew Congregations.
United Auto Workers (UAW).
United Church of Christ, Council for Christian Social Action.
United Presbyterian Church in the USA.
U. S. Conference of Mayors.
Urban Action Emergency Committee, Christian Church.
Washington Research Project Action Council.
Women's International League for Peace and Freedom.
World Federalist Youth, USA.
Young Democratic Clubs of America.
Young Women's Christian Association (YWCA).

AMERICANS' DISSOLUTIONMENT WITH THE UNITED NATIONS INCREASES

HON. JOHN R. RARICK

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Monday, September 10, 1973

Mr. RARICK. Mr. Speaker, the growing dissolutionment of the American people with the inability of the United Nations to cope with the great power politics of the 1970's is being expressed on a number of fronts.

As a recent editorial in the prestigious news publication, U.S. News & World Report, so aptly pointed out:

> The high hopes Americans once held for the U.N. as a vehicle for peace and understanding among peoples have withered almost to nothing.

The ability of the third world, underdeveloped countries to ramrod resolutions through the General Assembly despite the objections of the major powers, who carry the financial burden of the organization, has been largely responsible for major nations bypassing the "global village debating society" on consequential issues.

In spite of the President's glowing proclamation of United Nations Day 1973 and the fact that U.S. taxpayers continue to pay a disproportionate share of the funds to support the organization, there is an increasing realization among the voters of the country that the United Nations has outlived any usefulness it may have had to our Nation in the past.

As editor Howard Flieger concludes—

> What the U.N. says or does just doesn't make much of an impact on reality these days.

This is a conclusion that many Americans realized some years ago and more are awakening to this fact daily.

I include the copyrighted editorial from the U.S. News & World Report, along with the President's Proclamation No. 4240 in the RECORD at this point:

[From the U.S. News & World Report, Aug. 13, 1973]

UNITED STATES, UNITED NATIONS—AND REALITY

(By Howard Flieger)

When the United States cast its fifth veto in the United Nations Security Council the other day, scarcely anybody in this country gave it a second thought—or a first thought, for that matter.

If you think about it, the very fact of that indifference is significant.

For one thing, it demonstrates how the high hopes Americans once held for the U.N. as a vehicle for peace and understanding among peoples have withered almost to nothing.

It also shows something else—the U.S. no longer is the all-powerful leader of the world organization. It now is where Russia was for years—in the minority and a favorite target of diplomatic badgering by others.

The vetoed resolution would have censured Israel for not giving up Arab territory it presently occupies. The U.S. argued that this would have put another roadblock in the path of lasting peace in the Middle East. That sounds reasonable to most Americans. But the United States delegate was a very lonely man. Without his veto, the resolution would have been approved overwhelmingly.

Thus, it may be an opportune time to examine the United Nations as it is today.

When the organization was founded near the end of World War II, it consisted of 51 countries, most of them eager to rely on the U.S. for leadership and guidance.

Now there are 132 members, and things are not the same.

Small nations often dominate. The Organization of African Unity, composed of black and Mediterranean African countries, has 41 members—nearly a third of the total U.N. membership. The Arab states generally vote with the Africans, as do almost all of the so-called "underdeveloped" countries.

This gives them a clear majority in the U.N. General Assembly. Often, the votes there have come to be tallied on the basis of "the have-nots" vs. "the haves"—which frequently puts the U.S. on the losing side.

With little or no success, Washington has been trying for years to convince the Africans and others that, by their "anti" tactics in the United Nations, they really are wrecking the only organization that can be of much help to them in dealing with the world.

John Scali, Washington's Ambassador to the U.N., has said that President Nixon intends to make more use of the organization because "he knows that the generation of peace he believes in has to have an international law to hang on to in moments of stress."

That may be. But you will find many diplomats—foreign and American—who disagree.

Most foreign diplomats feel that Mr. Nixon ignores the U.N. on important issues, bypasses it when possible and much prefers to deal directly with other governments, rather than going the U.N. route.

Many U.S. career people agree, but they say Mr. Nixon can hardly be blamed because the U.N. itself has changed so much in character in recent years. In practice, it just isn't regarded as a good place to get things done.

Not only the U.S. but Russia and other major nations choose to operate outside the U.N. when they want to accomplish something they deem important.

This way, they can consider how the smaller nations feel about a given situation but not be controlled by it. They can move ahead, unhampered, in their own self-interest. Arrangements are not complicated by U.N. politics and emotionalism.

Ironically, as the use of the U.N. by the major powers is diminished, so is the political heft of the smaller and poorer nations. The United Nations is their only global forum—and what the U.N. says or does just doesn't make much of an imprint on reality these days.

PROCLAMATION 4240—UNITED NATIONS DAY 1973

(By the President of the United States of America)

A PROCLAMATION

Each year the peoples of the world celebrate October 24 as United Nations Day, recalling the date in 1945 when the United Nations Charter came into force. This is an appropriate occasion for people everywhere to renew their adherence to the Charter ideals of peace and human rights, and their determination to promote economic and social progress and a greater measure of justice and freedom for all.

This year the anniversary occurs at a time of dramatic change in world affairs. We sense the promise of a more peaceful world and the opportunity for new strides in international cooperation.

As the world climate improves, the prospects will grow for using the United Nations to alleviate political disputes and for broadening its constructive activity in the social, economic and technological fields.

In some areas, international cooperation is already a longstanding tradition—moving the international mails, regulating international communications and transportation, preventing the worldwide spread of disease, developing international standards of practice in labor, and many others.

More recently, the United Nations and other international agencies have begun to work in other areas—devising safeguards, for example, for the production of nuclear energy and rules concerning man's use of outer space; extending the rule of law over the exploitation of the oceans; protecting the environment; protecting the rights of refugees and prisoners of war; and inhibiting the international traffic in narcotic drugs. Efforts are also underway to cope with the problems of population growth and with the hijacking of aircraft and other forms of international terrorism.

In the years ahead the growing interdependence of nations will inevitably require international institutions to be even more effective in dealing with this new agenda. We need to create new arrangements to control new technologies for the common good. We must bridge the interests of rich and poor countries on matters of trade and aid. We must facilitate the exchange of technical and scientific knowledge and encourage modes of cooperative behavior which will permit nations to live together in concord.

Within this framework I hope all Americans will continue to appreciate and analyze, soberly and realistically, the benefits they and all peoples gain from international cooperation—within the United Nations and other institutions—to meet the challenges of the modern world.

Now, therefore, I, Richard Nixon, President of the United States of America, do hereby designate Wednesday, October 24, 1973, as United Nations Day. I urge the citizens of this Nation to observe that day with community programs which will promote understanding and support for the United Nations and its affiliated agencies.

I have appointed Donald S. MacNaughton to be United States National Chairman for United Nations Day and, through him, I call upon State and local officials to encourage citizens' groups and agencies of communication—press, radio, television, and motion pictures—to engage in appropriate observances of United Nations Day in cooperation with the United Nations Association of the United States of America and other interested organizations.

In witness whereof, I have hereunto set my hand this fourth day of September, in the year of our Lord nineteen hundred seventy-three, and of the Independence of the United States of America the one hundred and ninety-eighth.

RICHARD NIXON.

CONGRESSMEN MAY FIND PUBLIC HAS OTHER CONCERNS

HON. CARLOS J. MOORHEAD

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, September 10, 1973

Mr. MOORHEAD of California. Mr. Speaker, for the past several months much of the attention of the Nation has been focused upon one particular committee meeting of the U.S. Senate. At the same time, partly because of the divisions in our country, our problems have been mounting.

The following editorial which was carried by the Burbank Daily Review and the Glendale News-Press in my 20th District on August 4, 1973, expresses the point of view of a large segment of our population.

The editorial follows:

CONGRESSMEN MAY FIND PUBLIC HAS OTHER CONCERNS

Members of Congress can profit by their summer recess that began Friday. It affords them a chance to talk with their constituents, which is always a good idea but an especially good one right now. Many of those constituents may have the impression that the Watergate hearings represent the primary concern of the 93rd Congress. A wise senator or representative would do well to dispel that impression if he can.

For all the prime time and column inches given to Watergate, for all the time, effort and dollars spent in getting the full story of that affair into the open, we suggest that the average American has been able to keep the matter in better perspective than official Washington. As Senator Sam Ervin and members of his committee rush back and forth from their hearings to vote on legislation in the Senate chamber, we shudder to think how many other lawmakers are scurrying back and forth from a seat in front of a television set for the same purpose.

Who's minding the shop?

Preoccupation with Watergate has clearly slowed the performance of Congress, which is a ponderous institution to begin with. Its accomplishments in seven months, aside from hawkshawing by investigating committees of both houses, will be hard for some members to enumerate if they are put on the spot back home. Congressional quarterly's list of the 22 major items of legislation to come before Congress this year showed this week that only one had passed both houses and been signed by the President.

Harking back to the first of the year we recall that one of the overriding questions about the 93rd Congress was how responsibly it would treat the federal budget.

On the plus side, the sustaining of President Nixon's veto of some "budget-busting" appropriation bills is a heartening sign that Congress may finally be awakening to the fact that even pork barrels have a bottom.

The inability of previous Congresses to keep a firm grasp on the size of the federal budget has accounted more than anything for the flow of budget-making power to the executive branch of our government and the necessity for presidents to impound appropriated funds. Although congressional Democrats are determined to make a political issue of the current impounding of funds, the attitude of the new Congress toward a budget ceiling indicates Mr. Nixon is getting his message across—that we cannot win our fight against inflation if federal spending is not kept in check.

Thus, a subject as dry as the budget may be the best talking point for a vacationing congressman trying to explain what he has done for his constituents since January.

He does not have much else to brag about—particularly if the talk gets around to the environment, the energy crisis, urban problems, defense needs, foreign aid, pension reform and all the other issues that concern Americans who can see beyond Watergate to the real problems that confront Congress.

He may find out, in fact, that John Q. Public is not as interested in the contents of White House tapes and memos as in the contents of the meat compartment in his own refrigerator.

FIRMS TOLD TO ELIMINATE JOB HAZARDS WHEREVER POSSIBLE

HON. DOMINICK V. DANIELS

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Monday, September 10, 1973

Mr. DOMINICK V. DANIELS. Mr. Speaker, there are over 80,000,000 workers in America's labor force today and an increasingly large number are facing work-related health problems. Workers in coal mines, cotton mills, chemical pesticide, and fungicide plants and a long list of other industries have a high incidence of disease. These diseases have been persuasively documented by scientific research to be work-related.

The Public Health Service estimates that there are about 396,000 new cases of occupational disease each year. Much information about the relationship between the work environment and occupational diseases and casualties has been known for decades and continuing research uncovers more and more of this relationship.

Because of the growing problem, Congress enacted the Occupational Safety and Health Act in 1970. However, the strength of this legislation does not lie in its existence, but rather in its enforcement. By avoiding "stop-gap" measures and by requiring employers to eliminate job hazards OSHA can provide the protection the American worker is entitled to.

That is why I was so pleased to hear of the latest decision by the Occupational Safety and Health Review Commission and would like to bring the following related article from the Wall Street Journal, August 22, 1973, to my colleagues' attention.

The article follows:

FIRMS TOLD TO GO BEYOND PROTECTIVE GEAR ON SOME JOB HAZARDS IN SAFETY-UNIT RULING

WASHINGTON.—Employers must protect workers by eliminating job hazards wherever possible, and can't do so just by providing protective equipment, a federal safety court ruled.

The decision by the Occupational Safety and Health Review Commission has potentially broad implications for corporate safety and health programs. It seems to suggest, attorneys indicated, that under such conditions as excessive noise levels or exposure to dangerous chemicals employers might be required, wherever technologically possible, to eliminate those exposures rather than simply require workers to wear protective devices and clothing. The decision could be appealed to a federal circuit court.

The case involves the Labor Department's charge that American Smelting & Refining Co. violated the Federal Job Safety Act by exposing employees at its Omaha, Neb., plant to airborne inorganic lead in excess of 0.2 milligram per cubic meter of air, based on a weighted eight-hour average. The 0.2 milligram level is a widely used industrial standard.

In New York, a spokesman for American Smelting said officials haven't had time to review the opinion in detail. But he added, "We are disappointed in the decision of the commission. We are especially concerned that the commission majority failed to give any weight to the extensive hygiene program that was in effect at the Omaha plant and that is designed specifically to protect workmen from hazardous exposure to lead."

"GENERAL DUTY" CLAUSE

When the Labor Department inspected the company, the government hadn't any specific safety standards covering lead exposures. So inspectors charged American Smelting with violating the "general duty" provision, which requires an employer to provide a workplace free of recognized hazards likely to cause serious physical harm or death.

The company appealed to the review commission, and in March 1972 Administrative Law Judge William E. Brennan ruled the company had violated the job safety act. He specifically rejected the company's claim that its protective safety measures reduced employe exposure to acceptable levels.

At the Omaha plant, he found the company required employes exposed to high air lead levels to use approved respirators, took periodic blood and urine samples to monitor exposure, and reassigned workers to other jobs when lead content of blood or urine exceeded certain levels.

Mr. Brennan ruled those procedures hadn't effectively eliminated hazards because tests disclosed excessive lead levels in blood. He also ruled the company had "waited until some of its employes had absorbed excessive and dangerous amounts of lead to take corrective measures. Such a program in effect uses the employes as a test device to determine hazardous conditions."

He called the practice of transferring exposed workers to other jobs "a stop-gap measure at best," and one that doesn't remove the hazard. And, he asserted, the permanent use of respirators places the burden of safety compliance on workers instead of the employer.

Mr. Brennan assessed a $600 penalty against American Smelting and ordered the company to adopt "feasible engineering controls" to reduce lead levels to generally recognized safe levels within six months.

The full review commission began studying Mr. Brennan's decision more than a year ago, examining whether the lead levels were a

"recognized hazard." The company argued that Congress intended hazards covered by the general duty clause to be detectable by the human senses. But the commission examined congressional debate on the job safety law and found, by a two-to-one vote, that nonobvious hazards, including those that require instruments to measure, are covered by the act.

1973 TOASTMASTERS SPEECH CONTEST

HON. ANTONIO BORJA WON PAT

OF GUAM

IN THE HOUSE OF REPRESENTATIVES

Monday, September 10, 1973

Mr. WON PAT. Mr. Speaker, for several years I have been proud to be associated with Capitol Hill Club, Toastmasters International. Capital Hill Club, and its sister organization, Magellan Toastmasters Club of Guam, are part of a worldwide federation of men and women dedicated to improving their speaking and leadership skills. One of my Capitol Hill Club colleagues, Mr. Williamson Day, entered the 1973 Toastmasters Speech Contest and represented our club in area, division, district, regional, and international levels. On August 18, at the 42d Annual Convention of Toastmasters International in Houston, Tex., he competed in the 1973 International Speech Contest, placing third in a field representing 60,000 toastmasters worldwide. I congratulate Mr. Day and am pleased to share his speech with my colleagues:

THE WINNER

(By Williamson Day)

All your life you have put off thinking about this moment. Now it's here. No one will say so, but you're dying—dying because you're burned over 70 percent of your body, so badly burned that there's nothing they can do. You lie in a hospital bed, throbbing, looking at a bottle of plasma over you, dripping, drop by drop, dripping life in as life drips out.

Seconds before, minutes before, you were racing at Indianapolis, racing the 500, throttling your Offenhauser past the stands, past the chutes, past Gasoline Alley. Indy. The Granddaddy. The Kingpin. Crowds, flags, heat, beer, girls, cars, colors—a kaleidoscopic blur like none in the world. And you remember the big thing: You won. You won at Indy—before you crashed into the wall at 200 miles an hour.

You're a winner. Or are you?

Now you have five minutes to live, maybe fifteen. In the last few moments of your life you ask yourself: what is winning in life? Is winning a title, money, a moment in the spotlight? Or is winning in life something much more important? You think about winning as you remember your race, every minute, every mile.

"Gentlemen, start your engines."

You're off, lap one, gearing for the turn, instinctively, reflexively, gearing for the millionth time, leaning with the car, moving with it, part of it, beautiful. You tailgate now, tailgate too close, but you don't care, you want that title more than anything in the world.

Lap 10. The cars snarl at Indy, round and round and round, as a mixmaster whirrs in a kitchen, round and round. Your wife is cooking and baking while you race. No longer can she bear to watch at the track. She remembers the old days, when you were home for breakfasts, dinners, for Kathy's bedtime. She remembers when you were there, a father, a husband, not away, not at racer's meetings, not on the road. As she cooks, she has no idea that, before her cake is done, she will hear the phone ring. It'll be your mechanic, his voice tortured and sickened, with the news. She'll start for the hospital, catching a glimpse of your picture. She'll look for a long moment before bursting into tears; deep inside, she'll know that picture is all she has left.

Lap 100. Rain pelts the asphalt. It's wet and dark on the track. There's death in the dark, but you don't care, you pour on the power. You want your picture on every sports page in the country.

Lap 150. The cars growl at Indy, round and round and round, as a phonograph turns in a bedroom, round and round. A six-year-old girl, your Kathy, listens to a record, waits for you to come home, waits for a shoulder ride, for another reading of *Cinderella*. She knows she loves you more than anything in the world. What she doesn't know is that you won't be coming home, won't ever be coming home. In two terrible hours her mother will press a moist face to hers, tell her that something's happened to Daddy, that she must be very grown up and very brave.

Lap 200. The last lap. The Offy punishes the pavement. You lash it, beat it, hurtling, vibrating, undulating. You see oil on the track, but you don't care; you want to stand in that winner's circle, you want to hear the howl of 400,000 people—all for you.

Then you see it: the flag, the checkered flag. You win at Indy! You shout in the wind.

You're still shouting when the Offy hits the oil. You spin nauseatingly, bobbling and turning, then splinter into the wall, an orange fireball of methanol burning and crackling around you. By the time they cut you free, there is very little they can do.

Your plasma runs out and there's no need for more; your life runs out with it. No more will you go round and round.

You're a winner. Or are you?

And so, my friends, what of us? Are we winners? Are we racing for a title, for money, for a moment in the spotlight? Are we racing so hard for a silver cup that we're losing a woman with her love, a child waiting to be tucked in for the night?

A MAN FOR THE PEOPLE

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, September 10, 1973

Mr. RANGEL. Mr. Speaker, I would like to call Mr. D. Parke Gibson to the attention of my colleagues.

Mr. Gibson, a Harlem resident, is a self-made man in the field of public relations. He achieved his status by approaching advertising for black people from a black perspective. More importantly, he has sought to serve rather than to exploit the Harlem community. Mr. Gibson is truly a great asset to Harlem and to the entire city of New York. I submit the following article on this remarkable man which was written by Willie L. Hamilton of the Amsterdam News:

D. PARKE GIBSON—A SELF-MADE MAN

(By Willie L. Hamilton)

Just what is a self-made man?

There are examples and there are examples but D. Parke Gibson perhaps typifies the idea of pulling oneself up by the bootstraps.

Who is Daniel Parke Gibson? Well, he's only the owner of a public relations firm with the same name with International Inc., added.

Now Gibson didn't just walk into his own firm. No indeed. Back in 1948 Gibson graduated from Garfield High in Seattle, Wash. He never went to college but instead went into the Air Force for the next four years. There he served in the public information office and decided he wanted to do something in that field.

Upon leaving the Air Force, Gibson moved to Philadelphia, Pa., where he became an associate in public relations for two years. Later he sold advertising space for Interstate United Newspapers which at the time, also serviced the Amsterdam News.

In May, 1954 Gibson moved to New York and in 1963 began his own firm in a one room office in Harlem at 2631 Seventh Ave. Later the firm moved to 2580 Seventh Ave, and on to its present location at 475 Fifth Ave.

Gibson feels that present advertising on television and radio "was not conceived for us but was created to convince whites that Blacks were part of society and that they did the same things as themselves."

BLACK MARKET—$39 BILLION

He said, "Companies who hope to reach the Black market—worth some $39-billion—must gear their products and campaigns to a life-style that is different from that of whites."

Of course, "Blacks still don't join country clubs but they spend more per capita for furniture than whites because their life-style is centered around the home."

Attired in a light blue shirt, a dark blue and white tie, blue pants and black shoes, the 42-year-old Gibson, still a Harlem resident, said the trend is presently toward more "polarization" although his firm is committed to integration as a goal.

POSITIVE ELEMENTS OF INTEGRATION

. . . "Blacks want the positive elements of integration—good jobs, education and housing," said Gibson.

Although most firms are "aware that Blacks exist," said Gibson, "they often don't follow through." He feels that whites in the top levels of management would like to do their part in righting past wrongs but "middle management, where the idea has to be executed," often are the cause of "a lot of problems."

Principals of the firm, besides Gibson, are Ellen Hall, VP and treasurer and Mary P. Murray, VP and secretary. Both have been with the firm since its conception.

NEED BLACK ORIENTATION

He said that corporate PR people and executives need to read Black media, to attend Black meetings, and participate in what is happening in the Black community. "I see

very few white PR people at Black publications," he said.

Currently there is a thrust to hold first-run premieres and movies in Black neighborhoods. Gibson is all for the idea but feels that the idea isn't always feasible because in certain Black areas, theatres aren't large enough to accommodate the crowds. The Apollo Theatre there is an exception, said Gibson.

Services offered by the firm include "The Gibson Report," a monthly letter on marketing to nonwhite consumers; "Race Relations and Industry," a monthly letter on equal opportunity problems, programs and practices; Gibson's book, "The $30 Billion Negro," and an upcoming book, yet untitled, on the Caribbean.

As for young Blacks who might want to enter the field, Gibson tells them not to place any "restrictions" on themselves. "Many of the things we perceive as racial would be something different if we had red hair."