

life expectancy, TIAA simultaneously refuses to pay blacks more when in fact they have a shorter average life expectancy. Thus, this amounts to discrimination based upon sex, and such discrimination violates guideline 1604.9(e) and (f) of the Guidelines on 'Discrimination Because of Sex' issued by the Equal Employment Opportunity Commission, on March 31, 1972 and published in the Federal Register on April 5, 1972."

## AFFIDAVIT

State of Missouri,  
County of Jackson, sworn statement.

I, Eileen M. Jacobi, Ed.D., R.N., after being duly sworn, upon oath depose and say: I am 54 years of age and live at 4406 West 95th Street, City of Shawnee Mission, County of Johnson, State of Kansas. My telephone number is (816) 474-5720, and my Social Security Number is xxx-xx-xxxx.

I am Dr. Eileen M. Jacobi, Ed.D., R.N. Presently I am the Executive Director of the American Nurses' Association whose offices are located in Crown Center, 2420 Pershing Road, Kansas City, Missouri 64108.

The American Nurses' Association is the professional organization of registered nurses. It has approximately 163,000 members belonging to constituent associations in the fifty states, the District of Columbia, the Virgin Islands and Guam.

The Association's purposes are to foster higher standards of nursing practice, to promote the professional and educational advancement of nurses, and to promote the economic and general welfare of nurses to the end that all people may have better nursing care.

Dr. Virginia Cleland, Ph.D., R.N., now residing at 13 Norwich, Pleasant Ridge, Michigan 48069, is a member of American Nurses' Association (ANA), and is a member of ANA's Commission on Nursing Research. Dr. Cleland is employed as Professor of Nursing by Wayne State University, Detroit, Michigan 48069. The Board of Governors of Wayne State University provides certain fringe benefits, including retirement benefits, to employees. The retirement benefits are provided through the insurance carrier—Teachers Insurance and Annuity Association, commonly known as TIAA. TIAA's central offices are located at 730 Third Avenue, New York, New York 10017.

The retirement plan of TIAA, to which Dr. Virginia Cleland belongs, provides larger monthly payments to a male member than to a female member upon retirement at the same age, even though each has made equal contributions for an equal number of years. While paying women less because they have a longer average life expectancy, TIAA simultaneously refuses to pay blacks more. In fact, blacks have a shorter average life expectancy than women. This is discriminatory by sex.

It is my firm belief that such a discrimination based upon sex violates the provisions of Title VII of the Civil Rights Act of 1964 and guidelines 1604.9(e) and (f) of the Guidelines on Discrimination Because of Sex, issued on March 31, 1972 by the Equal Employment Opportunity Commission. In my judgment, the practice of TIAA is, therefore, illegal.

In my capacity as the Executive Director of American Nurses' Association, I have today filed a Charge of Discrimination on behalf of Dr. Virginia Cleland with the Kansas City District Office of Equal Employment Opportunity Commission.

Dr. Cleland is advised that I am filing this complaint in her behalf.

I have read the foregoing statement consisting of two pages, and swear (affirm) to the best of my knowledge and belief that it is true.

EILEEN M. JACOBS.

EQUAL EMPLOYMENT  
OPPORTUNITY COMMISSION,  
Kansas City, Mo., August 1, 1973.

## DETERMINATION

Under the authority vested in me by Section 1601.19b(d) of the Commission's Procedural Rules, Volume 37, Federal Regulation 20165 (Sept. 27, 1972), I issue on behalf of the Commission the following determination as to the merits of the subject charge.

The Respondent is an employer within the meaning of Title VII of the Civil Rights Act of 1964, as amended by the Equal Employment Opportunity Act of 1972, and the timeliness, deferral and all other jurisdictional requirements have been met. The action taken by the State has been considered.

Charging Party alleges that the Respondent is discriminating against women members of the American Nurses Association on the basis of sex (female) because of the Respondent's retirement benefits which uses two separate actuarial tables based on sex for calculating retirement. Records on file show that the Respondent is a participating agency in the retirement program and that two separate actuarial tables are used to calculate benefits that are based upon sex, therefore, I find reasonable cause to believe that Respondent is in violation of the Civil Rights Act of 1964 as amended.

Having determined there is reasonable cause to believe the charge is true, the Commission now invites the parties to join with it in a collective effort toward a just resolution of this matter. We enclose an information sheet entitled "Notice of Conciliation Process" for the attention of each party. A representative of this office will be in contact with each party in the near future to begin the conciliation process.

On Behalf of the Commission.

FRANC HERNDON,  
Director, Kansas City District Office.

## ACADEMICIANS FIND SHORTCOMINGS IN PENSION REFORM BILLS

Thirty-six law, economics, insurance and sociology professors have signed a statement which cites the Javits-Williams Bill (S. 4), the Finance Committee Bill (Bentsen) (S. 1179) and the Dent Bill (H.R. 9824) as all falling short of providing the reforms needed in the private pension system. The statement, which was distributed by the outspoken critic of the private pension plan system, Professor Merton Bernstein of the Ohio State University, recommends changes in the areas of vesting, coverage, conflicts of interest, widow benefits, plan termination insurance, and bargaining rights for retirees.

With regard to vesting, the academicians urge 50% vesting after five years of service, with an annual increase of 10% each year thereafter. They submit that only under such a vesting schedule will employee benefit achievement be improved over the current unsatisfactory situation. They also contend that their suggested vesting formula will "enable women—who typically have a shorter period of service—to begin to achieve pension benefits in a substantial way."

The professors also feel that "if private pension plans are to provide the supplementation needed by all," then they must cover all workers. They note that none of the bills before Congress effectively deals with the problem of coverage, and they recommend "experimentation with a national, low-cost boiler-plate plan" before their recommended broad coverage is adopted.

In the area of conflict of interest, the statement argues that "all trustees should be completely neutral and owe loyalties only to the fund beneficiaries." The statement further provides that company and union officials should not be permitted to serve as trustees because of possible conflicts of interest and that any dealings involving the pension trust funds and the company and union should be prohibited.

As for widow benefits, the professors recognize that options for survivor benefits are seldom exercised and advocate remedying the situation by a legislative mandate that survivor benefits be deemed exercised unless affirmatively rejected in writing.

With regard to plan termination insurance, the statement simply says that it is highly desirable and should be tried.

Finally, in the area of bargaining rights for retirees, the professors cite the fact that very few pension plans have provisions to help off-set the effects of inflation on those on a fixed income. To remedy this situation, they urge that the National Labor Relations Act be amended to permit pensioners to bargain with their former employers (and successors) and require those employers to bargain with retiree representatives.

## HOUSE OF REPRESENTATIVES—Wednesday, October 31, 1973

The House met at 12 o'clock noon.  
The Chaplain, Rev. Edward G. Latch, D.D., offered the following prayer:

*This is the day which the Lord hath made; we will rejoice and be glad in it.—Psalms 118: 24.*

As we begin another day of service to Thee and to our country, we thank Thee, our Father, that we can put our hands in Thine and walk with Thee through the coming hours. In this journey through life help us to realize anew that neither learning, nor wealth, nor position can ever make up for a lack of faith in Thee or for the loss of a conscientious spirit.

Accept our gratitude for the opportu-

nities of this day and help us to be happy in our work and eager to be of service to our beloved America. Make our country great in goodness and good in greatness. May righteousness exalt us as a nation, good will expand our higher moods, and understanding express the goal of our nobler endeavors. 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. Heiting, 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 a resolution of the following title:

S. RES. 193

*Resolved*, That the Senate has heard with profound sorrow the announcement of the death of Honorable John P. Saylor, late a Representative from the State of Pennsylvania.

*Resolved*, That a committee of two Senators be appointed by the Presiding Officer to join the committee appointed on the part of the House of Representatives to attend the funeral of the deceased Representative.

*Resolved*, That the Secretary communicate these resolutions to the House of Representatives and transmit an enrolled copy thereof to the family of the deceased.

*Resolved*, That, as a further mark of respect to the memory of the deceased, the Senate do now adjourn.

The message also announced that:

The Senate having proceeded to reconsider the bill (S. 1317) entitled "An Act to authorize appropriations for the United States Information Agency," returned by the President of the United States with his objections, to the Senate, in which it originated, it was

*Resolved*, That the said bill do not pass, two-thirds of the Senators present not having voted in the affirmative.

The message also announced that the Senate agrees to the amendments of the House to a bill of the Senate of the following title:

S. 11. An act to grant the consent of the United States to the Arkansas River Basin compact, Arkansas-Oklahoma.

The message also announced that the Senate agrees to the amendment of the House with amendments to a bill of the Senate of the following title:

S. 2410. An act to amend the Public Health Service Act to provide assistance and encouragement for the development of comprehensive area emergency medical services systems.

The message also announced that the Senate disagrees to the amendments of the House to the bill (S. 1570) entitled "An act to authorize the President of the United States to allocate crude oil and refined petroleum products to deal with existing or imminent shortages and dislocations in the national distribution system which jeopardize the public health, safety, or welfare; to provide for the delegation of authority to the Secretary of the Interior; and for other purposes," and requests a conference with the House on the disagreeing votes of the two Houses thereon, and appoints Mr. JACKSON, Mr. BIBLE, Mr. CHURCH, Mr. METCALF, Mr. MAGNUSON, Mr. PASTORE, Mr. FANNIN, Mr. HANSEN, Mr. HATFIELD, and Mr. COOK to be the conferees on the part of the Senate.

The message also announced that the Senate had passed a bill of the following title, in which the concurrence of the House is requested:

S. 702. An act to designate the Flat Tops Wilderness, Routt and White River National Forests, in the State of Colorado.

#### PERSONAL EXPLANATION

Mr. KLUCZYNSKI. Mr. Speaker, I was present during the vote on the drug abuse extension bill yesterday and I voted "aye." The RECORD has me listed as not voting. I should like the RECORD to show that I was present and voting.

#### U.N. OBSERVERS SHOULD BE CIVILIANS

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

Mr. DE LA GARZA. Mr. Speaker, the dread possibility of a confrontation between U.S. forces and Soviet Russia forces in the Middle East need not have been raised at all had the United Nations sent civilians instead of troops as monitors of the cease-fire.

Human nature being what it is, if the Soviet Union sent troops and we sent troops, the potential would be present for beginning world war III. Even if the troops be from other nations, as they now are, they come to an area where the armed forces of Israel and the Arab countries face each other and the warlike aspect of the situation is increased rather than lessened. I just saw a picture of a group leaving Cyprus—fully armed. This does not add to an atmosphere of peace, but to one of war or conflict.

I think it would be helpful and add to the credibility of the United Nations as a peace forum if the observers arrived in civilian clothing and were led not by a military man but by a distinguished world statesman-diplomat.

I have communicated to the Secretary of State my recommendation that the United States initiate in the United Nations a proposal that in the future all U.N. observers be civilians attired in civilian clothes, headed by able men and women known for their expertise in world diplomacy. Military experts might accompany them, but only as advisers and in a minimal number.

This action, I think, should be taken as a practical way of backing up the prayers of all mankind that no conflict between nations anywhere will escalate into a war that could destroy the world.

#### MILLIONS OF AMERICANS HAVE BEEN BETRAYED BY ARCHIBALD COX

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

Mr. SHUSTER. Mr. Speaker, I, along with millions of Americans, have been betrayed by that supposed paragon of virtue, Archibald Cox.

When Archibald Cox confessed yesterday that he passed privileged information disclosed to him in the course of his investigation by former Attorney General Richard Kleindienst concerning the ITT case to Senator TEDDY KENNEDY—an avowed political opponent of the President—I found it just incredible. I supported an independent prosecutor, and still do. But what I, and millions of Americans, thought was independent apparently was political from the start. In fact, this pompous, pious, self-righteous, supposedly independent special prosecutor, was far worse than just political. While cloaking himself in the cloth of justice, he was betraying his trust to the American people by feeding information to his political cronies. Cox has clearly violated the law, the Federal Code, title

28, chapter 1, part 50, which forbids the release of information pertaining to Federal investigations. How much more information has he unlawfully fed for political purposes? The President simply fired this cheat 1 week too soon. Today I am introducing a resolution on the floor of the House calling for an investigation of Archibald Cox and his task force. In a word, Archibald Cox is a fraud.

#### INTERNATIONAL DEVELOPMENT ASSOCIATION—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 93-174)

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

*To the Congress of the United States:*

As their role in conveying financial assistance to developing countries has steadily enlarged in recent years, multilateral lending institutions have become vital to our hopes for constructing a new international economic order.

One of the most important of these institutions is the International Development Association, a subsidiary of the World Bank that provides long-term loans at low interest rates to the world's poorest nations. During the 13 years of its operation, IDA has provided over \$6.1 billion of development credits to nearly 70 of the least developed countries of the world. Two dozen countries have contributed funds for this effort.

By next June, however, the International Development Association will be out of funds unless it is replenished. As a result of an understanding reached in recent international negotiations, I am today proposing to the Congress that the United States join with other major industrialized nations in pledging significant new funds to this organization. Specifically, I am requesting that the Congress authorize for future appropriation the sum of \$1.5 billion for the fourth replenishment of IDA. Initial payments would be made in fiscal year 1976 and the full amount would be paid out over a period of years.

I am also requesting that the Congress authorize an additional \$50 million for the Special Funds of the Asian Development Bank. The bank is one of the major regional banks in the world that complements the work of the International Development Association and the World Bank.

Legislation for both of these authorities is being submitted to the Congress today by the Secretary of the Treasury.

#### STRENGTHENING THE INTERNATIONAL ECONOMIC SYSTEM

Just over a year ago, in September 1972, at the annual meeting in Washington of the International Monetary Fund and the World Bank, I stressed the urgent need to build a secure structure of peace, not only in the political realm but in the economic realm as well. I stated then that the time had come for action across the entire front of international economic problems, and I emphasized



that recurring monetary crises, incorrect alignments, distorted trading arrangements, and great disparities in development not only injured our economies, but also created political tensions that subvert the cause of peace. I urged that all nations come together to deal promptly with these fundamental problems.

I am happy to be able to report that since that 1972 meeting we have made encouraging progress toward updating and revising the basic rules for the conduct of international financial and trade affairs that have guided us since the end of World War II. Monetary reform negotiations, begun last year, are now well advanced toward forging a new and stronger international monetary system. A date of July 31, 1974, has been set as a realistic deadline for completing a basic agreement among nations on the new system.

Concurrently, we are taking the fundamental steps at home and abroad that will lead to needed improvement in the international trading system. On September 14, while meeting in Tokyo, the world's major trading nations launched new multilateral trade negotiations which could lead to a significant reduction of world trade barriers and reform of our rules for trade. The Congress is now considering trade reform legislation that is essential to allow the United States to participate effectively in these negotiations.

#### ESSENTIAL ROLE OF DEVELOPMENT ASSISTANCE

While there is great promise in both the trade and monetary negotiations, it is important that strong efforts also be made in the international effort to support economic development—particularly in providing reasonable amounts of new funds for international lending institutions.

A stable and flexible monetary system, a fairer and more efficient system of trade and investment, and a solid structure of cooperation in economic development are the essential components of international economic relations. We must act in each of these interdependent areas. If we fail or fall behind in one, we weaken the entire effort. We need an economic system that is balanced and responsive in all its parts, along with international institutions that reinforce the principles and rules we negotiate.

We cannot expect other nations—developed or developing—to respond fully to our call for stronger and more efficient trading and monetary systems, if at the same time we are not willing to assume our share of the effort to ensure that the interests of the poorer nations are taken into account. Our position as a leader in promoting a more reasonable world order and our credibility as a negotiator would be seriously weakened if we do not take decisive and responsible action to assist those nations to achieve their aspirations toward economic development.

There are some two dozen non-communist countries which provide assistance to developing countries. About 20 percent of the total aid flow from these countries is now channeled through multilateral lending institutions such as the World Bank group—which includes

IDA—and the regional development banks.

These multilateral lending institutions play an important role in American foreign policy. By encouraging developing countries to participate in a joint effort to raise their living standards, they help to make those countries more self-reliant. They provide a pool of unmatched technical expertise. And they provide a useful vehicle for encouraging other industrialized countries to take a larger responsibility for the future of the developing world, which in turn enables us to reduce our direct assistance.

The American economy also benefits from our support of international development. Developing countries today provide one-third of our raw material imports, and we will increasingly rely upon them in the future for essential materials. These developing countries are also good customers, buying more from us than we do from them.

#### NEW PROPOSALS FOR MULTILATERAL ASSISTANCE

Because multilateral lending institutions make such a substantial contribution to world peace, it must be a matter of concern for the United States that the International Development Association will be out of funds by June 30, 1974, if its resources are not replenished.

The developing world now looks to the replenishment of IDA's resources as a key test of the willingness of industrialized, developed nations to cooperate in assuring the fuller participation of developing countries in the international economy. At the Nairobi meeting of the World Bank last month, it was agreed by 25 donor countries to submit for approval of their legislatures a proposal to authorize \$4.5 billion of new resources to IDA. Under this proposal, the share of the United States in the replenishment would drop from 40 percent to 33 percent. This represents a significant accomplishment in distributing responsibility for development more equitably. Other countries would put up \$3 billion, twice the proposed United States contribution of \$1.5 billion. Furthermore, to reduce annual appropriations requirements, our payments can be made in installments at the rate of \$375 million a year for 4 years, beginning in fiscal year 1976.

We have also been negotiating with other participating nations to increase funds for the long-term, low-interest operation of the Asian Development Bank. As a result of these negotiations, I am requesting the Congress to authorize \$50 million of additional contributions to the ADB by the United States—beyond a \$100 million contribution already approved. These new funds would be associated with additional contributions of about \$350 million from other nations.

#### MEETING OUR RESPONSIBILITIES

In addition to these proposals for pledging future funds, I would point out that the Congress also has before it appropriations requests for fiscal year 1974—a year that is already one-third completed—for bilateral and multilateral assistance to support our role in international cooperation. It is my profound conviction that it is in our own best interest that the Congress move quickly to enact these pending appropriations re-

quests. We are now behind schedule in providing our contributions to the International Development Association, the Inter-American Development Bank, and the Asian Development Bank, so that we are not keeping our part of the bargain. We must show other nations that the United States will continue to meet its international responsibilities.

All nations which enjoy advanced stages of industrial development have a grave responsibility to assist those countries whose major development lies ahead. By providing support for international economic assistance on an equitable basis, we are helping others to help themselves and at the same time building effective institutions for international cooperation in the critical years ahead. I urge the Congress to act promptly on these proposals.

RICHARD NIXON.

THE WHITE HOUSE, October 31, 1973.

#### APPOINTMENT OF CONFEREES ON H.R. 8916, STATE, JUSTICE, AND RELATED AGENCIES APPROPRIATIONS, 1974

Mr. ROONEY of New York. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 8916) making appropriations for the Departments of State, Justice, and Commerce, the judiciary, and related agencies for the fiscal year ending June 30, 1974, and for other purposes, with Senate amendments thereto, disagree to the Senate amendments, and agree to the conference asked by the Senate.

The SPEAKER. Is there objection to the request of the gentleman from New York? The Chair hears none and appoints the following conferees: Messrs. ROONEY of New York, SLACK, SMITH of Iowa, FLYNT, SIKES, MAHON, CEDERBERG, ANDREWS of North Dakota, and WYATT.

#### CALL OF THE HOUSE

Mr. DICKINSON. Mr. Speaker, I make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

Mr. O'NEILL. Mr. Speaker, I move a call of the House.

A call of the House was ordered.

The call was taken by electronic device, and the following Members failed to respond:

[Roll No. 555]

Ashley	Fraser	Nix
Blaggi	Glaimo	Passman
Blatnik	Gray	Pike
Breaux	Green, Oreg.	Podell
Brooks	Hammer-	Rallsback
Buchanan	schmidt	Roberts
Burke, Calif.	Hanna	Roncallo, N.Y.
Chappell	Howard	Runnels
Clark	Jarman	Ryan
Clausen.	Johnson, Colo.	Sandman
Don H.	Jones, Ala.	Steele
Clay	King	Teague, Tex.
Conyers	Kuykendall	Thompson, N.J.
Davis, Ga.	Kyros	Waldie
DeLums	Lujan	Wiggins
Diggs	Macdonald	Wylie
Esch	Mills, Ark.	
Ford	Mosher	
William D.	Murphy, N.Y.	

The SPEAKER. On this rollcall 382 Members have recorded their presence by electronic device, a quorum.

By unanimous consent, further proceedings under the call were dispensed with.

**PERMISSION FOR COMMITTEE ON INTERSTATE AND FOREIGN COMMERCE TO HAVE UNTIL MIDNIGHT SATURDAY, NOVEMBER 3, 1973, TO FILE REPORT ON H.R. 9142**

Mr. STAGGERS. Mr. Speaker, I ask unanimous consent that the Committee on Interstate and Foreign Commerce may have until midnight Saturday to file a report on the bill H.R. 9142.

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

There was no objection.

**APPOINTMENT OF CONFEREES ON S. 1570, EMERGENCY PETROLEUM ALLOCATION ACT OF 1973**

Mr. STAGGERS. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (S. 1570) to authorize the President of the United States to allocate crude oil and refined petroleum products to deal with existing or imminent shortages and dislocations in the national distribution system which jeopardize the public health, safety, or welfare; to provide for the delegation of authority to the Secretary of the Interior; and for other purposes, with House amendments thereto, insist on the House amendments, and agree to the conference asked by the Senate.

The SPEAKER. Is there objection to the request of the gentleman from West Virginia? The Chair hears none, and appoints the following conferees: Messrs. STAGGERS, MACDONALD, VAN DEERLIN, BROWN of Ohio, and COLLINS of Texas.

**PUBLIC HEALTH SERVICE ACT**

Mr. STAGGERS. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (S. 2410) to amend the Public Health Service Act to provide assistance and encouragement for the development of comprehensive area emergency medical services systems, with Senate amendments to the House amendment thereto, and concur in the Senate amendments.

The Clerk read the title of the Senate bill.

The Clerk read the Senate amendments to the House amendment, as follows:

Senate amendments: Page 7 of the House engrossed amendment, strike out lines 18, 19, and 20 and insert: "In the case of applications which demonstrate an exceptional need for financial assistance, 75 per centum of such costs."

And on page 16 of the House engrossed amendment, after line 16 insert:

"(5) The Secretary shall provide technical assistance, as appropriate, to eligible entities as necessary for the purpose of their preparing applications or otherwise qualifying for or carrying out grants for contracts under sections 1202, 1203, or 1204, with special consideration for applicants in rural areas."

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

Mr. GROSS. Mr. Speaker, I reserve the right to object.

Mr. STAGGERS. Mr. Speaker, if the gentleman will yield, the amendments consist of two in the House and two in the Senate, and the bill is substantially as passed in the House.

Mr. GROSS. Are the amendments germane? It does not seem to impress anyone very much any more whether they are germane or nongermane. We do not like nongermane Senate amendments.

Mr. STAGGERS. These are all germane, I can assure the gentleman from Iowa, and they are technical amendments which make the bill better.

Mr. GROSS. Mr. Speaker, I withdraw my reservation of objection.

Mr. STAGGERS. Mr. Speaker, in passing EMS legislation, both the House and the Senate started with legislation identical to that which the President vetoed, without the PHS hospitals. Each body made three small amendments on the floor, and in doing this created four even smaller differences between the House and Senate-passed bills. We discussed these differences with the Senate and agreed to a reasonable set of compromises. Their amendments yesterday incorporate these compromises and we now need to agree to them. This would clear it for the President's signature.

The differences and their resolutions are:

First. The Senate earmarked 17½ percent of the funds for rural areas, and the House earmarked 20 percent. The final version uses 20 percent.

Second. The House added a priority for research in EMS in rural areas which is not in the Senate bill. The final version keeps the House provision.

Third. The House permitted up to 75 percent assistance for expansion and improvement of EMS systems in rural areas, and the Senate did so in areas with exceptional need. The final version takes the Senate approach.

Fourth. The Senate-passed bill contained a provision authorizing HEW to give technical assistance to EMS systems. This provision is not included in the House bill but is contained in the final version.

None of these amendments adds any money to the bill, changes its basic intent or effectiveness, or can even be considered substantial. I urge that the House consent to their adoption.

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

There was no objection.

The Senate amendments to the House amendment were concurred in.

A motion to reconsider was laid on the table.

**PERMISSION TO FILE CONFERENCE REPORT ON S. 1081, GRANTING RIGHTS-OF-WAY ACROSS FEDERAL LANDS**

Mr. MELCHER. Mr. Speaker, I ask unanimous consent that the managers on the part of the House have until midnight tonight to file a conference report on S. 1081, granting rights-of-way across Federal lands.

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

There was no objection.

**CONFERENCE REPORT (H. REPT. No. 93-617)**

The committee of conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 1081) to authorize the Secretary of the Interior to grant rights-of-way across Federal lands where the use of such rights-of-way is in the public interest and the applicant for the right-of-way demonstrates the financial and technical capability to use the right-of-way in a manner which will protect the environment, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its disagreement to the amendment of the House and agree to the same with an amendment as follows:

In lieu of the matter proposed to be inserted by the House amendment insert the following:

**TITLE I**

**SECTION 101.** Section 28 of the Mineral Leasing Act of 1920 (41 Stat. 449), as amended (30 U.S.C. 185), is further amended to read as follows:

**"Grant of Authority**

"Sec. 28. (a) Rights-of-way through any Federal lands may be granted by the Secretary of the Interior or appropriate agency head for pipeline purposes for the transportation of oil, natural gas, synthetic liquid or gaseous fuels, or any refined product produced therefrom to any applicant possessing the qualifications provided in section 1 of this Act, as amended, in accordance with the provisions of this section.

**"Definitions**

"(b) (1) For the purposes of this section 'Federal lands' means all lands owned by the United States except lands in the National Park System, lands held in trust for an Indian or Indian tribe, and lands on the Outer Continental Shelf. A right-of-way through a Federal reservation shall not be granted if the Secretary or agency head determines that it would be inconsistent with the purposes of the reservation.

"(2) 'Secretary' means the Secretary of the Interior.

"(3) 'Agency head' means the head of any Federal department or independent Federal office or agency, other than the Secretary of the Interior, which has jurisdiction over Federal lands.

**"Inter-Agency Coordination**

"(c) (1) Where the surface of all of the Federal lands involved in a proposed right-of-way or permit is under the jurisdiction of one Federal agency, the agency head, rather than the Secretary, is authorized to grant or renew the right-of-way or permit for the purposes set forth in this section.

"(2) Where the surface of the Federal lands involved is administered by the Secretary or by two or more Federal agencies, the Secretary is authorized, after consultation with the agencies involved, to grant or renew rights-of-way or permits through the Federal lands involved. The Secretary may enter into interagency agreements with all other Federal agencies having jurisdiction over Federal lands for the purpose of avoiding duplication, assigning responsibility, expediting review of rights-of-way or permit applications, issuing joint regulations, and assuring a decision based upon a comprehensive review of all factors involved in any right-of-way or permit application. Each agency head shall administer and enforce the provisions of this section, appropriate regulations, and the terms and conditions of rights-of-way or permits insofar as they in-



volve Federal lands under the agency head's jurisdiction.

#### "Width Limitations

"(d) The width of a right-of-way shall not exceed fifty feet plus the ground occupied by the pipeline (that is, the pipe and its related facilities) unless the Secretary or agency head finds, and records the reasons for his finding, that in his judgment a wider right-of-way is necessary or operation and maintenance after construction, or to protect the environment or public safety. Related facilities include but are not limited to valves, pump stations, supporting structures, bridges, monitoring and communication devices, surge and storage tanks, terminals, roads, airstrips and campsites, and they need not necessarily be connected or contiguous to the pipe and may be the subjects of separate rights-of-way.

#### "Temporary Permits

"(e) A right-of-way may be supplemented by such temporary permits for the use of Federal lands in the vicinity of the pipeline as the Secretary or agency head finds are necessary in connection with construction, operation, maintenance, or termination of the pipeline, or to protect the natural environment or public safety.

#### "Regulatory Authority

"(f) Rights-of-way or permits granted or renewed pursuant to this section shall be subject to regulations promulgated in accord with the provisions of this section and shall be subject to such terms and conditions as the Secretary or agency head may prescribe regarding extent, duration, survey, location, construction, operation, maintenance, use, and termination.

#### "Pipeline Safety

"(g) The Secretary or agency head shall impose requirements for the operation of the pipeline and related facilities in a manner that will protect the safety of workers and protect the public from sudden ruptures and slow degradation of the pipeline.

#### "Environmental Protection

"(h) (1) Nothing in this section shall be construed to amend, repeal, modify, or change in any way the requirements of section 102(2) (C) or any other provision of the National Environmental Policy Act of 1969 (Public Law 91-190, 83 Stat. 852).

"(2) The Secretary or agency head, prior to granting a right-of-way or permit pursuant to this section for a new project which may have a significant impact on the environment, shall require the applicant to submit a plan of construction, operation, and rehabilitation for such right-of-way or permit which shall comply with this section. The Secretary or agency head shall issue regulations or impose stipulations which shall include, but shall not be limited to: (A) requirements for restoration, revegetation, and curtailment of erosion of the surface of the land; (B) requirements to insure that activities in connection with the right-of-way or permit will not violate applicable air and water quality standards nor related facility siting standards established by or pursuant to law; (C) requirements designed to control or prevent (i) damage to the environment (including damage to fish and wildlife habitat), (ii) damage to public or private property, and (iii) hazards to public health and safety; and (D) requirements to protect the interests of individuals living in the general area of the right-of-way or permit who rely on the fish, wildlife, and biotic resources of the area for subsistence purposes. Such regulations shall be applicable to every right-of-way or permit granted pursuant to this section, and may be made applicable by the Secretary or agency head to existing rights-of-way or permits, or rights-of-way or permits to be renewed pursuant to this section.

#### "Disclosure

"(1) If the applicant is a partnership, corporation, association, or other business entity, the Secretary or agency head shall require the applicant to disclose the identity of the participants in the entity. Such disclosure shall include where applicable (1) the name and address of each partner, (2) the name and address of each shareholder owning 3 per centum or more of the shares, together with the number and percentage of any class of voting shares of the entity which such shareholder is authorized to vote, and (3) the name and address of each affiliate of the entity together with, in the case of an affiliate controlled by the entity, the number of shares and the percentage of any class of voting stock of that affiliate owned, directly or indirectly, by that entity, and, in the case of an affiliate which controls that entity, the number of shares and the percentage of any class of voting stock of that entity owned, directly or indirectly, by the affiliate.

#### "Technical and Financial Capability

"(j) The Secretary or agency head shall grant or renew a right-of-way or permit under this section only when he is satisfied that the applicant has the technical and financial capability to construct, operate, maintain, and terminate the project for which the right-of-way or permit is requested in accordance with the requirements of this section.

#### "Public Hearings

"(k) The Secretary or agency head by regulation shall establish procedures, including public hearings, where appropriate, to give Federal, State, and local government agencies and the public adequate notice and an opportunity to comment upon right-of-way applications filed after the date of enactment of this subsection.

#### "Reimbursement of Costs

"(l) The applicant for a right-of-way or permit shall reimburse the United States for administrative and other costs incurred in processing the application, and the holder of a right-of-way or permit shall reimburse the United States for the costs incurred in monitoring the construction, operation, maintenance, and termination of any pipeline and related facilities on such right-of-way or permit area and shall pay annually in advance the fair market rental value of the right-of-way or permit, as determined by the Secretary or agency head.

#### "Bonding

"(m) Where he deems it appropriate the Secretary or agency head may require a holder of a right-of-way or permit to furnish a bond, or other security, satisfactory to the Secretary or agency head to secure all or any of the obligations imposed by the terms and conditions of the right-of-way or permit or by any rule or regulation of the Secretary or agency head.

#### "Duration of grant

"(n) Each right-of-way or permit granted or renewed pursuant to this section shall be limited to a reasonable term in light of all circumstances concerning the project, but in no event more than thirty years. In determining the duration of a right-of-way the Secretary or agency head shall, among other things, take into consideration the cost of the facility, its useful life, and any public purpose it serves. The Secretary or agency head shall renew any right-of-way, in accordance with the provisions of this section, so long as the project is in commercial operation and is operated and maintained in accordance with all of the provisions of this section.

#### "Suspension or Termination of Right-of-Way

"(o) (1) Abandonment of a right-of-way or noncompliance with any provision of this section may be grounds for suspension or termination of the right-of-way if (A) after due notice to the holder of the right-of-way, (B)

a reasonable opportunity to comply with this section, and (C) an appropriate administrative proceeding pursuant to title 5, United States Code, section 554, the Secretary or agency head determines that any such ground exists and that suspension or termination is justified. No administrative proceeding shall be required where the right-of-way by its terms provides that it terminates on the occurrence of a fixed or agreed upon condition, event, or time.

"(2) If the Secretary or agency head determines that an immediate temporary suspension of activities within a right-of-way or permit area is necessary to protect public health or safety or the environment, he may abate such activities prior to an administrative proceeding.

"(3) Deliberate failure of the holder to use the right-of-way for the purpose for which it was granted or renewed for any continuous two-year period shall constitute a rebuttable presumption of abandonment of the right-of-way: *Provided*, That where the failure to use the right-of-way is due to circumstances not within the holder's control the Secretary or agency head is not required to commence proceedings to suspend or terminate the right-of-way.

#### "Joint Use of Rights-of-Way

"(p) In order to minimize adverse environmental impacts and the proliferation of separate rights-of-way across Federal land the utilization of rights-of-way in common shall be required to the extent practical, and each right-of-way or permit shall reserve to the Secretary or agency head the right to grant additional rights-of-way or permits for compatible uses on or adjacent to rights-of-way or permit area granted pursuant to this section.

#### "Statutes

"(q) No rights-of-way for the purposes provided for in this section shall be granted or renewed across Federal lands except under and subject to the provisions, limitations, and conditions of this section. Any application for a right-of-way filed under any other law prior to the effective date of this provision may, at the applicant's option, be considered as an application under this section. The Secretary or agency head may require the applicant to submit any additional information he deems necessary to comply with the requirements of this section.

#### "Common Carriers

"(r) (1) Pipelines and related facilities authorized under this section shall be constructed, operated, and maintained as common carriers.

"(2) (A) The owners or operators of pipelines subject to this section shall accept, convey, transport, or purchase without discrimination all oil or gas delivered to the pipeline without regard to whether such oil or gas was produced on Federal or non-Federal lands.

"(B) In the case of oil or gas produced from Federal lands or from the resources on the Federal lands in the vicinity of the pipeline, the Secretary may, after a full hearing with due notice thereof to the interested parties and a proper finding of facts, determine the proportionate amounts to be accepted, conveyed, transported or purchased.

"(3) (A) The common carrier provisions of this section shall not apply to any natural gas pipeline operated by any person subject to regulation under the Natural Gas Act or by any public utility subject to regulation by a State or municipal regulatory agency having jurisdiction to regulate the rates and charges for the sale of natural gas to consumers within the State or municipality.

"(B) Where natural gas not subject to State regulatory or conservation laws governing its purchase by pipelines is offered for sale, each such pipeline shall purchase, without discrimination, any such natural gas produced in the vicinity of the pipeline.

"(4) The Government shall in express terms reserve and shall provide in every lease of oil lands under this Act that the lessee, assignee, or beneficiary, if owner or operator of a controlling interest in any pipeline or of any company operating the pipeline which may be operated accessible to the oil derived from lands under such lease, shall at reasonable rates and without discrimination accept and convey the oil of the Government or of any citizen or company not the owner of any pipeline operating a lease or purchasing gas or oil under the provisions of this Act.

"(5) Whenever the Secretary has reason to believe that any owner or operator subject to this section is not operating any oil or gas pipeline in complete accord with its obligations as a common carrier hereunder, he may request the Attorney General to prosecute an appropriate proceeding before the Interstate Commerce Commission or Federal Power Commission or any appropriate State agency or the United States district court for the district in which the pipeline or any part thereof is located, to enforce such obligation or to impose any penalty provided therefor, or the Secretary may, by proceeding as provided in this section, suspend or terminate the said grant of right-of-way for noncompliance with the provisions of this section.

"(6) The Secretary or agency head shall require, prior to granting or renewing a right-of-way, that the applicant submit and disclose all plans, contracts, agreements, or other information or material which he deems necessary to determine whether a right-of-way shall be granted or renewed and the terms and conditions which should be included in the right-of-way. Such information may include, but is not limited to: (A) conditions for, and agreements among owners or operators, regarding the addition of pumping facilities, looping, or otherwise increasing the pipeline or terminal's throughput capacity in response to actual or anticipated increases in demand; (B) conditions for adding or abandoning intake, offtake, or storage points or facilities; and (C) minimum shipment or purchase tenders.

#### "Right-of-Way Corridors

"(s) In order to minimize adverse environmental impacts and to prevent the proliferation of separate rights-of-way across Federal lands, the Secretary shall, in consultation with other Federal and State agencies, review the need for a national system of transportation and utility corridors across Federal lands and submit a report of his findings and recommendations to the Congress and the President by July 1, 1975.

#### "Existing Rights-of-Way

"(t) The Secretary or agency head may ratify and confirm any right-of-way or permit for an oil or gas pipeline or related facility that was granted under any provision of law before the effective date of this subsection, if it is modified by mutual agreement to comply to the extent practical with the provisions of this section. Any action taken by the Secretary or agency head pursuant to this subsection shall not be considered a major Federal action requiring a detailed statement pursuant to section 102(2)(C) of the National Environmental Policy Act of 1970 (Public Law 90-190; 42 U.S.C. 4321).

#### "Limitations on Export

"(u) Any domestically produced crude oil transported by pipeline over rights-of-way granted pursuant to section 28 of the Mineral Leasing Act of 1920, except such crude oil which is either exchanged in similar quantity for convenience or increased efficiency of transportation with persons or the government of an adjacent foreign state, or which is temporarily exported for convenience or increased efficiency of transportation across

parts of an adjacent foreign state and re-enters the United States, shall be subject to all of the limitations and licensing requirements of the Export Administration Act of 1969 (Act of December 30, 1969; 83 Stat. 841) and, in addition, before any crude oil subject to this section may be exported under the limitations and licensing requirements and penalty and enforcement provisions of the Export Administration Act of 1969 the President must make and publish an express finding that such exports will not diminish the total quantity or quality of petroleum available to the United States, and are in the national interest and are in accord with the provisions of the Export Administration Act of 1969: *Provided*, That the President shall submit reports to the Congress containing findings made under this section, and after the date of receipt of such report Congress shall have a period of sixty calendar days, thirty days of which Congress must have been in session, to consider whether exports under the terms of this section are in the national interest. If the Congress within this time period passes a concurrent resolution of disapproval stating disagreement with the President's finding concerning the national interest, further exports made pursuant to the aforementioned Presidential findings shall cease.

#### "State Standards

"(v) The Secretary or agency head shall take into consideration and to the extent practical comply with State standards for right-of-way construction, operation, and maintenance.

#### "Reports

"(w) (1) The Secretary and other appropriate agency heads shall report to the House and Senate Committees on Interior and Insular Affairs annually on the administration of this section and on the safety and environmental requirements imposed pursuant thereto.

"(2) The Secretary or agency head shall notify the House and Senate Committees on Interior and Insular Affairs promptly upon receipt of an application for a right-of-way for a pipeline twenty-four inches or more in diameter, and no right-of-way for such a pipeline shall be granted until sixty days (not counting days on which the House of Representatives or the Senate has adjourned for more than three days) after a notice of intention to grant the right-of-way, together with the Secretary's or agency head's detailed findings as to terms and conditions he proposes to impose, has been submitted to such committees, unless each committee by resolution waives the waiting period.

"(3) Periodically, but at least once a year, the Secretary of the Department of Transportation shall cause the examination of all pipelines and associated facilities on Federal lands and shall cause the prompt reporting of any potential leaks or safety problems.

"(4) The Secretary of the Department of Transportation shall report annually to the President, the Congress, the Secretary of the Interior, and the Interstate Commerce Commission any potential dangers of or actual explosions, or potential or actual spillage on Federal lands and shall include in such report a statement of corrective action taken to prevent such explosion or spillage.

#### "Liability

"(x) (1) The Secretary or agency head shall promulgate regulations and may impose stipulations specifying the extent to which holders of rights-of-way and permits under this Act shall be liable to the United States for damage or injury incurred by the United States in connection with the right-of-way or permit. Where the right-of-way or permit involves lands which are under the exclusive jurisdiction of the Federal Government, the Secretary or agency head shall promulgate regulations specifying the extent to which

holders shall be liable to third parties for injuries incurred in connection with the right-of-way or permit.

"(2) The Secretary or agency head may, by regulation or stipulation, impose a standard of strict liability to govern activities taking place on a right-of-way or permit area which the Secretary or agency head determines, in his discretion, to present a foreseeable hazard or risk of danger to the United States.

"(3) Regulations and stipulations pursuant to this subsection shall not impose strict liability for damage or injury resulting from (A) an act of war, or (B) negligence of the United States.

"(4) Any regulation or stipulation imposing liability without fault shall include a maximum limitation on damages commensurate with the foreseeable risks or hazards presented. Any liability for damage or injury in excess of this amount shall be determined by ordinary rules of negligence.

"(5) The regulations and stipulations shall also specify the extent to which such holders shall indemnify or hold harmless the United States for liability, damage, or claims arising in connection with the right-of-way or permit.

"(6) Any regulation or stipulation promulgated or imposed pursuant to this section shall provide that all owners of any interest in, and all affiliates or subsidiaries of any holder of, a right-of-way or permit shall be liable to the United States in the event that a claim for damage or injury cannot be collected from the holder.

"(7) In any case where liability without fault is imposed pursuant to this subsection and the damages involved were caused by the negligence of a third party, the rules of subrogation shall apply in accordance with the law of the jurisdiction where the damage occurred.

#### "Antitrust Laws

"(y) The grant of a right-of-way or permit pursuant to this section shall grant no immunity from the operation of the Federal antitrust laws."

### TITLE II

#### SHORT TITLE

SEC. 201. This title may be cited as the "Trans-Alaska Pipeline Authorization Act."

#### CONGRESSIONAL FINDINGS

SEC. 202. The Congress finds and declares that:

(a) The early development and delivery of oil and gas from Alaska's North Slope to domestic markets is in the national interest because of growing domestic shortages and increasing dependence upon insecure foreign sources.

(b) The Department of the Interior and other Federal agencies have, over a long period of time, conducted extensive studies of the technical aspects and of the environmental, social and economic impacts of the proposed trans-Alaska oil pipeline, including consideration of a trans-Canada pipeline.

(c) The earliest possible construction of a trans-Alaska oil pipeline from the North Slope of Alaska to Port Valdez in that State will make the extensive proven and potential reserves of low-sulfur oil available for domestic use and will best serve the national interest.

(d) A supplemental pipeline to connect the North Slope with a trans-Canada pipeline may be needed later and it should be studied now, but it should not be regarded as an alternative for a trans-Alaska pipeline that does not traverse a foreign country.

#### CONGRESSIONAL AUTHORIZATION

SEC. 203. (a) The purpose of this title is to insure that, because of the extensive governmental studies already made of this project and the national interest in early delivery of North Slope oil to domestic markets, the trans-Alaska oil pipeline be constructed promptly without further administrative or



judicial delay or impediment. To accomplish this purpose it is the intent of the Congress to exercise its constitutional powers to the fullest extent in the authorizations and directions herein made and in limiting judicial review of the actions taken pursuant thereto.

(b) The Congress hereby authorizes and directs the Secretary of the Interior and other appropriate Federal officers and agencies to issue and take all necessary action to administer and enforce rights-of-way, permits, leases, and other authorizations that are necessary for or related to the construction, operation and maintenance of the trans-Alaska oil pipeline system, including roads and airstrips, as that system is generally described in the Final Environmental Impact Statement issued by the Department of the Interior on March 20, 1972. The route of the pipeline may be modified by the Secretary to provide during construction greater environmental protection.

(c) Rights-of-way, permits, leases, and other authorizations issued pursuant to this title by the Secretary shall be subject to the provisions of section 28 of the Mineral Leasing Act of 1920, as amended by title I of this Act (except the provisions of subsections (h) (1), (k), (q), (w) (2), and (x)); all authorizations issued by the Secretary and other Federal officers and agencies pursuant to this title shall include the terms and conditions required, and may include the terms and conditions permitted, by the provisions of law that would otherwise be applicable if this title had not been enacted, and they may waive any procedural requirements of law or regulation which they deem desirable to waive in order to accomplish the purposes of this title. The direction contained in section 203(b) shall supersede the provisions of any law or regulation relating to an administrative determination as to whether the authorizations for construction of the trans-Alaska oil pipeline shall be issued.

(d) The actions taken pursuant to this title which relate to the construction and completion of the pipeline system, and to the applications filed in connection therewith necessary to the pipeline's operation at full capacity, as described in the Final Environmental Impact Statement of the Department of the Interior, shall be taken without further action under the National Environmental Policy Act of 1969; and the actions of the Federal officers concerning the issuance of the necessary rights-of-way, permits, leases, and other authorizations for construction and initial operation at full capacity of said pipeline system shall not be subject to judicial review under any law except that claims alleging the invalidity of this section may be brought within sixty days following its enactment, and claims alleging that an action will deny rights under the Constitution of the United States, or that the action is beyond the scope of authority conferred by this title, may be brought within sixty days following the date of such action. A claim shall be barred unless a complaint is filed within the time specified. Any such complaint shall be filed in a United States district court, and such court shall have exclusive jurisdiction to determine such proceeding in accordance with the procedures hereinafter provided, and no other court of the United States, of any State, territory, or possession of the United States, or of the District of Columbia, shall have jurisdiction of any such claim whether in a proceeding instituted prior to or on or after the date of the enactment of this Act. Any such proceeding shall be assigned for hearing at the earliest possible date, shall take precedence over all other matters pending on the docket of the district court at that time, and shall be expedited in every way by such court. Such court shall not have jurisdiction to grant any injunctive relief against the issuance of any right-of-way, permit, lease, or

other authorization pursuant to this section except in conjunction with a final judgment entered in a case involving a claim filed pursuant to this section. Any review of an interlocutory or final judgment, decree, order of such district court may be had only upon direct appeal to the Supreme Court of the United States.

(e) The Secretary of the Interior and the other Federal officers and agencies are authorized at any time when necessary to protect the public interest, pursuant to the authority of this section and in accordance with its provisions, to amend or modify any right-of-way, permit, lease, or other authorization issued under this title.

#### LIABILITY

SEC. 204. (a) (1) Except when the holder of the pipeline right-of-way granted pursuant to this title can prove that damages in connection with or resulting from activities along or in the vicinity of the proposed trans-Alaska pipeline right-of-way were caused by an act of war or negligence of the United States, other government entity, or the damaged party, such holder shall be strictly liable to all damaged parties, public or private, without regard to fault for such damages, and without regard to ownership of any affected lands, structures, fish, wildlife, or biotic or other natural resources relied upon by Alaska Natives, Native organizations, or others for subsistence or economic purposes. Claims for such injury or damages may be determined by arbitration or judicial proceedings.

(2) Liability under paragraph (1) of this subsection shall be limited to \$50,000,000 for any one incident, and the holders of the right-of-way or permit shall be liable for any claim allowed in proportion to their ownership interest in the right-of-way or permit. Liability of such holders for damages in excess of \$50,000,000 shall be in accord with ordinary rules of negligence.

(3) In any case where liability without fault is imposed pursuant to this subsection and the damages involved were caused by the negligence of a third party, the rules of subrogation shall apply in accordance with the law of the jurisdiction where the damage occurred.

(4) Upon order of the Secretary, the holder of a right-of-way or permit shall provide emergency subsistence and other aid to an affected Alaskan Native, Native organization, or other person pending expeditious filing of, and determination of, a claim under this subsection.

(5) Where the State of Alaska is the holder of a right-of-way or permit under this title, the State shall not be subject to the provisions of subsection 204(a), but the holder of the permit or right-of-way for the trans-Alaska pipeline shall be subject to that subsection with respect to facilities constructed or activities conducted under rights-of-way or permits issued to the State to the extent that such holder engages in the construction, operation, maintenance, and termination of facilities, or in other activities under rights-of-way or permits issued to the State.

(b) If any area within or without the right-of-way or permit area granted under this title is polluted by any activities conducted by or on behalf of the holder to whom such right-of-way or permit was granted, and such pollution damages or threatens to damage aquatic life, wildlife, or public or private property, the control and total removal of the pollutant shall be at the expense of such holder, including any administrative and other costs incurred by the Secretary or any other Federal officer or agency. Upon failure of such holder to adequately control and remove such pollutant, the Secretary, in cooperation with other Federal, State, or local agencies, or in cooperation with such holder, or both, shall have the right to accomplish

the control and removal at the expense of such holder.

(c) (1) Notwithstanding the provisions of any other law, if oil that has been transported through the trans-Alaska pipeline is loaded on a vessel at the terminal facilities of the pipeline, the owner and operator of the vessel (jointly and severally) and the Trans-Alaska Pipeline Liability Fund established by this subsection, shall be strictly liable without regard to fault in accordance with the provisions of this subsection for all damages, including clean-up costs, sustained by any person or entity, public or private, including residents of Canada, as the result of discharges of oil from such vessel.

(2) Strict liability shall not be imposed under this subsection if the owner or operator of the vessel, or the Fund, can prove that the damages were caused by an act of war or by the negligence of the United States or other governmental agency. Strict liability shall not be imposed under this subsection with respect to the claim of a damaged party if the owner or operator of the vessel, or the Fund, can prove that the damage was caused by the negligence of such party.

(3) Strict liability for all claims arising out of any one incident shall not exceed \$100,000,000. The owner and operator of the vessel shall be jointly and severally liable for the first \$14,000,000 of such claims that are allowed. Financial responsibility for \$14,000,000 shall be demonstrated in accordance with the provisions of section 311(p) of the Federal Water Pollution Control Act, as amended (33 U.S.C. 1321(p)) before the oil is loaded. The Fund shall be liable for the balance of the claims that are allowed up to \$100,000,000. If the total claims allowed exceed \$100,000,000, they shall be reduced proportionately. The unpaid portion of any claim may be asserted and adjudicated under other applicable Federal or state law.

(4) The Trans-Alaska Pipeline Liability Fund is hereby established as a non-profit corporate entity that may sue and be sued in its own name. The Fund shall be administered by the holders of the trans-Alaska pipeline right-of-way under regulations prescribed by the Secretary. The Fund shall be subject to an annual audit by the Comptroller General, and a copy of the audit shall be submitted to the Congress.

(5) The operator of the pipeline shall collect from the owner of the oil at the time it is loaded on the vessel a fee of five cents per barrel. The collection shall cease when \$100,000,000 has been accumulated in the Fund, and it shall be resumed when the accumulation in the Fund falls below \$100,000,000.

(6) The collections under paragraph (5) shall be delivered to the Fund. Costs of administration shall be paid from the money paid to the Fund, and all sums not needed for administration and the satisfaction of claims shall be invested prudently in income-producing securities approved by the Secretary. Income from such securities shall be added to the principal of the Fund.

(7) The provisions of this subsection shall apply only to vessels engaged in transportation between the terminal facilities of the pipeline and ports under the jurisdiction of the United States. Strict liability under this subsection shall cease when the oil has first been brought ashore at a port under the jurisdiction of the United States.

(8) In any case where liability without regard to fault is imposed pursuant to this subsection and the damages involved were caused by the unseaworthiness of the vessel or by negligence, the owner and operator of the vessel, and the Fund, as the case may be, shall be subrogated under applicable State and Federal laws to the rights under said laws of any person entitled to recovery hereunder. If any subrogee brings an action based on unseaworthiness of the vessel or negligence of its owner or operator, it may recover from any affiliate of the owner or operator, if

the respective owner or operator fails to satisfy any claim by the subrogee allowed under this paragraph.

(9) This subsection shall not be interpreted to preempt the field of strict liability or to preclude any State from imposing additional requirements.

(10) If the Fund is unable to satisfy a claim asserted and finally determined under this subsection, the Fund may borrow the money needed to satisfy the claim from any commercial credit source, at the lowest available rate of interest, subject to approval of the Secretary.

(11) For purposes of this subsection only, the term "affiliate" includes—

(A) Any person owned or effectively controlled by the vessel owner or operator; or

(B) Any person that effectively controls or has the power effectively to control the vessel owner or operator by—

(i) stock interest, or

(ii) representation on a board of directors or similar body, or

(iii) contract or other agreement with other stockholders, or

(iv) otherwise; or

(C) Any person which is under common ownership or control with the vessel owner or operator.

(12) The term "person" means an individual, a corporation, a partnership, an association, a joint-stock company, a business trust, or an unincorporated organization.

#### ANTITRUST LAWS

SEC. 205. The grant of a right-of-way, permit, lease, or other authorization pursuant to this title shall grant no immunity from the operation of the Federal anti-trust laws.

#### ROADS AND AIRPORTS

SEC. 206. A right-of-way, permit, lease, or other authorization granted under section 203(b) for a road or airstrip as a related facility of the trans-Alaska pipeline may provide for the construction of a public road or airstrip.

#### TITLE III—NEGOTIATIONS WITH CANADA

SEC. 301. The President of the United States is authorized and requested to enter into negotiations with the Government of Canada to determine—

(a) the willingness of the Government of Canada to permit the construction of pipelines or other transportation systems across Canadian territory for the transport of natural gas and oil from Alaska's North Slope to markets in the United States, including the use of tankers by way of the Northwest Passage;

(b) the need for intergovernmental understandings, agreements, or treaties to protect the interests of the Governments of Canada and the United States and any party or parties involved with the construction, operation, and maintenance of pipelines or other transportation systems for the transport of such natural gas or oil;

(c) the terms and conditions under which pipelines or other transportation systems could be constructed across Canadian territory;

(d) the desirability of undertaking joint studies and investigations designed to insure protection of the environment, reduce legal and regulatory uncertainty, and insure that the respective energy requirements of the people of Canada and of the United States are adequately met;

(e) the quantity of such oil and natural gas from the North Slope of Alaska for which the Government of Canada would guarantee transit; and

(f) the feasibility, consistent with the needs of other sections of the United States, of acquiring additional energy from other sources that would make unnecessary the shipment of oil from the Alaskan pipeline by tanker into the Puget Sound area. The President shall report to the House and

Senate Committees on Interior and Insular Affairs the actions taken, the progress achieved, the areas of disagreement, and the matters about which more information is needed, together with his recommendations for further action.

SEC. 302. (a) The Secretary of the Interior is authorized and directed to investigate the feasibility of one or more oil or gas pipelines from the North Slope of Alaska to connect with a pipeline through Canada that will deliver oil or gas to United States markets.

(b) All costs associated with making the investigations authorized by subsection (a) shall be charged to any future applicant who is granted a right-of-way for one of the routes studied. The Secretary shall submit to the House and Senate Committees on Interior and Insular Affairs periodic reports of his investigation, and the final report of the Secretary shall be submitted within two years from the date of this Act.

SEC. 303. Nothing in this title shall limit the authority of the Secretary of the Interior or any other Federal official to grant a gas or oil pipeline right-of-way or permit which he is otherwise authorized by law to grant.

#### TITLE IV—MISCELLANEOUS

##### VESSEL CONSTRUCTION STANDARDS

SEC. 401. Section 4417a of the Revised Statutes of the United States (46 U.S.C. 391a), as amended by the Ports and Waterways Safety Act of 1972 (86 Stat. 424, Public Law 92-340), is hereby amended as follows:

"(C) Rules and regulations published pursuant to subsection (7) (A) shall be effective not earlier than January 1, 1974, with respect to foreign vessels and United States-flag vessels operating in the foreign trade, unless the Secretary shall earlier establish rules and regulations consonant with international treaty, convention, or agreement, which generally address the regulation of similar topics for the protection of the marine environment. In absence of the promulgation of such rules and regulations consonant with international treaty, convention, or agreement, the Secretary shall establish an effective date not later than January 1, 1976, with respect to foreign vessels and United States-flag vessels operating in the foreign trade, for rules and regulations previously published pursuant to this subsection (7) which he then deems appropriate. Rules and regulations published pursuant to subsection (7) (A) shall be effective not later than June 30, 1974, with respect to United States-flag vessels engaged in the coastwise trade."

##### VESSEL TRAFFIC CONTROL

SEC. 402. The Secretary of the Department in which the Coast Guard is operating is hereby directed to establish a vessel traffic control system for Prince William Sound and Valdez, Alaska, pursuant to authority contained in title I of the Ports and Waterways Safety Act of 1972 (86 Stat. 424, Public Law 92-340).

##### CIVIL RIGHTS

SEC. 403. The Secretary of the Interior shall take such affirmative action as he deems necessary to assure that no person shall, on the grounds of race, creed, color, national origin, or sex, be excluded from receiving, or participating in any activity conducted under, any permit, right-of-way, public land order, or other Federal authorization granted or issued under title II. The Secretary of the Interior shall promulgate such rules as he deems necessary to carry out the purposes of this subsection and may enforce this subsection, and any rules promulgated under this subsection, through agency and department provisions and rules which shall be similar to those established and in effect under title VI of the Civil Rights Act of 1964.

#### CONFIRMATION OF THE DIRECTOR OF THE ENERGY POLICY OFFICE

SEC. 404. The Director of the Energy Policy Office in the Executive Office of the President shall be appointed by the President, by and with the advice and consent of the Senate: *Provided*, That if any individual who is serving in this office on the date of enactment of this Act is nominated for such position, he may continue to act unless and until such nomination shall be disapproved by the Senate.

#### CONFIRMATION OF THE HEAD OF THE MINING ENFORCEMENT AND SAFETY ADMINISTRATION

SEC. 405. The head of the Mining Enforcement and Safety Administration established pursuant to Order Numbered 2953 of the Secretary of the Interior issued in accordance with the authority provided by section 2 of Reorganization Plan Numbered 3 of 1950 (64 Stat. 1262) shall be appointed by the President, by and with the advice and consent of the Senate: *Provided*, That if any individual who is serving in this office on the date of enactment of this Act is nominated for such position, he may continue to act unless and until such nomination shall be disapproved by the Senate.

#### EXEMPTION OF FIRST SALE OF CRUDE OIL AND NATURAL GAS OF CERTAIN LEASES FROM PRICE RESTRAINTS AND ALLOCATION PROGRAMS

SEC. 406. (a) The first sale of crude oil and natural gas liquids produced from any lease whose average daily production of such substances for the preceding calendar month does not exceed ten barrels per well shall not be subject to price restraints established pursuant to the Economic Stabilization Act of 1970, as amended, or to any allocation program for fuels or petroleum established pursuant to that Act or to any Federal law for the allocation of fuels or petroleum.

(b) To qualify for the exemption under this section, a lease must be operating at the maximum feasible rate of production and in accord with recognized conservation practices.

(c) The agency designated by the President or by law to implement any such fuels or petroleum allocation program is authorized to conduct inspections to insure compliance with this section and shall promulgate and cause to be published regulations implementing the provisions of this section.

#### ADVANCE PAYMENTS TO ALASKA NATIVES

SEC. 407. (a) In view of the delay in construction of a pipeline to transport North Slope crude oil, the sum of \$5,000,000 is authorized to be appropriated from the United States Treasury into the Alaska Native Fund every six months of each fiscal year beginning with the fiscal year ending June 30, 1976, as advance payments chargeable against the revenues to be paid under section 9 of the Alaska Native Claims Settlement Act, until such time as the delivery of North Slope crude oil to a pipeline is commenced.

(b) Section 9 of the Alaskan Native Claims Settlement Act is amended by striking the language in subsection (g) thereof and substituting the following language: "The payments required by this section shall continue only until a sum of \$500,000,000 has been paid into the Alaska Native Fund less the total of advance payments paid into the Alaska Native Fund pursuant to section 407 of the Trans-Alaska Pipeline Authorization Act. Thereafter, payments which would otherwise go into the Alaska Native Fund will be made to the United States Treasury as reimbursement for the advance payments authorized by section 407 of the Trans-Alaskan Pipeline Authorization Act. The provisions of this section shall no longer apply, and the reservation required in patents under this section shall be of no further force and effect, after a total sum of \$500,000,000 has been paid to the Alaska Native Fund and to the United States Treasury pursuant to this subsection."



## FEDERAL TRADE COMMISSION AUTHORITY

SEC. 408. (a) (1) The Congress hereby finds that the investigative and law enforcement responsibilities of the Federal Trade Commission have been restricted and hampered because of inadequate legal authority to enforce subpoenas and to seek preliminary injunctive relief to avoid unfair competitive practices.

(2) The Congress further finds that as a direct result of this inadequate legal authority significant delays have occurred in a major investigation into the legality of the structure, conduct, and activities of the petroleum industry, as well as in other major investigations designed to protect the public interest.

(b) It is the purpose of this Act to grant the Federal Trade Commission the requisite authority to insure prompt enforcement of the laws the Commission administers by granting statutory authority to directly enforce subpoenas issued by the Commission and to seek preliminary injunctive relief to avoid unfair competitive practices.

(c) Section 5(1) of the Federal Trade Commission Act (15 U.S.C. 45(1)) is amended by striking subsection (1) and inserting in lieu thereof:

"(1) Any person, partnership, or corporation who violates an order of the Commission after it has become final, and while such order is in effect, shall forfeit and pay to the United States a civil penalty of not more than \$10,000 for each violation, which shall accrue to the United States and may be recovered in a civil action brought by the Attorney General of the United States. Each separate violation of such an order shall be a separate offense, except that in the case of a violation through continuing failure to obey or neglect to obey a final order of the Commission, each day of continuance of such failure or neglect shall be deemed a separate offense. In such actions, the United States district courts are empowered to grant mandatory injunctions and such other and further equitable relief as they deem appropriate in the enforcement of such final orders of the Commission."

(d) Section 5 of the Federal Trade Commission Act (15 U.S.C. 45) is amended by adding at the end thereof the following new subsection:

"(m) The Commission shall have the power to initiate, prosecute, defend, or appeal any court action in the name of the Commission for the purpose of enforcing the laws subject to its jurisdiction through its own legal representative, after formally notifying and consulting with and giving the Attorney General 10 days to take the action proposed by the Commission."

(e) Section 6 of the Federal Trade Commission Act (15 U.S.C. 46), is amended by adding at the end thereof the following proviso: "Provided, That the exception of 'banks and common carriers subject to the Act to regulate commerce' from the Commission's powers defined in clauses (a) and (b) of this section, shall not be construed to limit the Commission's authority to gather and compile information, to investigate, or to require reports or answers from, any such corporation to the extent that such action is necessary to the investigation of any corporation, group of corporations, or industry which is not engaged or is engaged only incidentally in banking or in business as a common carrier subject to the Act to regulate commerce."

(f) Section 13 of the Federal Trade Commission Act (15 U.S.C. 53) is amended by redesignating "(b)" as "(c)" and inserting the following new subsection:

"(b) Whenever the Commission has reason to believe—

"(1) that any person, partnership, or corporation is violating, or is about to violate, any provision of law enforced by the Federal Trade Commission, and

"(2) that the enjoining thereof pending the issuance of a complaint by the Commission and until such complaint is dismissed by the Commission or set aside by the court on review, or until the order of the Commission made thereon has become final, would be in the interest of the public—the Commission by any of its attorneys designated by it for such purpose may bring suit in a district court of the United States to enjoin any such act or practice. Upon a proper showing that, weighing the equities and considering the Commission's likelihood of ultimate success, such action would be in the public interest, and after notice to the defendant, a temporary restraining order or a preliminary injunction may be granted without bond: *Provided, however,* That if a complaint is not filed within such period (not exceeding 20 days) as may be specified by the court after issuance of the temporary restraining order or preliminary injunction, the order or injunction shall be dissolved by the court and be of no further force and effect: *Provided further,* That in proper cases the Commission may seek, and after proper proof, the court may issue, a permanent injunction. Any such suit shall be brought in the district in which such person, partnership, or corporation resides or transacts business."

(g) Section 16 of the Federal Trade Commission Act (15 U.S.C. 56) is amended to read as follows:

"Sec. 16. Whenever the Federal Trade Commission has reason to believe that any person, partnership, or corporation is liable to a penalty under section 14 or under subsection (1) of section 5 of this Act, it shall—

"(a) certify the facts to the Attorney General, whose duty it shall be to cause appropriate proceedings to be brought for the enforcement of the provisions of such section or subsection; or

"(b) after compliance with the requirements with Section 5(m), itself cause such appropriate proceedings to be brought."

## GENERAL ACCOUNTING OFFICE AUTHORITY

SEC. 409. (a) Section 3502 of title 44, United States Code is amended by inserting in the first paragraph defining "Federal agency" after the words "the General Accounting Office" and before the words "nor the governments" the words "independent Federal regulatory agencies."

(b) Chapter 35 of title 44, United States Code, is amended by adding after section 3511 the following new section:

"§ 3512. Information for independent regulatory agencies

"(a) The Comptroller General of the United States shall review the collection of information required by independent Federal regulatory agencies described in section 3502 of this chapter to assure that information required by such agencies is obtained with a minimum burden upon business enterprises, especially small business enterprises, and other persons required to furnish the information. Unnecessary duplication of efforts in obtaining information already filed with other Federal agencies or departments through the use of reports, questionnaires, and other methods shall be eliminated as rapidly as practicable. Information collected and tabulated by an independent regulatory agency shall, as far as is expedient, be tabulated in a manner to maximize the usefulness of the information to other Federal agencies and the public.

"(b) In carrying out the policy of this section, the Comptroller General shall review all existing information gathering practices of independent regulatory agencies as well as requests for additional information with a view toward—

"(1) avoiding duplication of effort by independent regulatory agencies, and

"(2) minimizing the compliance burden on business enterprises and other persons.

"(c) In complying with this section, an

independent regulatory agency shall not conduct or sponsor the collection of information upon an identical item from ten or more persons, other than Federal employees, unless, in advance of adoption or revision of any plans or forms to be used in the collection—

"(1) the agency submitted to the Comptroller General the plans or forms, together with the copies of pertinent regulations and of other related materials as the Comptroller General has specified; and

"(2) the Comptroller General has advised that the information is not presently available to the independent agency from another source within the Federal Government and has determined that the proposed plans or forms are consistent with the provision of this section. The Comptroller General shall maintain facilities for carrying out the purposes of this section and shall render such advice to the requestive independent regulatory agency within forty-five days.

"(d) While the Comptroller General shall determine the availability from other Federal sources of the information sought and the appropriateness of the forms for the collection of such information, the independent regulatory agency shall make the final determination as to the necessity of the information in carrying out its statutory responsibilities and whether to collect such information. If no advice is received from the Comptroller General within forty-five days, the independent regulatory agency may immediately proceed to obtain such information.

"(e) Section 3508(a) of this chapter dealing with unlawful disclosure of information shall apply to the use of information by independent regulatory agencies.

"(f) The Comptroller General may promulgate rules and regulations necessary to carry out this chapter."

## EQUITABLE ALLOCATION OF NORTH SLOPE CRUDE OIL

SEC. 410. The Congress declares that the crude oil on the North Slope of Alaska is an important part of the Nation's oil resources, and that the benefits of such crude oil should be equitably shared, directly or indirectly, by all regions of the country. The President shall use any authority he may have to insure an equitable allocation of available North Slope and other crude oil resources and petroleum products among all regions and all of the several States.

## SEPARABILITY

SEC. 411. If any provision of this Act or the applicability thereof is held invalid the remainder of this Act shall not be affected thereby.

And the House agree to the same.

That the Senate recede from its disagreement to the amendment of the House to the title of the bill and agree to the same with an amendment as follows:

In lieu of the matter proposed to be inserted by the amendment of the House to the title of the bill insert the following:

"To amend section 28 of the Mineral Leasing Act of 1920, and to authorize a trans-Alaska oil pipeline, and for other purposes".

And the House agree to the same.

JAMES A. HALEY,  
JOHN MELCHER,  
HAROLD T. JOHNSON,  
MORRIS K. UDALL,  
JOHN P. Saylor,  
SAM STEIGER,  
DON YOUNG,

Managers on the Part of the House.

HENRY M. JACKSON,  
ALAN BIBLE,  
J. BENNETT JOHNSTON, Jr.,  
FLOYD K. HASKELL,  
PAUL J. FANNIN,  
CLIFFORD P. HANSEN,  
MARK O. HATFIELD,

Managers on the Part of the Senate.

JOINT STATEMENT OF THE COMMITTEE OF  
CONFERENCE

The managers on the part of the House and the Senate at the conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 1081) to authorize the Secretary of the Interior to grant rights-of-way across Federal lands where the use of such rights-of-way is in the public interest and the applicant for the right-of-way demonstrates the financial and technical capability to use the right-of-way in a manner which will protect the environment, submit this joint statement in explanation of the effect of the language agreed upon by the managers and recommended in the accompanying conference report.

## I. MAJOR PROVISIONS

The language agreed upon by the Conference Committee differs from the bill enacted by the Senate and the amendment enacted by the House in the following respects:

1. The Senate bill enacted a completely new system for granting rights-of-way across Federal lands. It applied to rights-of-way for many different purposes.

The House amendment applied only to rights-of-way for oil and gas pipelines. It took the form of an amendment to section 28 of the Mineral Leasing Act of 1920, which is the principal authority for granting oil and gas pipeline rights-of-way across public lands.

The Conferees adopted the House approach, but expanded it to include pipelines for oil, gas, synthetic liquid or gaseous fuels and refined products therefrom in anticipation of developments in coal gasification and liquefaction, oil shale, and tar sands. It is the understanding of the Conferees, however, that the House will consider broader right-of-way legislation in connection with other bills that are presently pending.

2. The Senate bill applied to all lands owned by the United States except five specified categories. The House amendment retained the present language of the Mineral Leasing Act of 1920, which applies to "public lands, including forest reserves." The meaning of this phrase is not completely clear, but it clearly does not apply to lands acquired by the United States, as distinguished from the public domain.

The Conferees adopted the Senate approach, but excluded three categories rather than five categories of land. The three categories excluded are the National Park System, the Outer Continental Shelf, and Indian lands. The two categories of land that were not excluded are the National Wildlife Refuge System and the National Wilderness Preservation System, both of which are presently subject to the Mineral Leasing Act. The Conferees provided, however, that rights-of-way through reserved areas may not be granted if they would be inconsistent with the purposes of the reservation.

3. The Conferees combined and adopted the guidelines governing the grant of rights-of-way that were contained in the Senate bill and in the House amendment. The two sets of guidelines, while different in some respects, are compatible, and both are intended to spell out in greater statutory detail policies that were formerly left to administrative determination. None of the House guidelines was omitted.

4. Both the Senate bill and the House amendment provided for the immediate grant of a Trans-Alaska oil pipeline right-of-way without further proceedings under the National Environmental Protection Act and with only a limited right of judicial review. The Conferees merged the provisions of the two Houses without making major substantive changes.

5. Both the Senate bill and the House amendment provided for further study and negotiations with respect to possible addi-

tional oil and gas pipelines from the North Slope of Alaska, through Canada, to the Midwest. The Conferees merged the provisions of the two Houses without making substantial changes. The results of the negotiations and investigations are intended to serve as comparative information in the evaluation of the best possible methods for future transportation of North Slope energy resources to United States markets, and the bill is not intended to confer any special status on a trans-Canada route in the selection process for future pipelines.

6. The Senate bill had a number of miscellaneous provisions that were not directly related to oil pipeline rights-of-way. The House amendment had no comparable provisions. The Conferees' action was as follows:

(a) The Senate provision amending the Ports and Waterways Safety Act of 1972 with respect to vessel construction standards, and the provision directing the Coast Guard to exercise its present authority to establish a vessel traffic control system for the Valdez area, were adopted.

(b) The provisions requiring Senate confirmation of the Director of the Energy Policy Office in the Executive Office of the President, and the head of the Mining Enforcement and Safety Administration, were adopted.

(c) The provision exempting the first sale of oil and gas from stripper wells from the price restraints of the Economic Stabilization Act of 1970, and from any allocation program, was adopted. A stripper well is defined as a well with an average daily production during the preceding month of not more than ten barrels. In order to qualify for the exemption the lease must be operating at a maximum feasible rate of production and in accord with recognized conservation practices.

(d) The provision amending the Alaska Native Claims Settlement Act and providing for advance payments to Natives was adopted, after reducing the amount of the advance payments from \$7,500,000 each six months to \$5,000,000, after delaying the starting time for the payments from the beginning of fiscal year 1975 to the beginning of fiscal year 1976, and after deleting the provision making the advance payments a gift if transportation of oil through the pipeline does not commence by December 31, 1976.

(e) The provision amending the Federal Trade Commission Act was adopted, with amendments. It increased the civil penalty for violating a final order of the Commission, gave the Commission broader authority to initiate injunction actions and enforce subpoenas, and gave the Commission authority to represent itself in court if the Attorney General failed to do so after ten days notice.

(f) The provision amending the Federal Reports Act was adopted. It substituted the Comptroller General for the Office of Management and Budget in reviewing questionnaires proposed to be issued by independent Federal regulatory agencies. The regulatory agency will determine whether it needs the information, but it may not send its questionnaire if the Comptroller General determines that the information is already available from another source within the Federal Government.

(g) The provision giving the President broad authority to take any action necessary to insure an equitable allocation of crude oil and petroleum products among the various regions and States was adopted after it was amended to require the President to use his existing authority to accomplish that objective.

7. The House amendment contained (a) a provision prohibiting any form of discrimination in connection with any activity on the trans-Alaska pipeline, (b) a provision limiting the employment of foreign nationals for work on the trans-Alaska pipe-

line, and (c) a "buy-American" provision for the construction, operation, and maintenance of the trans-Alaska pipeline. The Senate bill had no comparable provisions. The Conferees adopted the first provision and dropped the second and third.

8. The Senate bill and the House amendment had different provisions regarding the liability of the owner or operator of an oil pipeline for damages resulting from its construction and operation. The Senate bill had one provision which related to pipelines on rights-of-way granted under the general law, and which applied only to damages incurred by the United States. The Senate had another provision which related to damages incurred by Alaska Natives in connection with the trans-Alaska pipeline. The House amendment had three provisions which related only to the trans-Alaska oil pipeline. One related to damages to anyone that were caused by the activities of the pipeline owner along the route of the pipeline. A second provision related to damages to anyone from discharges of oil from vessels owned or controlled by the pipeline owner in violation of the Federal Water Pollution Control Act. A third provision related to damages sustained by Alaska Natives.

The Conferees adopted modified versions of all of these provisions. One provision is of general application and appears in section 28(x). It requires the Secretary or agency head to specify the extent to which the holder of a right-of-way or permit shall be liable to the United States for damage or injury incurred in connection with the right-of-way. Joint regulations by the agencies involved, as authorized in section 28(c), are contemplated by the Conferees. Strict liability without regard to fault may be imposed, but a maximum dollar limitation must be stated, and liability in excess of this amount may be determined under ordinary rules of negligence.

The second provision is in section 204. It relates only to the trans-Alaska pipeline, and is in three parts. Subsection (a) imposes on the holder of the right-of-way or permit strict liability without regard to fault, and without regard to ownership of the land or resource involved if the land or resource is relied upon for subsistence or economic purposes, for damages or injury in connection with or resulting from activities along or in the vicinity of the pipeline right-of-way. Strict liability is limited to \$50,000,000 for any one incident, and liability for damages in excess of that amount will be determined in accordance with ordinary rules of negligence.

Subsection (b) imposes on the holder of a right-of-way or permit liability for the full cost of control and removal of the pollutant of any area that is polluted by operations of the holder.

Subsection (c) imposes on the owner or operator of a vessel that is loaded with any oil from the trans-Alaska pipeline strict liability without regard to fault for damages sustained by any person as the result of discharges of oil from such vessel. Strict liability is limited to \$100,000,000 for any one incident. The owner or operator is liable for the first \$14,000,000. A Trans-Alaska Pipeline Liability Fund, which is created by the bill, is liable for the balance of the allowed claims up to \$100,000,000. The portion of any valid claim not payable by the Fund may be asserted and adjudicated under other applicable Federal or State law.

The Fund will accumulate and maintain not less than \$100,000,000 derived from the collection of a fee of five cents per barrel at the time the oil is loaded on the vessel, from income from invested funds, and from borrowed money if needed.

Strict liability under subsection (c) will cease when the oil is first brought ashore at a port under the jurisdiction of the United States, and the subsection applies only to



vessels engaged in coastwise transportation, including transportation to and beyond deep-water ports.

9. Both the Senate bill and the House amendment contained provisions limiting the export of crude oil and making such exports subject to congressional oversight. The Senate bill applied only to oil from the North Slope of Alaska. The House amendment applied to all oil transported over rights-of-way through Federal lands. The Conferees adopted the House language.

The Senate bill provided for disapproval of proposed exports by joint resolution of the Congress. The House amendment prohibited proposed exports unless affirmatively authorized by a concurrent resolution of the Congress. The Conferees adopted the Senate language after changing "joint resolution" to "concurrent-resolution."

The Conferees also adopted an exception intended to take care of oil exchanges and transportation involving Canada and Mexico.

## II. COMMENTS REGARDING SPECIFIC PROVISIONS

1. Section 28(e), which authorizes the grant of temporary permits for the use of Federal lands "in the vicinity of the pipeline" is not intended to restrict unnecessarily the placement of temporary construction or maintenance facilities such as construction camps, storage areas, communications sites and soil disposal areas, but to permit them to be placed wherever convenient to construction activities.

The term "temporary" relates to duration and imposes no limitation on the type of facility or activity which may be allowed. Thus, slope cuts and fills, berm construction, access facilities and other permanent changes in terrain are permissible. The Secretary or agency head may require, as a condition of such temporary permits, removal of structures and rehabilitation of the area.

This section will overcome an interpretation of the United States Court of Appeals for the District of Columbia in the case of *Wilderness Society v. Morton* (Feb. 9, 1973).

2. Section 28(f) contemplates that general regulations governing the grant of rights-of-way or permits will be issued by the Secretary or agency head. This does not preclude the grant of rights-of-way or permits in advance of the issuance of the regulations and the inclusion of appropriate conditions and stipulations to carry out the purposes of the Act.

3. Section 28(g), relating to pipeline safety, is not intended to require the Secretary or agency head to impose safety requirements that would duplicate requirements of the Secretary of Labor or the Secretary of Transportation under other law.

4. Section 28(h), relating to environmental protection, does not require the plan for construction, operation, and rehabilitation of the right-of-way or permit area to be a final one, since all details and conditions cannot be known at the time of application. However, the plan should be a description in as much detail as the state of the planning for the particular project will permit and must be adequate enough for the Secretary or agency head to make an informed judgment on the application and on the need for imposing any special terms and conditions which the public interest may require. Information called for pursuant to this section which is already on file with respect to applications pending on the date of enactment need not be refilled.

5. Section 28(k) does not require public hearings that would duplicate the public participation procedures required by the National Environmental Policy Act. It also permits a public hearing to cover all aspects of a pipeline proposal, regardless of whether one or more rights-of-way or permits, or whether one or more agencies, are involved.

6. Section 28(l) requires reimbursement of costs incurred in processing an application. These costs include the cost of prepar-

ing an environmental impact statement. It also requires payment annually in advance of the fair market rental value of the right-of-way or permit. This value can be based on any combination of factors that might reasonably be considered by a landowner in a free market, when determining the price to be asked for the right to use or cross his land.

7. Section 28(m) authorizes the Secretary or agency head to require a right-of-way or permit holder to furnish a bond or other satisfactory security. The term "security" is not used in a technical sense but may include any undertaking which gives adequate assurance that all obligations of the grantee will be met. Such flexibility is needed because some grantees may not be legally able to post such security, and in other cases a requirement of technical security may be impossible or unnecessary to comply with. Flexibility also permits the Secretary or agency head to require more than one type of security.

8. Section 28(p), relating to joint uses of a right-of-way, gives the Secretary or agency head sufficient control to prevent any hazardous or technologically inoperable placement of various facilities.

9. Section 28(t) permits the Secretary or agency head to ratify and confirm the validity of existing rights-of-way for oil or gas regardless of the statutory authority under which they were granted. It is needed because of the possible application of the decision of the United States Court of Appeals in *The Wilderness Society, et al. v. Morton, et al.*

The conferees expect that previously granted rights-of-way should be confirmed only after careful study and the fullest possible compliance with the provisions of Section 28 as amended by this Act.

10. Section 28(v), relating to State standards, is included because rights-of-way frequently cross from State or private land into Federal land and back into State or private land. Different construction, operation, and maintenance standards may apply. This section is intended to assure that the Secretary or agency head will carefully consider State standards and comply with them in the interest of uniform practice throughout the State where such compliance is practical in the judgment of the Secretary or agency head. The section is not intended to require that those standards be followed in every case.

11. Section 203(b) provides new and independent statutory authorization and direction for the issuance, administration and enforcement of all rights-of-way, permits, leases and other authorizations necessary for or related to construction, operation and maintenance of the trans-Alaska pipeline system as generally described in the Final Environmental Impact Statement of the Department of the Interior dated March 20, 1972. It is a plenary grant of authority to the appropriate Federal agencies. All grants of rights-of-way, leases, permits, and other authorizations for the use of Federal lands shall be made under the authority of this subsection, rather than under other provisions of law.

After years of delay and protracted litigation on this matter, Congress has determined that the national interest requires a clear-cut and unequivocal policy decision on the pipeline. Congress has decided that an oil pipeline is necessary to move North Slope oil to domestic markets in the lower forty-eight States. This title implements that national policy decision.

In adopting this title, Congress intends to exercise its constitutional powers to the fullest extent necessary to achieve the objective of this title and to make this policy binding upon the Executive Branch and on the Federal courts.

Congress has decided, as a matter of national policy, that the appropriate Federal authorizations shall be issued. The Secretary

and other Federal officials have no discretion in this matter. Congress does, however, require that applicable standards of substantive law be followed in connection with these authorizations, and vests liberal discretion in the Executive Branch to determine the conditions and stipulations to be incorporated into the necessary authorizations and the specific facilities to be authorized.

This subsection also identifies the "trans-Alaska oil pipeline system" as that system is generally described in the Secretary of the Interior's Final Environmental Impact Statement of March 20, 1972. The subject of that statement was a 48-inch diameter pipeline system with an ultimate capacity of 2 million barrels a day throughput for which a right-of-way and other permit applications were filed by a number of oil companies which had purchased leases on the North Slope of Alaska. This provision is intended to generally specify the facilities to be authorized and their general location. This provision is not, however, to be narrowly construed. If environmental conditions or new technological developments warrant, new facilities or changes in route or in location of proposed facilities are authorized so long as they are required or appropriate for the construction and operation at full capacity of the trans-Alaska pipeline system as generally described in the impact statement.

The route of the trans-Alaska pipeline will cross lands under the jurisdiction of more than one Federal agency. The Congress intends in Title II that the Secretary of the Interior will issue the right-of-way over all such Federal lands.

12. Section 203(c) provides that, if under any other statute a Federal agency could have issued an authorization relating to the construction of the trans-Alaska pipeline system, the agency shall still issue such authorization, but it shall act under the authority of subsection 203(b) of this Title and not under the authority of the other statute. Authorizations issued under subsection 203(b) shall contain all those provisions that the supplanted statute would have required, and may include any provisions which were authorized but not required by the supplanted statute.

Authorizations issued by the Secretary of the Interior shall follow the applicable provisions of Section 28 of the Mineral Leasing Act, as it is amended by Title I of this Act, except as provided in subsection 203(c). Not all of the Section 28 provisions will be applicable. The determination of applicability is left to the Secretary's judgment.

13. Section 203(d) provides for construction and completion of the pipeline system without further proceedings under the National Environmental Policy Act of 1969. Section 202(d) of the House amendment and section 502(d) of the Senate bill contained a declaration that the actions of the Secretary of Interior heretofore taken with respect to the proposed trans-Alaska pipeline shall be regarded as satisfactory compliance with the provisions of the National Environmental Policy Act of 1969. Section 502(d) of the Senate bill also applied to the actions of other Federal agencies and officers, and referred not only to the National Environmental Policy Act of 1969, but also to "all other applicable laws." The Conferees did not adopt this declaration because they considered it as unnecessary and subject to misinterpretation. Inasmuch as section 203(d) of the Conference Report directs that the actions necessary for construction and completion of the trans-Alaska pipeline system shall be taken without further action under the National Environmental Policy Act, a declaration with respect to the effect to be accorded prior actions was not regarded as necessary or material.

Section 203(d) also limits the grounds for judicial review of Federal actions relating to issuance and implementation of all rights-of-

way, permits, leases and other authorizations necessary or appropriate for completion of construction of the trans-Alaska pipeline, and its initial operation at full capacity of 2,000,000 barrels throughput per day (i.e., actions under 203(b) and 203(e)).

The permissible grounds for judicial review are limited to constitutional questions and questions of federal actions beyond the scope of authority conferred by Title II. Congress intended such grounds to be construed very narrowly, in keeping with the purpose stated in 203(a). This purpose also underlies the jurisdictional and procedural provisions in Section 203(d), which are designed to assure the most prompt possible resolution of any case involving the trans-Alaska pipeline, and to assure that issuance of the rights-of-way, permits, leases or other authorizations cannot be enjoined except pursuant to a final judgment.

14. Section 204(c) provides, for vessels that transport North Slope oil in the coastal trade, liability standards that are much stricter than those that apply to vessels that transport other oil in the coastal or foreign trade.

It is expected that tankers as large as 250,000 deadweight tons will transport North Slope crude to ports on the West Coast of the United States and elsewhere. Oil discharges from vessels of this size could result in extremely high damages to property and natural resources, including fisheries and amenities, especially if the mishap occurred close to a populated shoreline area.

Under the Limitation of Liability Act of 1851 (46 U.S.C. 183), the owner of a vessel is entitled to limit his liability for property damage caused by the vessel to the value of the vessel and its cargo. The value determination is made after the incident causing the damage. It is therefore quite possible for injured parties to go uncompensated if a vessel and its cargo are totally lost.

In the Water Quality Improvement Act of 1970 (33 U.S.C. 1161 et seq.), Congress expanded the liability of a vessel carrying oil to cover Federal government cleanup costs up to the lesser of \$100 per ton or \$14 million. Under that Act, damages are imposed without regard to the fault of the owner or operator, thereby creating a strict liability to United States Government for cleanup costs. However, State governments and private parties are still obliged to proceed under maritime law, subject to the limits of liability contained in that body of law.

The Conferees concluded that existing maritime law would not provide adequate compensation to all victims, including residents of Canada, in the event of the kind of catastrophe which might occur. Consequently, the Conferees established a rule of strict liability for damages from discharges of the oil transported through the trans-Alaska Pipeline up to \$100,000,000.

Strict liability is primarily a question of insurance. The fundamental reason for the limits placed on liability in the Federal Water Quality Improvement Act stemmed from the availability, or nonavailability, of marine insurance. Without a readily available commercial source of insurance, liability without a dollar limitation would be meaningless and many independent owners could not operate their vessels. Since the world-wide maritime insurance industry claimed \$14 million was the limit of the risk they would assume, this was the limit provided for in the Federal Water Quality Improvement Act. There has been no indication that this level has since increased.

Accordingly, the Conferees adopted a liability plan which would make the owner or operator strictly liable for all claims (for both clean-up costs and damages to public and private parties) up to \$14 million. This limit would provide an incentive to the owner or operator to operate the vessel with due care and would not create too heavy an

insurance burden for independent vessel owners lacking the means to self-insure.

Financial responsibility up to this limit would have to be demonstrated before the vessel could be loaded with oil. Since the Federal Water Quality Improvement Act has an existing mechanism for establishing proof of financial responsibility, reference was made to the appropriate provision (13 U.S.C. 1321(p)). Such provision would be used to the extent it is consistent with the purposes of this Act; for example, references to tonnage limitations would not apply. Claims for clean-up costs would take precedence over other claims thereby preserving the provisions of the Federal Water Quality Improvement Act.

All claims over \$14 million up to the \$100 million ceiling would be asserted against the Trans-Alaska Pipeline Liability Fund established by the bill.

The owners of oil loaded onto tankers at Valdez will pay the Fund five cents per barrel until there is \$100 million in the Fund. Payments would resume at any time the Fund fell below \$100 million. (The Fund is described in more detail under Major Provisions.) Thus, the owners of the oil would have an incentive to select carefully vessels to carry their oil. Moreover, such owners would then share the risk associated with transporting the oil on water.

The Fund is not precluded from proceeding against the owner or operator of the vessel or other third parties, if either or both were negligent or caused the discharge.

The States are expressly not precluded from setting higher limits or from legislating in any manner not inconsistent with the provisions of this Act.

The Conferees hope that the appropriate committees of the House and Senate which are considering the more general subject of marine liability will harmonize the liability provisions of the Trans-Alaska Pipeline Authorization Act and the liability provisions of any general legislation that may be developed.

15. Section 406, relating to stripper oil wells, was a Senate floor amendment to S. 1081. The Conferees have adopted the general concept of the floor amendment, but have added new provisions to insure that the exemption is narrowly defined and prudently administered, and to insure that the incentive being granted is properly limited in accord with congressional intent.

The purpose of exempting small stripper wells—wells whose average daily production does not exceed ten barrels per well—from the price restraints of the Economic Stabilization Act (now in Phase IV) and from any system of mandatory fuel allocation is to insure that direct or indirect price ceilings do not have the effect of resulting in any loss of domestic crude oil production from the premature shutdown of stripper wells for economic reasons.

As of January 1, 1973, there were 350,000 stripper wells producing ten barrels a day or less. Stripper wells account for 71 percent of all of the oil wells in this country, but produce an average of only 3.6 barrels per day, or only 13 percent of total U.S. domestic crude production.

Many stripper wells are of only marginal economic value. When the costs of their operation exceed the value of their production, they are shut in, and a known and developed crude oil reserve is lost to U.S. production. Removing Phase IV price restraints from these marginal stripper wells has the effect of increasing the value of the crude oil they produce by about \$1.30 per barrel (the difference between \$4.02, the current per-barrel ceiling average under Phase IV, and \$5.32, the per-barrel average price for "new" domestic crude oil production which is not subject to Phase IV). This price incentive will encourage owners and operators of stripper wells to maintain production and to keep

these wells in operation for longer periods of time than would be possible if the value of their crude oil production were determined under Phase IV price ceilings. This increased incentive will, it is anticipated, permit stripper well operators to make new investments in the eligible wells and improve the gathering and other facilities for moving this oil to market.

The words "first sale" in Section 406(a) refer to the initial sale from the producer to a refiner, oil broker or other party. Thereafter, the exemption expires and any applicable provision of the Economic Stabilization Act or any mandatory allocation program may apply.

The exemption also runs only to "crude oil and natural gas liquids." It does not run to natural gas produced by these wells. Natural gas production and pricing continue to be regulated by the Federal or State agency having jurisdiction over the particular wells involved.

The Congress intends that the provisions of this section will be strictly enforced and regulated by the administering agency to insure that the limited exemption of this class of wells for the express purposes described above is not in any way broadened. To achieve this, Congress authorizes on-site inspections to insure compliance. Congress also directs that the administering agency shall promulgate regulations to implement the provisions of this section before it becomes operative. The Conferees expect the administering agency to utilize State data regarding production volumes, and to provide by regulation safeguards against the manipulation or gerrymandering of lease units in a manner that evades the price control and allocation programs.

These regulations shall be so designed as to provide safeguards against any abuse, overreaching or altering of normal patterns of operations to achieve a benefit under this section which would not otherwise be available. Congress specifically intends that the regulations shall, among other things, prevent any "gerrymandering" of leases to average down high production wells with a number of low production stripper wells to remove the high production wells from price ceilings. The sole purpose and objective of this Section 406 is to keep stripper wells—those producing less than ten barrels per day—in production and to insure that the crude oil they produce continues to be available for U.S. refineries and U.S. consumers. It is not intended to confer any benefit on the owners and operators of wells producing in excess of ten barrels per day.

The Congress also intends that the regulations provide appropriate limitations and provisions in the definition of "lease" to insure that an administratively workable system is established which does not permit abuse.

16. Section 408(f) relates to the standard of proof to be met by the Federal Trade Commission for the issuance of a temporary restraining order or a preliminary injunction. It is not intended in any way to impose a totally new standard of proof different from that which is now required of the Commission. The intent is to maintain the statutory or "public interest" standard which is now applicable, and not to impose the traditional "equity" standard of irreparable damage, probability of success on the merits, and that the balance of equities favors the petitioner. This latter standard derives from common law and is appropriate for litigation between private parties. It is not, however, appropriate for the implementation of a Federal statute by an independent regulatory agency where the standards of the public interest measure the propriety and the need for injunctive relief.

The inclusion of this new language is to define the duty of the courts to exercise independent judgment on the propriety of issu-



ance of a temporary restraining order or a preliminary injunction. This new language is intended to codify the decisional law of *Federal Trade Commission v. National Health Aids*, 108 F. Supp. 340, and *Federal Trade Commission v. Sterling Drug, Inc.*, 317 F.2d 669, and similar cases which have defined the judicial role to include the exercise of such independent judgment. The conferees did not intend, nor do they consider it appropriate, to burden the Commission with the requirements imposed by the traditional equity standard which the common law applies to private litigants.

17. Section 409(a) exempts "independent Federal regulatory agencies" from the provisions of the Federal Reporting Services Act. In general, the Reporting Services Act provides that Federal agencies may not collect information from ten or more persons without having first obtained the advance approval and clearance of the Office of Management and Budget. The term "Federal agencies" has been construed to include the independent Federal regulatory agencies for the purposes of the Reporting Services Act.

The purpose of Section 409(a) is to preserve the independence of the regulatory agencies which have been entrusted to them by the Congress. The intent of this section is not to encourage a proliferation of detailed questionnaires to industry, small business or other persons which could result in unnecessary and unreasonable expense. Any legitimate need for information in carrying out the statutory responsibilities of these agencies would, however, be carried out even though responses may entail some expense and inconvenience.

The purpose of this section is to insure that the existing clearance procedure for questionnaires or requests for data does not become, inadvertently or otherwise, a device for delaying or obstructing the investigations and data collection necessary to carry out the important regulatory functions assigned to the independent agencies by the Congress.

The Congress intends the term "independent Federal regulatory agencies" as used in Section 409(a) to include, but not necessarily be limited to, the following agencies:

Civil Aeronautics Board,  
Federal Communications Commission,  
Atomic Energy Commission (insofar as its regulatory and adjudicative functions are concerned),  
Federal Trade Commission,  
Interstate Trade Commission,  
Securities and Exchange Commission, and  
Federal Power Commission.

Subsection 409(b) provides a procedure for advance review which is designed to insure that information required by independent Federal regulatory agencies is obtained with a minimum burden upon business enterprises, especially small businesses, and other persons required to furnish such information.

The Comptroller General of the General Accounting Office is charged with the review responsibility. Since this will be a new function for the General Accounting Office, the Comptroller General has informed the Congress that he will need until July 1, 1974 to enable him to obtain the staff which will be required to carry out the full responsibilities provided for in Section 409(b). This is satisfactory to the Congress so long as appropriate interim arrangements are made to carry out the Section 409(b) review of the Federal agencies which should not or cannot be delayed until July 1, 1974.

JAMES A. HALEY,  
JOHN MELCHER,  
HAROLD T. JOHNSON,  
MORRIS K. UDALL,  
JOHN P. SAYLOR,  
SAM STEIGER,  
DON YOUNG,

*Managers on the Part of the House.*

HENRY M. JACKSON,  
ALAN BIBLE,  
J. BENNETT JOHNSTON, Jr.,  
FLOYD K. HASKELL,  
PAUL J. FANNIN,  
CLIFFORD P. HANSEN,  
MARK O. HATFIELD,  
*Managers on the Part of the Senate.*

#### CONFERENCE REPORT ON H.R. 9286, MILITARY PROCUREMENT AUTHORIZATION

Mr. HÉBERT. Mr. Speaker, I call up the conference report on the bill (H.R. 9286) to authorize appropriations during the fiscal year 1974 for procurement of aircraft, missiles, naval vessels, tracked combat vehicles, torpedoes, and other weapons, and research, development, test and evaluation for the Armed Forces, and to prescribe the authorized personnel strength for each active duty component and of the Selected Reserve of each reserve component of the Armed Forces and the military training student loads, and for other purposes, and ask unanimous consent that the reading of the conference report be dispensed with.

The Clerk read the title of the bill.

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

Mr. NELSEN. Mr. Speaker, reserving the right to object, my purpose is to establish a little bit of record here with respect to what are the controversial parts of this bill, those being concerned with the hospital benefit issue. I realize how important this bill is and how important it is to get this bill passed. The Senate and the House together have had conferences and arrived at this result, and I am reluctant to stand in the way of having this bill passed so as to become law, but I have established some record in dealing with the gentleman from Florida (Mr. ROGERS), chairman of the Public Health and Environment Subcommittee of the Committee on Interstate and Foreign Commerce, as well as the gentleman from West Virginia, chairman of the full committee, as to their agreement that we will take up the public health service issue in a separate bill and try to rework it in a manner which, I believe, will be workable, which, I believe, is a very necessary function.

I understand the gentleman from Louisiana (Mr. HÉBERT) would likewise proceed in that manner, and I hope the gentleman from West Virginia (Mr. STAGGERS) and the gentleman from Florida (Mr. ROGERS) will enter into the colloquy and then we can pass this conference report.

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

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

Mr. HÉBERT. Mr. Speaker, I thank the gentleman for his very understandable attitude toward this legislation, because if we do not pass this conference report today, no conference report will exist.

Mr. NELSEN. I understand.

Mr. HÉBERT. I think the priorities are more important than just one individual item.

However, in confirming the gentleman's statement, I have talked with the gentleman from Minnesota (Mr. NELSEN), and the gentleman from West Virginia (Mr. STAGGERS) and the gentleman from Florida (Mr. ROGERS) and I understand these gentlemen, who have the committees which have jurisdiction over such legislation, will come up with some solution which will be acceptable.

Mr. NELSEN. I thank the gentleman from Louisiana.

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

Mr. NELSEN. I yield to the gentleman from West Virginia.

Mr. STAGGERS. Mr. Speaker, I will say the words which I believe I have said on the floor, that we want the medical services bill, and there was a colloquy with the gentleman from Michigan (Mr. GERALD R. FORD), the minority leader and the ranking minority member on the subcommittee, the gentleman from Minnesota (Mr. NELSEN) to the effect that after this bill is passed the Congress will come up with a bill which will be considered by the subcommittee and the full committee and we will have hearings. We will establish some history and prepare legislation and the House will exercise its jurisdiction. If the administration wanted to dispose of any of these hospitals they would have to come to the Congress and we would set a day, so many days after that within which if we did not act the administration would be able to do as it pleased. This is the word I have had and I think that is the understanding of the gentleman who is the chairman of the subcommittee.

Mr. NELSEN. We do not have this at the moment but we are willing to recognize that there is a little bit of a problem and there needs to be a little bit of understanding as to how we are going to proceed and where we are going to go. I understand if this was not done in the bill we would not have this problem at the moment.

Mr. STAGGERS. That is correct.

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

Mr. NELSEN. I yield to the gentleman from Florida.

Mr. ROGERS. Mr. Speaker, I concur with what the gentleman from West Virginia has said. It is my understanding that the Congress would make the decision as to any extensions.

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

Mr. NELSEN. Yes; I yield to the gentleman from Iowa.

Mr. GROSS. I do not know how many other Members of the House are in on this compromise, if it can be called a compromise. What is taking place? Are we being treated to some kind of sellout in this deal?

Mr. NELSEN. Well, I do not think that is exactly the right term to use. As far as how many are in on it, I am only assuming the responsibilities I have on the subcommittee. We have dealt with it and I have dealt with this thing all the way from the subcommittee to the full committee to the floor.

At this point, it is my judgment that, if we proceed this way, we will have a

much better chance to get a reasonably workable solution to the problem that exists.

Frankly, I think, if we were to count noses, we do not have the votes. If we did want to have it on the floor, it would put us backward instead of forward. It is my feeling this is the best strategy we can use.

Mr. GROSS. Well, once in a while, the matter of principle ought to rise above expediency. I would hope, in this instance, that principle would prevail. This thing is either right or wrong. I do not think there are any very discernible shades in between.

Mr. NELSEN. That may be true.

Mr. GROSS. The House has spoken on it.

Mr. NELSEN. I always proceed legislatively moving toward attainable goals. In my judgment, the attainable goal is the change in the legislation that deals with public service hospitals.

I think this agreement lays the groundwork for understanding and certainly an attitude of tolerance of one group for another.

I withdraw my reservation of objection.

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

There was no objection.

The Clerk read the statement.

(For conference report and statement see proceedings of the House of October 13, 1973.)

#### POINT OF ORDER

Mr. STEIGER of Wisconsin. Mr. Speaker, a point of order.

The SPEAKER. The gentleman will state it.

Mr. STEIGER of Wisconsin. Mr. Speaker, is a point of order eligible against the provisions of the conference report at this point, the statement of the managers not having been read?

The SPEAKER. The report has been read and printed in the RECORD. Completion of the action of the reading of the conference report has taken place by unanimous consent.

Mr. STEIGER of Wisconsin. Mr. Speaker, is the point of order eligible?

The SPEAKER. A point of order may now be made.

Mr. STEIGER of Wisconsin. Mr. Speaker, I make a point of order against section 817 of the conference report. That is the provision which deals with public service hospitals.

I recognize that the gentleman from Minnesota, the gentleman from Louisiana, the gentleman from West Virginia, and the gentleman from Florida were having a colloquy on what could happen in the public service hospitals.

It would seem to me that if this bill were to come to the House floor and this amendment on the public service hospitals were to be offered, it would not be germane under clause 7 of rule XVI. It is therefore, subject to a point of order under clause 4 of rule XXVIII. The jurisdiction of public service hospital legislation is clearly within the interest of the Committee on Interstate and Foreign Commerce and not under the jurisdiction of the Committee on Armed Services.

Therefore, Mr. Speaker, I respectfully press the point of order on this section.

Mr. HEBERT. Mr. Speaker, if the House comes to this motion at this time, it threatens to destroy the entire conference report.

I am addressing myself to the point of order. If the House conferees accept the Senate amendment, which requires that eight Public Health Service hospitals previously scheduled be closed by the administration may continue in operation. The Senate conferees pointed out, among other things, that 26.4 percent of the inpatient load of these hospitals for the fiscal year 1973 were active duty or retired military personnel and their dependents. The continued operation of these hospitals is, therefore, valuable to the availability of quality medical care for military personnel.

Mr. Speaker, I believe this section is germane. I stated that in the previous discussions that we had; however, I brought it to the attention of the House, because of the disagreement of some other Members. However, I insist it is germane and ask the Speaker to make a ruling.

The SPEAKER. The Chair is ready to rule.

Section 817 of the conference report relates to the operation of the Public Health Service hospitals in certain locations. The subject matter of this provision is not within the jurisdiction of the Committee on Armed Services. An amendment proposing the continued operation of these institutions would not have been germane had it been offered to H.R. 9286 when that bill was under consideration in the House.

The Chair therefore sustains the point of order against that part of the conference report.

#### MOTION OFFERED BY MR. STEIGER OF WISCONSIN

Mr. STEIGER of Wisconsin. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. STEIGER of Wisconsin moves that the House reject section 817 of the conference report.

Mr. STEIGER of Wisconsin. Mr. Speaker, I am hesitant, quite honestly, to become involved in an issue that is a matter of some concern to Members on both sides of the aisle, but I must say, Mr. Speaker, once the House had acted as it did in rejecting the rule as proposed by the Rules Committee which waived all points of order, I find no justifiable reason for not exercising the rights and privileges of the Members of this House in raising a legitimate point of order against the conference report.

May I say at the outset, I am profoundly respectful and grateful to the gentleman from Louisiana, because he did bring the conference report up in the normal process, and that is as it should be. It does allow the House to work its will, and I think that is as it should be.

Mr. Speaker, I would have no intention of pressing this issue except to insure that in fact the processes of the rules are complied with. The issue of the Public Health Service hospitals may now be settled because of what the distinguished gentlemen from Minnesota, Florida, and

West Virginia have agreed to, but this is something that rises above that. In this, I concur with my friend and colleague from Iowa that there does come a point when the House has to make a judgment whether or not we continue to allow committees to come in and attempt, through the back door, to accept non-germane amendments and then simply roll over.

I am not prepared to do that. I urge the House to reject this provision of the conference report.

Mr. Speaker, I yield to the gentleman from West Virginia (Mr. STAGGERS).

Mr. STAGGERS. Mr. Speaker, considering the importance of this legislation, I would waive any rights this committee has to jurisdiction of this issue, because I think it is important that this legislation pass as it is brought to the House.

We have made an agreement that it will be heard later in our committee to settle the different questions needed to be settled.

Military personnel, the Public Health Service hospitals primarily are for military personnel, those that are retired, and it is one of the oldest institutions. I believe we had them in 1798 and we are down to only eight in the land.

I believe the question has been settled so far as jurisdictional dispute is concerned, because we have agreed that afterward we will take up the subject and bring a bill to this floor.

Mr. Speaker, I would urge that the part be kept in the bill as it relates to the Public Health Service hospitals.

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

Mr. STAGGERS. Mr. Speaker, the gentleman from Louisiana has the time.

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

Mr. GROSS. Mr. Speaker, I thought the statement was made that of the patients in the Public Health Service hospitals, only 26 percent or less were military.

Mr. HEBERT. It is the active military as well as retirees and their dependents. We do not have that exact figure.

Mr. NELSEN. Mr. Speaker, will the gentleman yield to me?

Mr. HEBERT. I yield to the gentleman from Minnesota.

Mr. NELSEN. Mr. Speaker, I will say to the Members of the House that there seems to be a little bit of an attitude of trying to imply that there is a desertion of the principles involved. I think that could be a very, very wrong interpretation.

The facts are that this Public Health Service hospital issue has been before our subcommittee many times, and at one time I was the lone dissenter in a conference committee session at the time the Fort Worth Hospital was turned over to the Bureau of Prisons for treatment of narcotics addicts. So I am not one who rolls over easily.

However, I am also practical enough to know that the report that we are voting on is a very important one. I do know that the conferees worked hard to try to bring about some kind of an agreement, and I feel, in relation to the com-



mitment that was made to me—and I do not bind any other Members to it—that I was trying to use my judgment as the ranking member on the other side, on the Subcommittee on Public Health and the Environment, and in my judgment and understanding we have come farther down the road toward a permanent solution than any we have had in years.

Mr. HÉBERT. Mr. Speaker, I wish to make just a closing remark.

I direct the attention of the House to exactly what they want to do on this particular motion, which I hope is voted down.

The gentleman is right in disclaiming any attitude toward accepting nongermane amendments coming to this body. I think that I was in the lead in making those observations several years ago when I first became chairman of the committee, and I feel the same way about it.

However, we are faced with a situation in which the national security of this country is involved, and when we are faced with the question of continuing to provide the support required by our military forces, then I believe we have to reconsider our position and if necessary change the rules to cope with the problem. If this motion is supported now, it means that we will have 10 more such votes here today.

Mr. Speaker, if a point of order is made against the other 10 questions, we will have 10 votes, and if any one of these motions is sustained, we will not have a conference report.

Now, that is the fact of the matter, and that is what this situation is. We will be without a conference report. We then will have to go back to the other body, and it will be up to the other body to decide what they want to do.

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

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

Mr. GROSS. Mr. Speaker, is the gentleman asking the House to yield to the dictates of the Senate on this or any other matter?

Is this what the gentleman is asking the House to do? Is he asking the Members here today to bend their knees to the dictates of the House Committee on Interstate and Foreign Commerce and to the other body on this issue?

I am surprised at the capitulation of the Committee on Interstate and Foreign Commerce, and I am surprised that the Committee on Armed Services is not making the kind of fight with the other body that it ought to make.

Mr. HÉBERT. Mr. Speaker, I recognize the gentleman's concern about the matter. I am rather surprised, the gentleman knowing the gentleman from Louisiana, the chairman of the Committee on Armed Services, that he would charge him with such indiscretion.

As a matter of fact, if we follow the thinking of the gentleman from Iowa completely through and bandy about the terms "surrender" and "abdicate," or whatever else one wishes to say, that means that we would never have a conference report.

Why do we go to conference? We go to conference to come up with the best

things we can get. We come up with a compromise, and in this instance we fought like nobody's business in that conference. The Members would be amazed at the things we insisted on, and there would not have been a conference report if we had not agreed to these subject matters. That is all there is to it. There is no abdication, there is no surrender, there is no sacrifice of principles, but there is a determination and a rededication toward getting legislation through this body as quickly as we can, and particularly in the area of military defense of this country.

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

Mr. HÉBERT. I yield to the gentleman from Indiana.

Mr. BRAY. Mr. Speaker, I thank the gentleman for yielding to me this time.

Mr. Speaker, I want to assure the Members of this body that the House conferees fought for days upon this matter as bitterly and as strongly as they could, and we came out with a bill that is far nearer the House point of view than that of the Senate. We did not get everything that we wanted, but we came out of the conference, I believe, in very good shape. Now, to have to go back into conference again with the Senate when this legislation should have been passed before the first day of July will mean that we will be faced with enormous problems, if we have to do that, I can assure the Members of that.

Mr. STEIGER of Wisconsin. Mr. Speaker, before we come to a vote on this issue let me just say that we have here a classic situation. In my own judgment the key point is the way the conference report was brought up originally under the rule waiving points of order. I believe that was wrong. That has now been modified and the House can now have a chance to work its will separately and individually on those areas that are subject to points of order, if points of order are raised.

It is true that if this motion to reject is adopted that the conferees would have to reconvene and settle that issue with the other body. If it is accepted, then the House has worked its will, and made its decision and judgment about whether or not they want to accept or not accept the particular Senate provision.

On balance, Mr. Speaker, I simply again want to reiterate that I think the key point is that the House certainly now has a chance to make a determination. As far as I am concerned, that is what is most important. Let the House now make its own decision about this amendment.

Mr. HÉBERT. Mr. Speaker, may we have the Clerk read the motion?

The SPEAKER. The Clerk will report the motion.

The Clerk read as follows:

Mr. STEIGER of Wisconsin moves that the House reject section 817 of the conference report.

#### PARLIAMENTARY INQUIRY

Mr. HÉBERT. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state his parliamentary inquiry.

Mr. HÉBERT. Mr. Speaker, my parliamentary inquiry is this: I understand that an "aye" vote is a vote that would keep the Public Health Service hospitals open, and a "nay" vote would retain the Public Health Service hospitals?

The SPEAKER. The Chair will state that an "aye" vote on the motion to reject section 817 of the conference report would mean that the section covering the Public Health Service hospitals would not be included in the conference report. A "no" vote on the motion to reject section 817 of the conference report would be a vote in favor of the inclusion of the provision retaining the Public Health Service hospitals.

Mr. HÉBERT. I thank the Speaker, and I do urge a very, very positive "no" vote on the motion.

The SPEAKER. The question is on the motion offered by the gentleman from Wisconsin (Mr. STEIGER).

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

Mr. GROSS. 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 103, nays 290, not voting 40, as follows:

[Roll No. 556]

YEAS—103

Armstrong	Goodling	Quillen
Ashbrook	Gross	Regula
Bafalis	Hanrahan	Robinson, Va.
Baker	Harsha	Robison, N.Y.
Blackburn	Hastings	Rousselot
Broomfield	Hechler, W. Va.	Ruppe
Brown, Mich.	Heinz	Ruth
Burgener	Hinshaw	Scherle
Butler	Hosmer	Schneebell
Camp	Huber	Sebelius
Cederberg	Hutchinson	Shoup
Clancy	Keating	Shuster
Clawson, Del.	Ketchum	Snyder
Cochran	Landgrebe	Steelman
Collins, Tex.	Latta	Steiger, Ariz.
Conable	Lent	Steiger, Wis.
Conlan	McClory	Symms
Coughlin	McCloskey	Talcott
Crane	McDade	Taylor, Mo.
Davis, Wis.	McKinney	Thomson, Wis.
Dellenback	Mallory	Towell, Nev.
Dennis	Maraziti	Vander Jagt
Derwinski	Martin, Nebr.	Veysey
Devine	Martin, N.C.	Walsh
Duncan	Mayne	Wampler
Edwards, Ala.	Mazzoli	Wiggins
Erlenborn	Michel	Winn
Findley	Miller	Wyatt
Fish	Mizell	Wylder
Forsythe	Moorhead,	Wyman
Frenzel	Calif.	Young, Ill.
Frey	Myers	Young, S.C.
Froehlich	O'Brien	Zion
Gilman	Powell, Ohio	Zwach
Goldwater	Quile	

NAYS—290

Abdnor	Aspin	Brademas
Abzug	Badillo	Brasco
Adams	Barrett	Bray
Addabbo	Bauman	Breckinridge
Alexander	Beard	Brinkley
Anderson	Bell	Brotzman
Calif.	Bennett	Brown, Calif.
Anderson, Ill.	Bergland	Brown, Ohio
Andrews, N.C.	Bevill	Broyhill, N.C.
Andrews,	Biester	Broyhill, Va.
N. Dak.	Bingham	Burke, Fla.
Annuzio	Boggs	Burke, Mass.
Archer	Boland	Burleson, Tex.
Arends	Bolling	Burleson, Mo.
Ashley	Bowen	Burton

Byron	Hogan	Rees
Carey, N.Y.	Hollifield	Reld
Carney, Ohio	Holt	Reuss
Carter	Holtzman	Rhodes
Casey, Tex.	Horton	Riegle
Chamberlain	Hudnut	Rinaldo
Chappell	Hungate	Rodino
Chisholm	Ichord	Roe
Clark	Jarman	Rogers
Clay	Johnson, Calif.	Roncallo, Wyo.
Cleveland	Johnson, Pa.	Rooney, N.Y.
Cohen	Jones, N.C.	Rooney, Pa.
Collier	Jones, Okla.	Rose
Conte	Jones, Tenn.	Rosenthal
Corman	Jordan	Rostenkowski
Cotter	Karh	Roush
Cronin	Kastenmeier	Roy
Culver	Kazen	Roybal
Daniel, Dan	Kemp	St Germain
Daniel, Robert	Kluczynski	Sarasin
W., Jr.	Koch	Sarbanes
Daniels	Landrum	Satterfield
Dominick V.	Leggett	Schroeder
Danielson	Lehman	Selberling
Davis, S.C.	Long, La.	Shipley
de la Garza	Long, Md.	Shriver
Delaney	Lott	Sikes
Dellums	McCollister	Sisk
Denholm	McCormack	Skubitz
Dent	McEwen	Slack
Dickinson	McFall	Smith, Iowa
Dingell	McKay	Smith, N.Y.
Donohue	McSpadden	Spence
Dorn	Madden	Staggers
Downing	Madigan	Stanton
Drinan	Mahon	J. William
Dulski	Mailliard	Stanton
du Pont	Mann	James V.
Eckhardt	Mathias, Calif.	Stark
Edwards, Calif.	Mathis, Ga.	Steed
Eilberg	Matsunaga	Stephens
Eshleman	Meeds	Stokes
Evans, Colo.	Melcher	Stratton
Evins, Tenn.	Metcalfe	Stubblefield
Fascell	Mezvisky	Stuckey
Fisher	Milford	Studds
Flood	Minish	Sullivan
Flowers	Mink	Symington
Foley	Minshall, Ohio	Taylor, N.C.
Ford, Gerald R.	Mitchell, Md.	Teague, Calif.
Fountain	Mitchell, N.Y.	Teague, Tex.
Fraser	Moakley	Thompson, N.J.
Fulton	Mollohan	Thone
Fuqua	Montgomery	Thornton
Gaydos	Moorhead, Pa.	Tiernan
Gettys	Morgan	Treen
Gialmo	Moss	Udall
Gibbons	Murphy, Ill.	Ullman
Ginn	Natcher	Van Deerlin
Gonzalez	Nedzi	Vanik
Grasso	Nelsen	Vigorito
Gray	Nichols	Waggonner
Green, Pa.	O'Byrne	Ware
Griffiths	O'Hara	Whalen
Grover	O'Neill	White
Gubser	Owens	Whitehurst
Gude	Parris	Whitten
Gunter	Passman	Widnall
Guyer	Patman	Williams
Haley	Patten	Wilson, Bob
Hamilton	Pepper	Wilson,
Hanley	Perkins	Charles H.,
Hanna	Pettis	Calif.
Hansen, Idaho	Peyser	Wilson,
Hansen, Wash.	Pickle	Charles, Tex.
Harrington	Pike	
Harvey	Poage	Wolf
Hawkins	Preyer	Wright
Hays	Price, Ill.	Yates
Hébert	Price, Tex.	Yatron
Heckler, Mass.	Pritchard	Young, Alaska
Helstoski	Rallsback	Young, Fla.
Henderson	Randall	Young, Ga.
Hicks	Rangel	Young, Tex.
Hillis	Rarick	Zablocki

## NOT VOTING—40

Blaggi	Frelinghuysen	Murphy, N.Y.
Blatnik	Green, Oreg.	Nix
Breaux	Hammer-	Podell
Brooks	schmidt	Roberts
Buchanan	Howard	Roncallo, N.Y.
Burke, Calif.	Hunt	Runnels
Clausen,	Johnson, Colo.	Ryan
Don H.	Jones, Ala.	Sandman
Collins, Ill.	King	Steele
Conyers	Kuykendall	Waldie
Davis, Ga.	Kyros	Wylie
Diggs	Litton	
Esch	Lujan	
Flynt	Macdonald	
Ford,	Mills, Ark.	
William D.	Mosher	

So the motion was rejected.

The Clerk announced the following pairs:

Mr. Podell with Mr. Conyers.  
 Mr. Blatnik with Mrs. Collins of Illinois.  
 Mr. Davis of Georgia with Mr. Flynt.  
 Mr. Murphy of New York with Mr. Ham-merschmidt.  
 Mrs. Green of Oregon with Mr. Roncallo of New York.  
 Mr. Howard with Mr. Buchanan.  
 Mr. Macdonald with Mr. Kuykendall.  
 Mr. Mills of Arkansas with Mr. Hunt.  
 Mr. Blaggi with Mr. Diggs.  
 Mr. Jones of Alabama with Mr. Wylie.  
 Mr. Roberts with Mr. Don H. Clausen.  
 Mr. Nix with Mr. Mosher.  
 Mr. Kyros with Mr. Esch.  
 Mr. Litton with Mr. King.  
 Mrs. Burke of California with Mr. Steele.  
 Mr. Brooks with Mr. Frelinghuysen.  
 Mr. Waldie with Mr. Lujan.  
 Mr. Breaux with Mr. William D. Ford.  
 Mr. Runnels with Mr. Ryan.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

The SPEAKER. Are there further points of order? If not, the Chair recognizes the gentleman from Louisiana.

Mr. HÉBERT. Mr. Speaker, I rise in support of the conference report on H.R. 9286 and urge its approval by the Members of the House.

As Members of this House are well aware, H.R. 9286 is the annual Department of Defense authorization for appropriations for fiscal year 1974, and must be acted upon by the House prior to its taking action on the annual Department of Defense appropriations legislation for fiscal year 1974.

The conference committee on H.R. 9286 completed its action on Thursday, October 11, and filed its report on Saturday, October 13. The conference report, together with the joint explanatory statement of the committee on conference was printed in the CONGRESSIONAL RECORD of Saturday, October 13, and is now available as House Report No. 93-588.

H.R. 9286, as passed by the House on July 31, 1973, consisted of 17 pages. The Senate in acting upon the House bill struck all after the enacting clause and substituted new language in the form of an amendment. The amendment added 55 pages to the House-passed bill. As a consequence of the Senate action, there were contained in the Senate amendment a number of provisions which had never been considered by the House. Many of these Senate amendments were, therefore, rejected by your House conferees either because the provision had little persuasive justification or because of nongermaneness.

At the outset of the conference, the conferees discussed the House-approved overall ceiling on the defense authorizations provided in the bill. The House had voted a \$20,445,255,000 authorization ceiling although the programs authorized by the House, in fact, totaled \$21,394,997,000.

The Defense Department in its reclama to the conference pointed out that the intent of the proponents of the House provision was to limit the fiscal

year 1974 authorization to the amount appropriated for fiscal year 1973, plus 4.5 percent for inflation. However, Defense pointed out that the proponents of of the House provision used the wrong starting point—that is, they understated by \$880.5 million the amount provided by the fiscal year 1973 Appropriation Act. This error was further compounded by the use of an inflation rate that was too low.

These arithmetical errors compound to a \$1.2 billion error in the resultant calculation of the fiscal year 1974 ceiling.

The error in calculating the appropriations provided for defense purposes resulted from failure to include \$880.5 million of transfer authority provided in the fiscal year 1973 Appropriations Act. Thus the budget authority for fiscal year 1973 for DOD was \$20,445,300,000 rather than \$19,564,800,000.

Also, the inflation rate utilized in the House amendment was 4.5 percent when the actual rate of inflation for these expenditures was 5.7 percent.

Thus, in summary, the House ceiling was established at \$20,445,300,000 when in fact it should have been \$21,610,700,000.

It is interesting to note that the amount ultimately approved by the conferees is substantially below that latter figure, that is, \$21,299,520,000—or more than \$311 million less than the corrected House ceiling.

In light of this information, the House conferees acquiesced to Senate demands to reject the overall ceiling and proceed with the line item consideration of the differences in the bill.

The conferees had a total of 88 differences in the bill as passed by the respective bodies. Forty-one of these differences were money differences, while the remaining 47 were language differences.

The conference report together with the joint explanatory statement of the committee of conference provides a detailed explanation of the action taken by the conferees. Therefore, I will not attempt to burden the Members of the House with the recitation of all of these differences.

I will, however, briefly review the major actions taken by your conferees. These include the following:

Adopted a Senate provision continuing until December 31, 1975, the authority of the President to transfer to Israel by sale, credit sale, or guaranty, aircraft and related equipment.

Rejected a Senate amendment which would have provided recomputation of military retired pay at an estimated lifetime cost of \$19.4 billion.

Established a limitation on the military assistance service funded program to Southeast Asia of \$1,126,000,000. The House figure had been \$1.3 billion.

Rejected a Senate provision prohibiting demonstrations outside the United States by military aerial acrobatic teams.

Adopted a provision establishing a total prohibition against funding of any U.S. military activity in, over, or off the shores of Indochina without the express consent of the Congress.

Rejected a Senate provision prohibit-



ing release of long leadtime funding for the AWACS program until completion of a cost-effectiveness study by the Comptroller General.

Adopted a Senate provision which establishes a \$25 million limitation on advance payments to defense contractors.

Adopted a Senate provision which consolidates the defense industrial reserve and would authorize continuation of the tools-for-schools program.

Rejected a Senate provision authorizing and directing the Defense Department to provide escort, briefing, and other support to the Senate youth program.

Agreed to a sense of Congress statement that the Department of Defense should implement a 10-percent reduction of its consumption of petroleum products.

Rejected a Senate provision directing

the Department of Defense to request retired employees to make suggestions on procurement practices.

Rejected a Senate provision prohibiting the settlement of a loan that the Government of India has with the United States at less than the full amount owed unless a lower settlement is authorized by the Congress.

Agreed to a compromise provision relating to NATO burden sharing. The section provides that unless our NATO allies offset any balance-of-payments deficit relating to U.S. troop deployments, there will be a corresponding reduction in troop presence in Europe.

Rejected a Senate amendment which would have required a reduction of 110,000 in the number of U.S. troops deployed overseas by December 31, 1975.

Agreed to require a 43,000-man reduc-

tion in the active strength of the Armed Forces by June 30, 1974.

Established a Defense Manpower Study Commission to conduct an independent comprehensive study of total manpower requirements of the Department of Defense, both civilian and military.

Adopted the Senate version of a "Buy American" amendment affecting defense procurement, and finally

Adopted a Senate provision to provide medical emergency helicopter transportation for civilians as passed by the House on May 21, 1973.

I will include at this point in the Record a table setting out in detail the budget request of the administration for fiscal year 1974; the House action; the Senate action; the difference between the House and Senate bills, and finally the conference action itself.

#### FISCAL YEAR 1974 AUTHORIZATION BILL

[In thousands of dollars]

	Fiscal year 1974 request	House bill	Senate bill	Difference House versus Senate	Conference action
<b>Aircraft:</b>					
Army.....	181,000	181,000	168,000	-13,000	168,000
Navy and Marine Corps.....	2,958,300	2,958,300	2,886,500	-71,800	2,912,600
Air Force.....	2,912,800	2,739,100	2,964,635	+225,535	2,964,635
Subtotal.....	6,052,100	5,878,400	6,019,135	+140,735	6,045,235
<b>Missiles:</b>					
Army.....	599,900	574,200	560,700	-13,500	565,000
Navy.....	680,200	680,200	650,700	-29,500	680,200
Marine Corps.....	32,300	32,300	32,300	0	32,300
Air Force.....	1,573,200	1,573,200	1,509,700	-63,500	1,519,600
Subtotal.....	2,885,600	2,859,900	2,753,400	-106,500	2,797,100
<b>Naval vessels: Navy.....</b>	<b>3,901,800</b>	<b>3,788,200</b>	<b>3,628,700</b>	<b>-159,500</b>	<b>3,737,000</b>
<b>Tracked combat vehicles:</b>					
Army.....	201,700	193,300	160,300	-33,000	193,300
Marine Corps.....	46,200	46,200	46,200	0	46,200
Subtotal.....	247,900	239,500	206,500	-33,000	239,500
<b>Torpedoes: Navy.....</b>	<b>219,900</b>	<b>219,900</b>	<b>203,300</b>	<b>-16,600</b>	<b>203,300</b>
<b>Other weapons:</b>					
Army.....	51,300	44,700	43,085	-1,615	44,700
Navy.....	41,900	41,900	33,100	-8,800	37,100
Marine Corps.....	700	700	700	0	700
Subtotal.....	93,900	87,300	76,885	-10,415	82,500
<b>Total procurement.....</b>	<b>13,401,200</b>	<b>13,073,200</b>	<b>12,887,920</b>	<b>-185,280</b>	<b>13,104,635</b>
<b>Research, development, test and evaluation:</b>					
Army.....	2,108,700	2,031,686	1,935,933	-95,753	1,983,758
Navy (including M.C.).....	2,711,700	2,675,300	2,656,200	-19,100	2,670,749
Air Force.....	3,212,500	3,110,811	2,958,200	-152,611	3,034,800
Defense agencies.....	500,400	479,400	484,800	+5,400	
Test and evaluation, Defense.....	24,600	24,600	24,600	0	505,578
Total R.D.T. & E.....	8,557,900	8,321,797	8,059,733	-262,064	8,194,885
<b>Undistributed reduction.....</b>	<b>-</b>	<b>-949,742</b>	<b>-</b>	<b>+949,742</b>	<b>-</b>
<b>Grand total procurement and R.D.T. &amp; E.....</b>	<b>21,959,100</b>	<b>20,445,255</b>	<b>20,947,653</b>	<b>+502,398</b>	<b>21,299,520</b>

The administration had requested \$21,959,100,000. Your conference committee has recommended a final authorization of \$21,299,520,000—a reduction of approximately \$660 million.

In conclusion, Mr. Speaker, let me emphasize one very pertinent fact of life—this is essentially a hardware bill. It is an authorization to permit the armed services to obtain the appropriations necessary to develop and procure the modern equipment which will protect us from any adversary and will insure our national security. It takes time and unfortunately—a great deal of money to provide this equipment to our Armed Forces, but we have no alternative.

One of our more distinguished former Assistant Secretaries of Defense, Mrs. Anna Rosenberg, once vented her frustrations at the inability to obtain funds and hardware for our Armed Forces by exclaiming that—

Of course we have an alternative—we can fight the enemy with our blueprints.

I am sure that we do not want to be forced into the position of attempting to fight our prospective enemies with nothing but blueprints.

Let us approve this conference report.

CXIX—2240—Part 27

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

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

Mr. GUBSER. Mr. Speaker, I regret that it was necessary in the final moments of the House-Senate conference for the House to recede on a Senate amendment which cut the Aegis program in the amount of \$3,000,000.

The Aegis program, which is now completing a most successful series of shore-based tests in preparation for further tests at sea next year, is the only real answer to the air threat to our surface forces. A great many of the small nations of the world, through the use of sea-launched cruise missiles, are becoming capable of neutralizing to an unacceptable degree our ability to project seapower to many parts of the world vital to our interests.

When more sophisticated antishipping weapons and systems are made available to coastal powers as is now being done with anti-air weapons in the Middle East, there is an even greater potential for serious erosion in our ability to keep vital supplies flowing to our shores. Recent events in the Middle East have

dramatically reminded us of the importance of oil imports for the economic and military security of the United States. Successful transport of Middle East oil depends directly on our ability to keep the sear lanes open and protected. Thus, the Aegis system and its platform, the DG, are key elements in the future of the surface Navy and of U.S. military security.

The Aegis system has been in engineering development since December 1969. In concert with the objective of cost reduction, the Aegis R. & D. effort was re-oriented in December 1971 toward engineering development of a smaller, less costly system without serious reduction of basic performance capabilities. These goals have been achieved. Aegis system weight has been reduced, power requirements cut, manning reduced, and projected cost reduced from \$60 million to \$43 million. This system can be installed in a 6,000-ton ship in place of the originally planned 11,000-ton DLGN. Based on proven weapon system characteristics, a new AAW ship class, the DG, is now planned.

A tightly coordinated development program has been evolved to satisfy a readjusted budget. Principal Aegis fiscal

year 1974 funding is directed at completion of Aegis at-sea testing, and "gearing up" for the fiscal year 1975 effort to complete design engineering of the scaled-down Aegis and the DG combat system. A funding reduction of \$3,000,000 at this crucial stage in the development program will delay the program for about 3 to 4 months, with a cost increase estimated at \$5,000,000 due to the stretch-out. More seriously, a disruption in the simultaneous design in the Aegis system and the DG will have a severe cost and schedule impact on the planned DG ship schedule.

If this reduction is not restored by reprogramming, the introduction of Aegis to the fleet will be delayed in the face of an increasing threat and the overall development costs will be increased.

I suggest that the \$3,000,000 be the subject of a reprogramming request so that this vital program may be expeditiously carried forward. I am sure the Armed Services Committee will give early and sympathetic consideration to such a request.

I would like to ask the distinguished chairman of the Armed Services Committee if this \$3 million item was dropped, is not a likely candidate for a reprogramming request, and if such a request is made, if the chairman of the full committee would give prompt and sympathetic consideration to such a request.

Mr. HEBERT. Mr. Speaker, I say to the gentleman from California that the chairman of the committee is very sympathetic to his request for such a reprogramming action. If it is requested, the committee would give it careful consideration.

Mr. GUBSER. Mr. Speaker, I thank the gentleman.

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

Mr. HEBERT. I yield to the gentleman from Pennsylvania.

Mr. WILLIAMS. Mr. Speaker, I do want to state that I am thoroughly in accord with this conference report. I think the conferees did an excellent job.

Mr. Speaker, I do note under title II, which concerns research, development, test and evaluation, that the conferees finally agreed on a figure of \$8,194,885,000, which is \$363 million less than the Defense Department requested.

Mr. Speaker, my question is, is any of that research, development, test and evaluation money going to be used for the construction of temporary relocatable structures for moving installations, and for which no MILCON money has been authorized?

Mr. HEBERT. Mr. Speaker, not to my knowledge. The answer is "No."

Mr. WILLIAMS. Mr. Speaker, I would ask the same question of the gentleman from Indiana (Mr. BRAY).

Mr. BRAY. Mr. Speaker, my answer is also, to the best of my knowledge, "No."

Mr. WILLIAMS. Mr. Speaker, I thank the gentleman very much.

Mr. LONG of Maryland. Mr. Speaker, will the gentleman yield?

Mr. HEBERT. I yield to the gentleman from Maryland.

Mr. LONG of Maryland. Mr. Speaker, I

wanted to ask the gentleman a question to clear up any misunderstanding I might have about section 811, which required the NATO allies to fully offset the U.S. balance-of-payments deficit in 18 months, or U.S. forces in Europe would be reduced.

Mr. Speaker, is this an attempt to use the threat of reducing our own forces to require the other NATO countries to increase their contribution?

Mr. HEBERT. Mr. Speaker, I ask the gentleman from New York (Mr. STRATTON), who is an authority on this, to reply.

Mr. STRATTON. Mr. Speaker, will the gentleman yield to me?

Mr. HEBERT. I yield to the gentleman from New York.

Mr. STRATTON. Mr. Speaker, in reply to the gentleman from Maryland, this amendment was originally introduced in the Senate by the Senator from Washington, Senator JACKSON. The purpose of it was to try to carry out what a House Armed Services Subcommittee had recommended more than a year and a half ago; namely, that there ought to be a greater effort on the part of our allies in NATO to relieve the major fiscal burden of our NATO commitment, which is our deficit in the balance of payments.

The section the gentleman refers to provides that if our NATO allies have not succeeded in offsetting this balance-of-payments deficit by a particular date, then 6 months thereafter we would reduce our forces by the percentage amount that they had failed to offset that deficit.

Mr. LONG of Maryland. Mr. Speaker, I applaud the objective, but I wonder whether we would really mean to carry through on this? How far would we be prepared to reduce our troops, or are we threatening to do something we know, and the other NATO allies know, we would not be prepared to carry through?

Mr. STRATTON. No. There were expressions of feeling among some of the conferees that perhaps this amendment was too strong and perhaps we ought to put in some kind of saving language, but the conferees finally rejected this. We accepted the amendment of the Senator from Washington, except that we extended his deadline by 6 months.

It is my understanding that conference agreement on this point has already been effective in convincing our allies that we mean business.

Mr. LONG of Maryland. Mr. Speaker, I will ask the gentleman this question:

How many troops could we withdraw without weakening the military capability of the NATO Alliance?

Mr. STRATTON. I do not think anybody is in position to answer that question now. The bill also contains a provision that the House Committee on Armed Services will examine this entire question of NATO forces and report back by the first of April next year concerning exactly how many troops we do need.

Mr. LONG of Maryland. There is a real confrontation here. Who is going to weaken, we or our NATO allies?

Mr. STRATTON. Mr. Speaker, I would hesitate to comment on that particular point. I would hope there would be no

confrontation. I would hope we would arrive at a mutually satisfactory agreement.

Mr. LONG of Maryland. Mr. Speaker, I thank the gentleman.

Mr. STEIGER of Wisconsin. Mr. Speaker, without intending to raise an objection, I call to the attention of my colleagues title VII of H.R. 9286 which establishes a Defense Manpower Commission which must submit its final report within 24 months after its members are appointed. Among its duties this Commission must review grade structures and the concomitant promotion requirements within each armed force. I remind my colleagues that in October 1972, when the Congress granted the Air Force a temporary extension of their grade limits, the Senate required the Department of Defense to submit a report concerning grade structure by May of this year.

The report was submitted at that time and I understand that legislation establishing a defense officer personnel management system will be submitted soon. That legislation will contain new permanent grade limits for all services and thus will replace the temporary limits for the Air Force. If the Commission provided for in title VII delays consideration of the proposed defense officer personnel management system beyond September 30, 1974—the expiration of the Air Force's current temporary grade limits—the Air Force will be in an untenable position.

The result would be a reduction-in-force demotion and forced retirement of approximately 5,500 colonels and lieutenant colonels which would leave the Air Force dramatically below its minimum senior officer requirements and would create such personnel turbulence and uncertainty that it would make an Air Force career far less attractive, particularly to the younger officer. I am certain the Congress does not intend to create such a situation; in fact, it would contradict the very purpose of the Defense Manpower Commission. Mr. Speaker, while I favor establishment of the Defense Manpower Commission and look forward to an objective report on the many issues it will study, I want us to be aware that we may be creating an unintended problem for the Air Force which will require an extension of their current grade limits next year. We should keep this fact in mind.

Mr. FRENZEL. Mr. Speaker, today we again witness a case of the House refusing to abide by its own rules, and instead accepting another in an apparently never-ending stream of nonpermanent Senate amendments. I believe that in accepting the Senate amendment we are flaunting the rules and only encouraging further whimsical activity on the part of the Senate.

Whether or not one likes the Public Health Service hospitals—I have voted against them before and will do so again today—I think we ought to vote against them after the point of order is raised, if only to protest the most recent Senate piggyback effort and to show we have some backbone of our own.

Also, Mr. Speaker, I have trouble in voting for a conference report which not



only exceeds our House position by \$854 million but also is \$350 million over the Senate position. At this late time in the year, I suppose we have no choice but to pass the bill. But I, for one, will surely be more careful about voting for appropriations at that level.

In general, I think it is not a very good performance when we violate our own rules and authorize more spending than we agreed to in the original bill.

Mr. DELLUMS. Mr. Speaker, today we are faced with a conference bill put together by people with no sympathy for the majority actions of either House. The result is what would have been expected—a bill that achieves "compromise" by striking out any provision that either House had added that moved in the direction of more rational strategic and diplomatic priorities.

I believe that this constitutes such an abuse of the legislative process that it should be evident to everyone. There are many reasons I intend to vote against the bill as written, but I will confine my remarks to two of the worst provisions of a horrible bill.

First, the truly horrifying amount of money we are taking from the American taxpayer to subsidize Thieu's police regime. I wish Mr. Thieu luck in his efforts to create a stable government, if that is his aim—but I object to providing him with the means of getting along without real political support—in fact, of maintaining his position solely by relying on gestapo tactics, prisons, and police. I would like to insert, for the convenience of my colleagues, some material on what our money is being used for in South Vietnam. I fail to see how any of this benefits either the people of Vietnam or the best interests of the United States:

LETTER SENT BY A NUMBER OF SOUTH VIETNAMESE MOTHERS WHOSE SONS AND DAUGHTERS ARE DETAINED BY THE SAIGON REGIME  
SAIGON, August 10, 1973.

To: The International Commission of Control and Supervision, the Bipartite Military Joint Commission, the International Red Cross Society, through the intermediary of the Committee for the Improvement of the Prison System in South Viet Nam.

We, a number of women, mothers of school and university students still detained by the Government of the Republic of Viet Nam, write this letter to request you to intervene in our favour so that our sons and daughters can return home and be reunited with our families. As it is now past the final deadline (28 July 1973) for the release of civilian prisoners stipulated by the Bipartite Military Joint Commission and still our children are in prison and their fate is very uncertain.

DEAR SIRS: We are Vietnamese women who have undergone untold sufferings in this war. Many of us have wept the death of our fathers, our husbands or our children. Now we are weeping in our grief and our love for our missing sons and daughters still in gaol. When the Paris Agreement to end the war and to re-establish peace in Viet Nam was signed, we were extremely moved and we welcomed them with a strong feeling of joy. We were fervently hoping that when our country is at Peace, when all our fellow-countrymen share a common joy of "National Reconciliation and Concord to end hatred, to put a stop to further suffering and to reunite the families..." as set down

in Article 8c of the Agreement, then we would see our sons and daughters coming back to our homes. Little did we know that we were going to be cruelly disappointed. Our pain was so great we thought we did not have the strength to endure it: our children so dear to us not only are still not freed, but also have suffered unreasonable and inhuman measures contrary to the spirit of the clauses in the Paris Agreement concerning the release of civilian prisoners. Immediately after the signing of the Agreement, our children were transferred from one prison to another, were transported to secret places of detention, were taken to centres of interrogation where they cannot be traced (the documentary evidence of this has been presented many a time by the Committee for the Improvement of the Prison System in South Vietnam).

We are mothers, old and poor, living in the urban areas of the South. Some of us have picked a few vegetables from the garden, others have undergone privations, have borrowed money to buy some medicine for our children and we have travelled long distances to the prisons to visit our children but we are not allowed to see them. We are distressed, we do not know why, we do not know who to ask, and even when we ask nobody deigns to answer. With pain and bitterness in our heart, we returned sadly home, wiping our tears.

We have lived in poverty for a long time, and our misery is increasing every day because the numerous heavy taxes make the price of goods extremely high. We have not had fish or meat in our daily meals for a long while. In this situation, whenever we think of our children we feel as though our entrails are cut into small pieces, because how much more miserable is the situation of our children in gaol. For many months now they have never eaten even a sprig of green vegetable, they are given poor quality rice full of gravel and even that in insufficient quantity. The more we think about it the more pain we felt in our hearts. We can affirm that prisoners in South Viet Nam are kept very hungry. We know for certain that right now in Tan Hiep gaol, the prisoners are given two bowls of watery rice gruel a day, and the situation is no better in the other prisons (once again, we beseech all the Red Cross Societies to find the means to come and investigate the truth).

However, that is not all. After undergoing their interrogation and enduring the extremely harsh prison conditions, our children have become extremely weak and gravely ill. We have seen with our own eyes our sons and daughters looking like skeletons, pale, exhausted and diseased. Even in this condition, they are still taken to interrogation centers and kept incommunicado from their families, so that we do not know anything about their fate (A typical case is that of a number of girl students, detained in Tan Hiep after having gone through the prisons of Thu Duc and Chi Hoa, who are now kept at the Bien Hoa C3 Interrogation Centre). Others at Thu Duc and Tan Hiep are not allowed to be visited and taken care of by their families.

While we are desperately asking for news of our children and waiting for their returning home, we have heard that a number of students have been returned to the Provisional Revolutionary Government of the Republic of South Viet Nam and that they are now being taken care of in Loc Ninh. But there is no news about the others, we do not know what is being planned for them.

Faced with the above fact, we feel that we have to raise boldly our voice to express our sincere thoughts.

First of all as Vietnamese and secondly as mothers, to us the Vietnamese nation is one. Whether from this side or the other, all the people are fellow-countrymen of the same blood and the same flesh, they are the

children that Vietnamese mothers had carried and given birth to, and then brought up with their milk, on the land of their own ancestors. Furthermore, nothing, however mighty, can divide a people sharing a common origin and common ancestors, let alone an artificial boundary line. The 17th parallel was stipulated by the Geneva Agreement as only a temporary ceasefire line. Now the Paris Agreement has again confirmed this fact. That is an important matter, but what is most important is that, at this moment, our whole nation, hand in hand, is building Peace and is realizing National Reconciliation and Concord. In this sacred moment who dares thing of a boundary line to divide fellow-countrymen in the North from those in the South, or to distinguish people living together in the South. We are all living on Vietnamese territory.

Therefore it is not important where our sons and daughters are released. Nevertheless we must affirm that our children are not the Communists the Government of the Republic of Viet Nam accuses them to be. We gave birth to them here in the South, we had lived with them since their most tender infancy. Nobody knows them better than their own mothers. We know the character, the vocation of our children and therefore we know the reason for their being in prison. Our children have not committed any other crime but that of loving their country and their people, the crime of struggling for the right to life for poor and oppressed people of which their parents are a part the crime of struggling for peace, for an end to the war in which the lives of their parents, their brothers and their friends have been sacrificed. It is a truth as clear as sunlight, a truth seen by everyone. It is a just and good thing to do, that is recognized by everyone. What more concrete recognition than the fact that we accept with courage the involvement of our children in a struggle fraught with danger, what more concrete recognition that the fact that their fellow-countrymen have contributed each a plastre or a bowl of rice to encourage them on their bitter road, the fact that peace-and-justice loving people all over the world have raised their voice in support.

DEAR SIRS: Our children have acted right, and it is obvious and none can deny it, that by their action they have stood in the ranks of the progressive and peace-loving people of the South.

Now the Government of the Republic of Viet Nam has admitted that peace and welfare are the ultimate aim of all the people in the South. Therefore there is no reason whatever to accuse our children of being communist. In doing so, the Government is flagrantly denying the presence of the patriotic elements who have not feared making sacrifices to serve the common interests of the nation, it is flagrantly betraying the aim that it has solemnly promised to pursue to the end.

To return the students to the Provisionary Revolutionary Government of the Republic of South Viet Nam is to force them to live away from their parents, their families and their homes. They have been hoping unceasingly to be reunited with their families, and we have been hoping to receive them back among us, in our homes, in the areas controlled by the Government of the Republic of Viet Nam.

DEAR SIRS: Once again, in our quality of Vietnamese women who are fervently peace-loving and who have endured untold sufferings in this war and therefore who were moved to great joy by the Paris Agreement of 1/27/1973 to end the war and to re-establish peace in Viet Nam, we beseech the International Commission of Control and Supervision which is the representative of the countries loving peace and supporting the Paris Agreement out of a sense of duty and out of a feeling of humanity, to intervene so that

the Government of the Republic of Viet Nam has to apply correctly the clause of the Paris Agreement in order to bring National Reconciliation and Concord, and end to hatred, a stop to further suffering and a reunion of the families, according to clause 8c. This is awaited with great expectation by the whole Vietnamese people in general and by us in particular.

We request the intervention of your Commission with the Government of the Republic of Viet Nam so that our children can be released to return to their parents, to their families, to their friends, to their schools in this beloved land of the South.

With our sincere gratitude,

#### SIGNATURES

1. Huynh Thi Thom, mother of student Huynh Tan Mam, arrested the latest time on 5 January 1972.

2. Nguyen Thi Tam, mother of high-school pupil Le Van Nuoi, arrested on 22 September 1971.

3. Lieu Thi Huyen, mother of student Tang Quang Tuyen (Faculty of Law), arrested on 7 May 1972, and girl student Tang Thi Nga (Faculty of Law), arrested on 9 March 1973.

4. Phan Thi Thich, mother of student Ngo Van Dat (Duong Ngoc Son), (Faculty of Architecture), arrested on 11 June 1971.

5. Le Thi Muoi, mother of student Trieu Cong Tinh Trung, arrested on 29 June 1971.

6. Vo Thi La, mother of student Nguyen Van Nam (Faculty of Letters), arrested on 27 April 1972.

7. Mrs. Le Van Ky, mother of student Le Cong Giao (Faculty of Sciences), arrested on 8 April 1972.

8. Bien Thi Ngau, mother of student Nguyen Tan Tai (Faculty of Sciences).

9. Luong Van Ba, father of student Luong Dinh (Faculty of Sciences).

10. Vo Thi Tu, mother of student Le Anh Ton, arrested on 8 April 1969.

11. Ha Hoang Bich, uncle of student Ha Dinh Nguyen.

12. Do Thi Tao, mother of student Nguyen Xuan Ham.

13. Nguyen Van Mang, father of student Nguyen Van Phu.

14. Phan Thi Nhut, mother of the girl student Nguyen Thi To Nga.

15. Tran Thi Nghiem, mother of the high school pupil Nguyen Si Hien.

16. Luong Thi Dinh, mother of the girl pupil Nguyen Thi Man, arrested on May 1972.

17. Nguyen Van Nhuan, father of the girl student Nguyen Thi Yen.

18. Tran Thi Hong, mother of Le Hoang Phuc, arrested on 24 October 1971.

19. Nguyen Thi Ngoc, mother of student Le Van Nghia (Hoang Nghia), (Faculty of Letters), arrested on 6 March 1973.

20. Nguyen Thi Hong, mother of student Nguyen Van Tu (Faculty of Sciences), arrested on 24 April 1972.

21. Nguyen Thi Su, mother of girl student Tran Thi Hong Nga, (Faculty of Letters), arrested on 6 January 1972.

[From the Indochina Focal Point,  
Oct. 1-15, 1973]

#### AS PRESSURE MOUNTS TO RELEASE PRISONERS: NGO BA THANH FREED

On September 21, lawyer Ngo Ba Thanh was released from Thu Duc prison in Saigon after 2 years of incarceration. The release proved that international pressure can hasten the implementation of the Peace Agreement, which calls for the release of Saigon's 200,000 political prisoners and the restoration of democratic liberties.

Mme. Thanh is a well-known spokeswoman for neutralists in South Vietnam who oppose the Thieu regime. A Columbia University Ph.D., she was a founder of the "Vietnamese Women's Movement to Defend the Right to Live;" and became the "symbol of South

Vietnam's political prisoners" (San Francisco Chronicle, Sep. 22, 1973). On behalf of all the prisoners, she undertook a 5½ month hunger strike, during which she lost 48 pounds and suffered from falling health, to turn world attention on the Saigon police state.

Thieu's refusal to release her reflected his belief that he could resist pressure from international public opinion and the U.S. Congress. But last week he was forced to yield, releasing Mme. Thanh and 3 labor leaders (New York Times, Sep. 21, 1973).

In recent weeks, a worldwide campaign to free the political prisoners has gained momentum.

"(Her release was) designed to counter a recent wave of criticism in the U.S. Congress over Saigon's treatment of political prisoners and the disclosure last week that Washington was continuing to supply aid to the South Vietnamese police.

Both the Saigon Government and the U.S. embassy have reportedly been concerned that the criticism might lead Congress to cut economic and military aid to South Vietnam." (New York Times, Sep. 21, 1973)

Nixon and Thieu hope that by freeing the "symbol" of the political prisoners, they can end public concern for the hundreds of thousands still being tortured and confined. But, Thieu's gambit to weaken the international prisoner campaign demonstrates the strength of the campaign, and will encourage the antiwar movements in America, Western Europe, Scandinavia, Japan, and the socialist countries to generate more pressure to free the less prominent prisoners.

#### GROWTH

In the U.S. the campaign is entering a new phase of growth. Dozens of cities held major events during the International Days of Concern in mid-September. Marches, speeches, demonstrations, sermons, editorials, leafletting, and community meetings were held to raise the prisoner question high on the public agenda.

Mass media are ending their near-blackout of war news: a recent Time article, for example, contained a critical article on the secret and illegal U.S. funding of Thieu's police and prison system (Time, Sept. 17, 1973).

The influential New York Times is giving more coverage to the Congressional fight to cut-off the illegal aid programs. Central to these efforts is Sen. Abourezk's amendment to the Foreign Economic Assistance Authorization Bill (S. 2335), which proposes to terminate U.S. aid to any country which detains its citizens for political reasons. If this amendment passes, Thieu will be forced to choose between implementing the Peace Agreement's provisions on prisoners, or losing U.S. financial support—approximately 90% of his budget.

The Abourezk amendment would also cut off aid to the military junta in Chile, as well as other dictatorships in Latin America and Asia. Senate support for this amendment is growing, with Senators Kennedy, Cranston, McGovern, Muskie, Hart, Case, and Hartke among its leading supporters, and "... many liberals believe that a cutback in South Vietnamese police and prison spending may be approved, if the issue attracts enough public concern" (New York Times). Immediate pressure from constituents (phone calls, telegrams, letters) could win a majority on the vote, which is expected soon.

#### ARRESTS

The police and prison programs of repression mark the refusal of the U.S. and Thieu to obey the provisions of the Peace Agreement which require the release of all Vietnamese political prisoners and the restoration of the democratic liberties necessary for a free election.

Since the Peace Agreement was signed, the Thieu regime has undertaken a widespread

campaign of harassment, arrests and imprisonment, to destroy all opposing political forces. The F-6 ("Phoenix") program of assassination and torture has maintained a quota of 3,000 arrests per month, which steadily increases the number of imprisoned citizens, now estimated at 200,000. In addition, 4 or 5 million South Vietnamese are refugees, forced to live in barbed-wire concentration camps under Thieu's control. This, too, violates the Agreement.

The "prisoner question" is both the center of international humanitarian concern, and the cutting-edge question of Vietnamese independence. Thieu has resorted to untold brutality to destroy the possibility of a fair and open political contest with the P.R.G. and the neutralists. As long as Thieu stifles the expression of popular political feeling, the Saigon area of South Vietnam will remain a U.S. colony, and the fragile peace hoped for last January will disintegrate further into increasing open warfare.

On July 22, after 6 months of brutal repression following the Peace Agreement, an urgent appeal was made by the "South Viet Nam Committee of Struggle for the Freedom of Patriotic and Peace-loving people still Detained by the Saigon Administration." The Appeal enumerated the violations of the Peace Agreement contained in Thieu's "Security Plan." It called on concerned people throughout the world to condemn Thieu's political repression, and to "... demand that the United States and the Nguyen Van Thieu administration seriously implement the Paris Agreement on Viet Nam, immediately return all the patriotic and peace-loving people, including those who belong to the third political force, still detained in South Viet Nam."

The Democratic Republic of (North) Vietnam has criticized the hypocrisy of the U.S. government's concern for American bomber pilots lost over Indochina, while it finances the continuing torture and execution of thousands of Vietnamese held in Saigon's jails.

Maj. Pham Phu Binh, the D.R.V. delegate to the Four Party Joint Military Commission, recently warned that the search for American MIAs would end soon unless the Thieu regime released the prisoners.

"How can the Vietnamese people enthusiastically get information about the United States missing-in-action," he asked, "while their relatives are still detained in the prisons of (the Saigon) side?" (New York Times, Sep. 23, 1973.)

Mme. Thanh, whose determination and courage have turned world attention to Thieu's political prisoners, said after her release,

"It's so wonderful to see people, listen to the birds, feel rain. But even when I was in prison my head was free and I played the role I felt I must to influence the future of my country. Now that my body is no longer in jail, I will continue to play that role. I want all political prisoners released immediately. There are thousands of them."

[From the Indochina Focal Point, Oct 15-31, 1973]

#### THIEU THREATENS RENEWED WAR WITH PRG

In recent days, two major events have surfaced in the news reflecting the current conflict over the implementation of the Peace Agreement and the growing threat of renewed war.

On September 1, the Saigon government protested that the Provisional Revolutionary Government (PRG) had built twelve airfields inside South Vietnam. The U.S. warned on September 10 that "grave risks" would result unless the airfields were removed. On September 17, U.S. Deputy Secretary of Defense William Clements called the airfields "a very real threat" and a "very serious major violation" of the Agreement. On the same



day, North Vietnam responded by warning of "serious consequences" if the PRG's airfields were attacked. Finally on September 19, Saigon threatened to attack the airfields unless the PRG dismantled them.

#### PRG AIRFIELDS LEGAL

The PRG airfields are legal under the Peace Agreement. The Agreement recognizes two governments in South Vietnam, the Thieu regime and the PRG, each with its own area of control, army, administration and political force.

Article 3 of the Cease Fire Protocol permits "the use by each party (PRG and Saigon) in areas under its control, of military support elements, such as engineering and transportation units, in repair and construction of public facilities and the transportation and supplying of the population."

The airfields are public facilities used to transport citizens and have been built in areas controlled by the PRG. Therefore, the warnings by the U.S. and Saigon are simply not founded on PRG violations of the Agreement. Either they are meant to take attention away from U.S.-Saigon violations, or as a pretext for new fighting or both.

The second major event is the October 4 PRG walkout from the formal political discussions with Saigon in Paris. The "Consultative Conference" between the two parties aims at solving the internal problems of South Vietnam and formulating a plan for general elections.

The PRG delegate protested "continuous and flagrant violations of the Peace Agreement by Saigon" and walked out to "underline the gravity of the situation, in which the United States and the Saigon regime are in feverish preparations for new military adventures." (*Los Angeles Times*, October 5, 1973)

#### VIOLATIONS

The violations include Thieu's refusal to:

1. Stop the shooting. Instead Saigon has engaged in continual "land-grabbing" operations designed to nibble away at the PRG's territory. These operations have reached division size most recently in Kontum and Tay Ninh provinces.

2. Release the estimated 200,000 political prisoners.

3. Restore democratic liberties and halt the "pacification" program of repression, refugee concentration camps, and wide-spread police sweeps.

As early as April 25, the PRG presented a proposal which would end the violations and set South Vietnam on the road to peace. The PRG six-point plan called for: (1) cessation of all hostilities; (2) the release of political prisoners; (3) restoration of democratic liberties for all the people; (4) the creation of the National Council of National Reconciliation and Concord to organize the elections; (5) free and general democratic elections; (6) final settlement of the areas of control and relations between the PRG and Saigon armies.

On the same day, the Saigon regime proposed its own steps, but in the opposite order: settle the troop question, set the date for elections, then restore liberties. Thieu insists "until there is an agreement on timing of general elections, democratic liberties and the National Council will not be implemented."

What is the difference between these proposals? The PRG wants a democratic setting in which to hold elections. Thieu wants to hold a Saigon-controlled election before a free and open political atmosphere is guaranteed. He refuses to enter an open political contest with the PRG and Third Force Neutralists because he knows he lacks the popular support. The PRG has every reason to support the Peace Agreement; Thieu has every reason to undermine it.

The PRG, in walking out of the arena of these proposals and counter-proposals is attempting to turn the world's attention to

a chain of events which threaten to result in full-scale war once again:

Sept. 1—Saigon protests the PRG airfields.  
Sept. 10—U.S. warns the DRV of "grave risks" on PRG airfields.

Sept. 11—Saigon again protests PRG airfields.

Sept. 13—DRV defends right of PRG to build airfields. Heavy clashes break out in central South Vietnam between Thieu and PRG.

Sept. 17—U.S. warns of "very real threat" of PRG airfields. DRV warns of "serious consequences" if airfields are attacked. Thieu launches division size attacks on PRG areas in Kontum Province.

Sept. 19—Saigon threatens to attack airfields.

Sept. 24—PRG representative in Hanoi reports: "Thieu's army is no longer limiting itself to encroachment operations. It has now gone over to the systematic destruction of entire regions. To achieve its aims, Saigon is using seven ton bombs (14,000 pounds) containing toxic gas and chemical substances, tanks and bulldozers to wipe out villages and massacre the population." (*Guardian*, Oct. 10)

Sept. 28-30—"Heaviest" casualties since January ceasefire result from Thieu's land-grabbing operations in Tay Ninh Province.

Sept. 30—U.S. aircraft carrier Hancock approaches North Vietnamese coast and U.S. fighter-bombers fly low over Nghe An Province.

Oct. 4—PRG walks out of Paris Consultative Conference in protest.

These events mark the increasing conflict between the forces favoring an open political process in South Vietnam as required by the Peace Agreement and those in Saigon who refuse to allow it.

#### POLITICAL COMPETITION

The Peace Agreement signed in January pointed toward a change in the struggle in Vietnam from military battles to political competition. The forces involved were to build up the areas under their control, and appeal to the Vietnamese people with political programs through open political dialogue in the marketplace, the cities, and in the homes.

The process of political competition was to be paralleled by the creation of a National Council to arrange elections which would lead to a coalition government of Thieu, PRG, and Third Force neutralists.

The release of the political prisoners, many of whom have important roles to play in the development of the Third Force, and the guarantee of democratic liberties are key provisions in the process required by the Peace Agreement.

Much of the political competition between the two governments is invisible to us, but it is Thieu's failure in this competition which is leading him more and more to the battlefield.

#### PRG SUCCESS

First, the PRG is successfully consolidating and developing the areas it controls. It has built airfields, received a Chinese ship at its Cua Viet port in Quang Tri province and begun to welcome world leaders, including Fidel Castro, into the liberated areas. At the Sept. 4-9 Algiers Conference of 75 non-aligned nations, the PRG was granted full-member status as a legitimate government.

Recent American visitors to PRG-controlled zones have described extensive social reconstruction, rebuilding of hospitals, opening schools, rice planting. These conditions stand in stark contrast to the zones under Thieu's control. There, millions of refugees remain "resettled" in concentration camps and city dwellers lead a police-state existence.

Second, the desire for peace is strong and increasing in the areas under Thieu's control. The Peace Agreement and the June 13

Joint Communique have created a new situation, fostering a "peace disease" which has infected even Thieu's military regime. According to DRV negotiator Le Duc Tho, since January, "The internal contradictions and differentiation of the Saigon regime have sharpened. As a result the Saigon regime is more isolated." (August 2, 1973 interview)

Third, world opinion is turning sharply against the Saigon regime for its refusal to release the 200,000 political prisoners. Thieu is seeking to confuse and deflect this opinion by blaming the PRG. His deception is aimed especially at Congress, where sentiment among Senate liberals in favor of ending aid to Thieu is strong and recently came close to cutting off aid to Thieu's police and prison apparatus.

Thieu and Nixon hope to intimidate Congress with the threat of renewed war over the phony issue of the PRG airfields and make it appear that Thieu needs U.S. aid to defend itself against the PRG.

#### OUR WEAPON

The political struggle (in both Indochina and America) will be difficult and protracted. The peace movement must be able to develop forms of action which allow it to work on a long-term basis alongside the forces in Vietnam seeking peace and democracy. Above all, the events in Vietnam and Paris show again why the Peace Agreement is our major weapon to end the war.

In the Saigon areas of Vietnam, Thieu's agents force peasants and refugees to memorize anti-communist slogans which they are required to shout when international truce teams visit the area. In the liberated areas, many villagers have learned the articles of the Peace Agreement in detail. They carry copies of the document with them and can knowledgeably discuss the provisions and violations of it.

The American anti-war movement should know the Agreement as well as these villagers do because Nixon and Thieu may try to use it to deceive Congress and the American people into supporting a new round of fighting with heavy U.S. support.

#### PEACE AGREEMENT

The Peace Agreement:

Can mobilize world support for the release of political prisoners and continue the isolation of Thieu. The North Vietnamese have now linked their continued search for American MIAs to Saigon's release of the political prisoners. Nixon may well try to use the "MIA issue" to sabotage the Agreement, just as he used the POWs to increase the bombing.

Is a legal standard which requires the ending of U.S. aid to Thieu and all U.S. intervention. As such, it is an especially useful tool in Congress.

The Saigon threats and the disintegrating negotiations are the Indochina news stories which catch our eyes, but they are merely signs of an increasingly explosive situation in which a Saigon offensive will be labeled a PRG offensive and a White House call for support of an "ally" under attack will mark a major step towards U.S. re-intervention.

I am also extremely disheartened by the fact that the Senate troop-cut language has been removed. As long as we maintain the commitment to a helter-skelter far-flung, far-fetched overseas military presence, our fine intentions in other fields will be worthless. The Nixon administration and its militarist supporters are doing an effective job in their no-compromise, no-holds-barred attack on troop cut action, but I warn them there will be a time when our money and patience will run out, and they will wish they had spent this time negotiating with our allies to reduce troops in a responsi-

ble manner rather than maintaining the hard line against the U.S. Congress.

At this point I shall insert material on the issue of U.S. troops overseas:

#### WOMEN UNDER TORTURE

(By Indochina Peace Campaign,  
August 1973)

#### SING AGAIN

(By Hien Luong)

Sing so that, in my heart, roars the thunder  
and so that my fiery blood melts at  
last these chains.

They are here! The jailers, stick in hand!  
Frozen silence, again, in the bolted cell—  
Eyes shot with blood, they scream:  
"Which one, at this hour of curfew, dares to  
sing?"

A muted rage drowns our heart,  
Our pupils stare at these monsters,  
Our strength: a determined silence.

After the rain of interrogations, the rain of  
blows!

So much flesh in ribbons! So much pain on  
the body!

Dominating those barbarians, my sister,  
proud, you rise

"Down with terror! Down with the brutes!"  
Your hand in mine, my hand tightens on  
yours,

An extraordinary strength exudes from our  
bodies so frail!

Barely have they turned their back,  
Than our laughter resounds stronger,  
And, despising our angered guards, their  
hatred,  
Our choir starts again, harmony more  
rhythmic!

In reprisals for the evening, the following  
morning,

Older mothers, younger sisters—barely  
thirteen years old—

Under blows, are questioned. Determined  
silence.

Will one ever know how many of these tor-  
tured children,

At the foot of the wall, fell unconscious,  
And, coming to life, let themselves be rocked  
softly by a companion acting as an  
elder sister?

Crib-song or call from the birth place?

On their trembling lips blooms again the  
rose:

Chains cannot imprison a smile!  
And walls between cells cannot build bar-  
ricades between hearts.

I have seen, through each tiny slit, a few  
grains of salt exchanged, a few lemons;  
I have seen blood on the stained yellow wall:  
"Against the invaders, to reconquer our to-  
morrow, we are determined!"

Sing Again!

Sing so that in my heart roars the storm  
And so that my fiery blood melts at last these  
chains

#### INTRODUCTION

Responsible estimates of the number of prisoners presently being held in the prisons of South Vietnam range from 100,000 (Amnesty International) to 200,000 or more (Buddhist Peace Delegation, American Friends Service Committee, The South Vietnamese Committee on Prison Reform, The Canadian Anglican Church). Some Vietnamese estimate that as many as 50 percent of these prisoners are women. They include women of all ages and classes, from young children to high school students, college students and grandmothers, and from Catholics, Buddhist leaders and intellectuals to street vendors.

Some of them are members of the National Liberation Front (what the Pentagon calls the Vietcong). Most, however, are not communists. What they share in common, and apparently are willing to die for, is the be-

lief that "nothing is more precious than freedom and independence." Centuries of struggle against foreign domination has taught them that the liberation of women and the liberation of their country cannot be separated and so they have organized and fought.

They have fought against U.S. bombs which have obliterated their ancestral villages; they have fought against the U.S. defoliants which have brought the war even to their wombs. They have fought against Phoenix, WHAM\*, Forced Urbanization—the fancy-named programs created by American professors in ivy-leagued remoteness. These programs were designed to turn their country of family-oriented, land-rooted peasants into a pock-marked wasteland of refugees eating plastic rice. They fight against the exported "Playboy" culture which has created silicon-breasted prostitutes, 400,000 of them out of a population of 5 million women, and duck tailed pimps on smack. They fight against the regime of Nguyen Van Thieu, the general who fought against his own people on the side of the French in the 1950's, who now is the front behind which the U.S. government continues its 24-year effort to control South Vietnam.

The bombs have stopped in Vietnam, having failed to crush the movement for national liberation. The struggle has shifted to the political arena and because Thieu, like Diem before him, cannot hope to compete with his opposition in a truly open and democratic situation he must resort to arrest. So the bombs have been replaced by the most massive police state in the world, the Indochinese extension of the Watergate administration which has created it.

A major portion of the funding for Thieu's police and prison system is done through the U.S. Agency For International Development (A.I.D.) Public Safety Program. When U.S. involvement in Vietnamese internal affairs was prohibited by the Paris Peace Agreements, A.I.D. simply concealed the old Public Safety Program under new, innocuous titles such as "Public Works," "Public Administration," and "Technical Support." What this means, in fact, is almost 15-20 million dollars for the Saigon police and prison system. (Congressional Record, 6/4/73 and 6/27/73).

Many more millions for Saigon's police apparatus comes via the innocent-sounding "Commodity Import Program" and Food For Peace. \$137.4 million of Food For Peace funds have been earmarked for South Vietnamese military spending in fiscal year 1974. Earlier, in 1971, Food For Peace granted \$400,000 to the American construction combine Raymond, Morrison, Knutson/Brown, Root, Jones (RMK-BRJ) for construction of 384 new tiger cages on Con Son Island. (N.Y. Review of Books, 6/14/73.)

#### Women are key to independence

The high number of women who have been swept up by this Orwellian nightmare is an indication of the important role they play in the national democratic and independence movement. It is the solidarity of this mass movement which gives them the strength to endure, the knowledge that they do not struggle alone and the certainty that they will win.

At the time of U.S. military intervention in South Vietnam, tens of thousands of women were members of the guerilla army; 500,000 elderly women composed the "Army of Mothers of Fighters," bringing food and medicine to the soldiers on the battlefield. The desertion rate of the Saigon army, which soared to 20,000 per month during the offensive of 1972 (Chicago Daily News, 10/20/72) was partly the work of the massive political army of women known as the "Long Haired Army," capable of mobilizing millions of women throughout the country in anti-

war demonstrations and organizing work among Saigon soldiers. Some of these women are now in prison being tortured, just as other Vietnamese women have endured torture for fighting for what they believe in.

#### Peasant girl to commander

Madame Nguyen Thi Dinh, once an illiterate peasant girl, is now the Deputy Commander-in-Chief of the army of the Provisional Revolutionary Government of South Vietnam. When she was 17 she joined the Vietnamese resistance against the French, because she understood that once they were gone there would be no more oppressive taxes, all the peasants could share the land equally and the Vietnamese people would have the basis for a decent life. The French arrested and tortured Nguyen Thi Dinh and her husband. Her husband died from the torture but she escaped. In 1945 she led the first armed uprising against the French, and in 1960, she led the first armed uprising against the American supported dictatorship.

Besides being a leading military strategist, she is also one of the founders of the National Liberation Front, and founded the Women's Union in South Vietnam which is now working for women's emancipation, the enforcement of the Cease Fire Agreement and re-unification of the country.

But she still feels her peasant roots. During an interview she said, "If I am here in high command, it is because the people taught me. But I am no different than thousands of other women. I am merely one of them. And how many combatants have fallen, women and men, who could have filled my post."

#### One of the world's leading diplomats

Madame Nguyen Thi Binh, Foreign Minister of the Provisional Revolutionary Government of South Vietnam, is one of the world's highest ranking women diplomats (though U.S. officials have tried to diminish her importance by calling her a "fish-wife" and saying that "her position is a sop to women's lib"). Now 45, she has participated continuously in the struggle for national liberation since she was 18 years old. At 24 she was imprisoned and tortured by the South Vietnamese under French direction. She says of her prison experience, "There were hundreds and hundreds of women with me who did not know why they were there. They asked what have we done. They did not know when they came, but when they left they knew. They left as patriots." (Martha Gellhorn, "The Vietcongs' Peacemaker," Times)

In 1970, while working in the rice fields, a mother and daughter-in-law were raped and killed by U.S. soldiers. Saigon authorities reported that the women had died from exhaustion. This drove a group of women in Saigon, who had never participated in the national liberation struggle, to organize the "Committee to Defend the Right to Live and the Dignity of the Vietnamese Women." Their demands were that the dignity of women be respected, that the right of women to struggle be recognized, that American troops be withdrawn, and that a coalition government in South Vietnam be formed.

These demands reflect the awareness that women cannot begin to be respected until their country is free.

#### Columbia graduate imprisoned

The Committee was formed two weeks after Thieu announced that he would "beat to death anyone who talks of peace." As a result, hundreds of women were arrested and tortured, including Madame Ngo Ba Thanh, a lawyer with a Ph. D. from Columbia University who founded the Committee. Mrs. Ngo Ba Thanh has been arrested a number of times, but the most recent arrest took place on August 17th 1971, in the Saigon suburb of Gia Dinh. On that occasion she and a group of Buddhist nuns had gathered

\* Winning Hearts And Minds, part of the U.S. pacification program.



outside the courthouse to protest a ruling of Judge Nguyen Van Tho. Judge Tho had decided in a controversy between nuns and monks that only the monks had a right to live in the pagoda. Reports about what happened to the judge as he left the courthouse differ. He apparently tripped and fell, but the investigating magistrate in Saigon claimed that Mrs. Thanh was responsible. Witnesses have asserted that Judge Tho slipped of his own accord. One report mentions that Mrs. Thanh was originally held simply for abusing Judge Tho verbally, but this charge was changed two days later to assault.

On August 19th, 1971, Mrs. Thanh was detained in Thu Duc prison near Saigon pending trial. On September 16th she was released again following a court order. Two days later she was re-arrested and taken to the National Police Headquarters in Saigon after being involved in a demonstration against the forthcoming presidential election. On October 11th, 1971 she was charged afresh with engaging in "activities harmful to the national security," for organizing an "illegal organization" (The Vietnamese Women's Movement for the Right to Live), and for distributing printed matter that "undermined the anti-Communist potential of the people."

During the following months, Mrs. Thanh's physical condition deteriorated badly. When she was brought to trial before the Military Court in Saigon on March 22nd 1972, she was carried in on a stretcher and suffered a severe asthmatic attack which brought on heart failure. Her doctor was with her in court and announced she was in "immediate danger of dying." The judge agreed to postpone her trial, adding that she must return to prison. Since then there has been no further attempt to bring her to trial.

Most recent reports out of Saigon say that she has been on a hunger strike for 80 days and has lost 30 or 40 pounds. Madame Ngo Ba Thanh is one of the most celebrated figures in the neutralist opposition, or what is called the "third force" . . . non-communist but anti-Thieu. When the Paris Accords were signed, her status was changed to that of a common criminal so that she would not have to be released. More recently, Thieu has agreed to turn her over to the PRG, a tactic he uses to deny the existence of his neutral opposition. She agreed to this under protest, but when the list of prisoners was released on July 23rd, her name was not included. This is an ominous sign—it could mean that the Saigon regime is prepared to keep her indefinitely, if not see her starve to death.

#### YOU CAN SAVE A LIFE

At the end of this pamphlet are some suggestions of what we can do about the political prisoner issue. There is now definite evidence that what we do makes a difference. Fred Branfman of the Indochina Resource Center in Washington D.C., who recently returned from Saigon, reported that even the Chaplain of Chi Hoa prison, Pere Thong, who is pro-Thieu and no friend of the prisoners, told him that world-wide protest has resulted in the betterment of the treatment. The South Vietnamese Committee to Reform the Prison System has said that there are many examples where they feel people's lives have been saved by having their names appear on a list, by having letters received by the Saigon government. Two Frenchmen who spent two years in Chi Hoa prison said that though a letter may not ever get to a prisoner, it will get into the hands of the guards and this can be enough to save the prisoner's life. There are angry statements from Thieu virtually every day about the letters he receives regarding prisoners. Thieu denounces them as Communist inspired, but the fact that Thieu must respond shows their significance.

This pamphlet has been put together by women in the Indochina Peace Campaign.

We have been moved by the suffering and inspired by the unbelievable courage of the Vietnamese women in prison. We hope to convey some of this to women in the United States, so that in the spirit of solidarity we can work to have them freed.

#### WOMEN POW's IN SOUTH VIETNAM (By Jane Barton)

(NOTE.—The following article relates accounts of Vietnamese women arrested and in many cases still held captive by the Thieu government on such charges as having relatives in North Vietnam or refusing to leave their homes. Many of these women have been given no trial, administered inadequate medical supplies, and have been brutally tortured.)

For the past two years, I have worked at a Quaker Rehabilitation Center, run by the American Friends Service Committee, at the Quang Ngai Province Hospital in South Vietnam. During this time I've taken lots of visitors—mostly reporters—around the hospital, including a special ward for prisoners. Many of the visitors are shocked by the leg-

We asked the policeman in charge of the less and armless children or by the stares of burn patients, their eyes unblinking because scar tissue holds their eyelids taut. Personally, however, I feel the deepest sympathy for the young women on the prisoner ward, not only because they are of my age, but also because of the torture they have endured during "interrogation." It makes me very angry that our American advisors have done nothing to prevent this continued use of torture.

Altogether, there are 3,000 political prisoners in Quang Ngai. These are men and women suspected of being "Viet Cong," or at least not loyal to the South Vietnamese government. When one of these prisoners becomes seriously ill, either from natural causes or from torture, he or she is eligible to be placed in the prison ward at the hospital. The selection of these prisoners seems to be entirely arbitrary. Some are gravely ill, while others have minor complaints. "Important" or "dangerous" prisoners never go to the hospital no matter how serious their illness or injury.

The ward itself has little to recommend it. It is very small, only eleven beds, so that it can accommodate only twenty two patients at a time, even if two patients occupy each bed. It is neglected. No doctor is assigned to or visits the ward. A nurse does change the patients' bandages every few days but the only medicine the prisoners are given is aspirin. The windows are barred, and the patients are chained to the bed.

I first visited the prison ward last summer in the company of a Quaker service doctor. As I stepped inside the small room from the outdoor sunlight, I couldn't see anything in the dark ward at first. I could only smell. My nostrils puckered, drawing in the odors from the cement sink and bathroom, both located on the ward. Suddenly, I could see and the prisoners seemed all around me, staring at me, almost breathing on me. I felt terribly exposed, standing there as a gigantic American, slightly awkward in my Vietnamese clothes.

The men were in beds on the left, the women sitting on beds along the right wall. I focused on the women. They were not only chained to their beds, they were also chained together, in pairs. Twice a day they were released so that they could go to the bathroom. I learned, but their ankle chains were not undone so that they had to hobble clumsily, dragging their chains between them.

The Quaker doctor began to examine the women. I helped to interpret, since I speak Vietnamese, and to distribute the medicine. Some of the youngest women seemed sweet and naive; they even giggled and laughed a bit. Others were quiet and strong, and a few looked at me with hostility and hate.

I particularly noticed one young woman who looked more like a Saigon-Vietnamese than the tougher, country women of the Quang Ngai area. I talked with her and learned that her name was Co Lang and that she was unable to move her right side; her leg and arm were limp and useless.

She told me that she had been picked up and put in prison because she had rejected an ARVN officer. This ex-boyfriend had friends in the Quang Ngai secret police force and, in revenge he told his police friends that Co Lang was a "VC." She was taken to the prison where the police beat her and repeatedly banged her head against the wall. Later, she was given electrical shocks under her fingernails and with wires attached to both ears. She said that once the police in the Interrogation Center began torturing her at seven o'clock in the evening, but she couldn't remember much because she kept blanking out. When she woke nine hours later, blood was coming from her vagina. The next time the police interrogated her, they beat her head and face with a club. Afterwards, Co Lang couldn't move her right side. The doctor felt her skull and found a lesion and a depressed area.

We asked the policeman in charge of the prisoner ward if this woman could be unlocked and brought to the X-ray room for a film of her skull. The officer said he wasn't sure it could be arranged. "There are so many problems."

A woman in a nearby bed couldn't lift her head. She was beaten all over her back and neck. The entire area was exposed raw skin and muscles, and in some places the lacerations were so deep they had to be stitched. Because the woman couldn't lift her head, she sat in a seated position, with her head bent. The doctor asked the woman prisoner if he could take a better look at her back. "Could she lie down, please?" It wasn't until I saw her stretched out that I noticed she was very pregnant; six and a half months, she said. I wonder if the baby is still alive.

An older woman on the ward called me over to look at herself and a sixteen year old girl. The young girl was totally vacant. She didn't hear or say anything. She was a delicate girl in her white blouse and necklace and her hair tied back with a length of hospital gauze. The older woman prisoner related to me the torture the young girl had received. The police had forced her to drink water mixed with lime (sometimes soap or nuoc mam, a fermented fish sauce) until her stomach was bloated. Then the police jumped on her stomach until she vomited, gagged, and defecated. The doctor suspected that the lime which the prisoner had been forced to drink acted as a toxin, causing brain or nerve damage and memory lapses. Incongruously, she wore a necklace of round white stones. It's rare to see Vietnamese women in Quang Ngai with jewelry and it seemed ironic that the police would beat this girl into a coma-like state without taking her necklace.

The thirty-five year old woman who was chained to this younger girl and also had been beaten and tortured was an old timer. She even knew Bac Si Mai, Marge Nelson, an American doctor who worked in Quang Ngai four years ago. I thought, My God, Marge goes home and testifies before Congress about the prisoners being tortured, but the same woman who was tortured four years ago is still in prison and still being tortured and no one has done a damned thing about it. I thought, too, about the years this woman has been in jail. Marge has returned to the States, married, added a degree in public health to the M.D. status, practiced medicine, had a baby, and talked and travelled in many countries. The prisoner hasn't gone anywhere or done anything. She says she has been a political prisoner for six years.

While we continued to move from prisoner to prisoner, asking questions, giving out medicine, I noticed other prisoners reaching

out toward Co Lang, the first prisoner we examined. I wondered what was the matter. Her eyes were closed and she was trembling. A few prisoners were pulling her by the feet, trying to get her from a sitting position to a lying one with her head away from the metal headrest of the bed. Then she began to thrash and convulse; foam appeared on her lips. Her head moved from side to side with her hair getting matted in the foam and sweat. And she yelled and talked—probably saying things she must have told the police while she was tortured: "I'm innocent. I'm innocent. Ask anyone, my villagers. I swear, I'm not a 'VC'." The other prisoners had already tied her legs and arms to the bed with soft bandages. The other woman chained to Co Lang tried to untangle the chains and move away. Someone else tried to put something in Co Lang's mouth to keep her from swallowing her tongue. No one said anything. Nor was there a change in anyone's expression in the room.

After my initial visit, I continued to go to the prisoner ward daily. I treated all the prisoners as best I could, but I felt I was able to relate to the women prisoners in a very special way. Although a million American men/soldiers have come to fight in Vietnam, most Vietnamese have never seen or met an American woman, especially one who could speak their language. Thus, the Vietnamese women were more curious about and perhaps more trusting of me than of my male counterparts. They asked me all sorts of personal questions about myself and the women in the States. I, of course, was just as interested in them, their histories, and their problems.

There were always new prisoners. Sometimes the old prisoners were able to stay on the ward until they were better, but often they disappeared and were taken back to the Interrogation Center or prison while they were still seriously sick. One woman whom we were treating had been shot through the chest with the bullet passing through her left lung. As a result, she had an abscess on her lung and the doctor had given her penicillin. When I checked to see if she was taking the medicine regularly, I asked her how many pills she was taking each day. She didn't reply at first; then, she quietly said, "two." "But the doctor told you to take eight each day. Why aren't you doing that?" I asked. She replied in a pleading voice, "I've been in prison for a year and a half. I have so much pain, but no doctor has ever seen me. I've never had any medicine. I want to save it. Next time they beat me, I'll have some medicine." I sat down and gently tried to explain to her that she would feel less pain if she took all the medication now as the doctor prescribed. I told her that we'd return and give her fifty six capsules, enough for a week. Maybe if she sees that many pills, I thought, she won't be afraid to take eight a day. Only, the next morning she wasn't there. I then understood her fears, her reasons for wanting to hoard the medicine.

#### WOMEN PRISONERS

There were many women prisoners whose fate I wondered about, like "Ba Gia," the old woman, for example. "Ba Gia" was a sixty-seven year old hemiplegic. She lay on the last bed in the corner of the ward. The bed had no mattress—only a straw mat on the metal springs. The old woman lay on top of this mat, curled up like an animal—skinny, nude, her recently shaved head beginning to show a stubble of white hair. Through the springs of her bed a green plastic pall was visible. The old woman was paralyzed; thus she couldn't control her bowel movements and defecated through a hole in the mat into the green pall. The area around her bed smelled and the old woman's face and body were covered with flies. The other prisoners took care of the old woman and fed her, but in a country

where old people are honored and respected, it was obviously a humiliating situation for this old woman—smelly, delirious, unclothed. The other prisoners told me she'd been badly beaten and tortured, but she spoke so incoherently I couldn't make out what her "crime" had been. Her paralysis seems permanent and she is still so weakened from the poor diet and torturing at the prison that she may not survive long.

Another prisoner in whom I became especially interested was Co Tho, an eighteen year old woman. She had been shot in the thigh and the bullet broke her left femur. Her leg had been set incorrectly and the bullet left to fester. The doctor and I asked that she be released to have an operation, but the police also had some excuse why this couldn't be done. Meanwhile, our doctor discovered that she had a serious heart condition and wrote to both the Vietnamese and American authorities asking for special consideration. Again, there was no reply. Finally the doctor decided to operate on Co Tho's leg using local anesthesia.

The morning we gathered the equipment together and went to the ward to perform the surgery, Co Tho was gone. The policeman said she'd been taken back to the Interrogation Center for further questioning. I paled. "But her heart. She'll die," I told him. The policeman had no sympathy. He said to me as if I should understand, "But she's a prisoner of war—very dangerous. Class 'A' Viet Cong." I thought of her smile. "Yes, really dangerous." Co Tho has never returned to the hospital, and I don't know if she's still alive. Neither the South Vietnamese police authorities nor the American advisors ever responded to the doctor's letter.

On successive visits to the prisoner ward, I began to see a pattern that deeply disturbed me. Co Lang's seizure was not a unique occurrence. I have witnessed as many as twenty-five female prisoners having seizures and once saw seven prisoners having seizures simultaneously. The seizures vary in intensity. Sometimes a woman might sit still looking as if she is in a semiconscious state, having muscle spasms or trembling. Other prisoners would have more extreme signs, foaming, thrashing, convulsions.

It's very difficult to diagnose the exact medical or psychiatric cause of these seizures. Even the five American doctors I've known who have seen the prisoners' seizures were not sure what caused them since they had never seen similar ones in the States. Also, none of the doctors had the freedom, time, or facilities to examine or observe the patients at length. All these doctors felt, however, that the seizures were directly linked to the amount of torturing a prisoner had received, and many believed that they were a psychosomatic reaction to that torturing. For reasons about which we could only speculate, the women seemed far more prone to seizures than the men.

#### CHI MINH

As I visited the ward more and more often, I began to make friends. During one of my very first visits, a woman about forty pulled my arm and nodded for me to come close to her so that she could speak to me quietly. The guard was sitting outside the ward smoking, so she didn't seem afraid to talk. "We know who you are and that you want independence and peace for the Vietnamese people," she said to me. "We've heard about your work at the rehabilitation center and how you make all the artificial arms and legs for the wounded Vietnamese civilians. We aren't afraid of you. Please trust us. Help us." This woman held my hands as she talked to me and twisted the ring on my finger. She put her arm around me.

I soon became used to the generous affection and physical contact of these women prisoners. They talked with me, calling me

by my Vietnamese name. The ones I knew best would sometimes hug me or try to fix my hair a little, very tenderly tucking back stray strands. Some women wouldn't speak as openly and unabashedly as others, but none of them were ever rude or aloof with me.

I was always amazed at the political sophistication of the Vietnamese and how quickly and clearly these women distinguished me as a "nhan dan tien bo my," "progressive American" and not like the "linh my," the American soldiers. They knew as well as I did what happened at My Lai, a village only four miles from Quang Ngai, and yet these women were living with me.

One time, after not having visited the ward for a few days, I walked towards it in an angry mood. I was feeling particularly depressed and frustrated about the war. I had begun to think that I'd been saturated, that I just couldn't experience any more hurt and horror. Chi Minh, a nineteen year old woman who had befriended me when she was on the prisoner ward a few months earlier, saw me coming, reached through the bars of the locked door, and grabbed my arms. She grinned at me and pulled my ear, maybe the only affectionate gesture she could think of since she couldn't embrace me as she usually did. "I'm back. Did you miss me?" "Of course I did," I answered, and my frustrations left me.

Chi Minh had been in prison for two years, and had been tortured four times. She had hated the isolation of the interrogation center but found the prison not too bad. "We're together, we talk and have a feeling of togetherness, of solidarity," she told me. "My cousin was picked up recently, and it was fantastic to see someone from home."

I showed some pictures I had taken of the prisoners to an American friend of mine who wasn't at all impressed: "Gee, these prisoners don't look bad. They're smiling." I tried explaining, "Yes, but you can't frown forever. Maybe the first year, but after two or four or six years in prison you get tired of frowning and smile a little, even if you're in chains. The Vietnamese are really strong." I wanted to thank Chi Minh for smiling, for giving me love and strength, but I didn't. I didn't know how to express it, and there was too much to express anyway.

#### POLITICS, TORTURES

Gradually, as my acquaintance with the women prisoners increased, I began to learn more about why they were in prison. There was as great a variety of reasons as there were individual prisoners and I can only make three generalizations. First, they were all political prisoners. I never met a woman prisoner convicted of a crime. The women were basically "dong bao" type, country women of the Quang Ngai area. There were, of course, no rich, well known or university educated women as there are in some of the Saigon prisons. And none of the women I spoke to had been given a trial or knew exactly how long they would be in prison.

In all other respects, the women were very different. They ranged in age from twelve to sixty seven years. There were teenagers, women with nursing babies and grandmothers. The politics of the women varied as much as their ages. There were women who were strongly supportive of the South Vietnamese government. A pregnant woman, whose X-rays showed that she had three cracked ribs and who had bruises on her body, claimed she had a husband and two brothers who were serving in the ARVN army. I didn't really believe her at the time, but a few months later I saw her husband, with his M16 grenade belt, revolver, uniform and jeep. He had just returned from fighting in Quang Tri and had immediately gone to ask to have his wife released, but he said the police only laughed and asked him for a bribe.

Some women were totally apolitical and



had no idea why they had been made prisoners. Occasionally these women had relatives in North Vietnam, for instance fathers who went North in 1954, twenty years ago, when they were children. Nevertheless, the South Vietnamese government feared their relatives might try to contact or influence them and thus these women were "suspect." A number of the more country looking women had been in the wrong place at the wrong time. Usually they were older women who stubbornly remained in their ancestral homesites to work the rice fields rather than moving into concentration-like refugee camps the government set up. Such women, having experienced thirty years of war and seen their land change hands and government many times, were tired of moving at the whim of warring groups. Nevertheless, by refusing to move, they were classified as Communist supporters.

Another large segment of the women were those who support "the other side," the PRG (Provisional Revolutionary Government). Of these women, some simply sympathized with the PRG, others had minor roles or jobs with the PRG, while still others were actual cadre. Usually, the women with the liberation forces in South Vietnam have jobs as leaders, political organizers, teachers, nurses/doctors, or as supply-carriers, but some are also guerilla soldiers who fight and carry guns.

The women who fell into the category of supporting the PRG remained silent about their true identity. After all, many of them had openly resisted talking when they were tortured and they couldn't risk speaking openly with anyone—their fellow prisoners or an outsider like myself. Two female prisoners, however, did tell me their motivation for joining the PRG. One of them was a prisoner I knew quite well before she was picked up. She came from a very poor refugee family who couldn't afford the government school fees, so she decided to join the PRG because she knew they would give her a free education in the mountains, equal to that a male would receive. Another young woman, only nineteen years old, told me her brother had gone off with the liberation forces and when she heard the police were planning to capture and torture her to find out where her brother was, she went to join him. "At least if I was going to get tortured, I might as well have done something so that the pain was worth it. I've worked for the PRG for two years and I'm proud of it, but that's all I'll tell the police," she explained to me.

When I've spoken with some Americans about there being over a thousand women and about seventy-five children under the age of four in the prison centers, they have reacted, "Women and children. How awful," as if all women should automatically be innocent creatures. It is true, of course, that all the children and a majority of the women are innocent, but there are also some women who have struggled and fought equally with male cadre. What should arouse the outrage of people is not that women are getting imprisoned, but rather the conditions of the imprisonment—the lack of trials or determination of guilt, the inadequate food supply, unsanitary conditions, the total lack of medical care, and most importantly, the inhumane torturing of the prisoners.

I learned more about the torture with every passing day. There was the evidence from the physical examination by the doctor—the unusually high percentage of cracked ribs, bruises, paralysis of limbs and so forth. Many of these symptoms were verified by X-rays. And there was the testimony of the patients, who, as they came to trust us, told us more about the procedures to which they had been subjected. They told us of being forced to drink lime mixed with water, of beatings, of electric shocks. Often, they said, they were forced to lie on a table and if they didn't

respond to questioning properly, the interrogator would reach underneath their rib cage and crack or break a rib.

One singular torture was the hardest to diagnose, since the police had devised it so that the prisoners would have no external signs of having been tortured. The special police would put the prisoners in a full-length upright tub of water and then beat the sides of the tub. The pressure and concussion caused internal injuries.

Appalled by this continuous evidence of torture, my Quaker Center teammates and I made many efforts to bring these conditions to the attention of the American advisers. It was the Americans who trained the Vietnamese in interrogation techniques, we knew, who had set up an identity card system for all civilians, who financed the police force, and provided money for the prisons and cells. It was the CIA who advised the special police. Yet one deputy senior advisor dismissed all our stories by blaming the Vietnamese. "Asians like to torture one another. I've worked in Korea too, I know. Asians aren't my kind of people."

As we heard about the progress of cease-fire negotiations, we hoped very much that the PRG representatives would be successful in their efforts to guarantee that the 200,000 prisoners being held in South Vietnam would be freed simultaneously with the North Vietnamese and American P.O.W.'s. But what we feared happened instead; their fate was left in an ambiguous state, to be worked out in negotiations with no firm deadline. While American newspapers focus on the return of the P.O.W.'s, my friends on the prisoner ward in Quang Ngai will continue to wait day after day, week after week for their release.

I wonder how many American P.O.W.'s, their wives and sisters realize that there are 200,000 prisoners in South Vietnam who haven't received their freedom yet? I wonder how many who fought with the purpose of containing Communism and supporting a democratic government, really know about the repressive administration of President Thieu, with his martial law and his decree banning local elections and his inhumane prisons? I wonder if they wonder how they might have fared as prisoners in the hands of the South Vietnamese government.

I wish I could introduce American women to those Vietnamese sisters for whom I have such a feeling of empathy and love when I visit them on the prison ward at Quang Ngai. As a second best, I have decided to write about them, in the hope that my readers will join me in working for their release. For them, too, it should soon be a time of homecoming.

JANE BARTON.

(Jane Barton returned to the United States this spring. She is anxious to speak with groups of women. Those interested in contacting her should write care of American Friends Service Committee, 160 North 15th Street, Philadelphia, Pa., 19102.

This article is reprinted from "Off Our Backs," April 1973.)

#### BECAUSE THEY LOVE FREEDOM

Because they love freedom and independence, peace and justice,

Because they refuse to send their children into the ranks of an army under the command of a foreign country,

To fight against their brothers

They were imprisoned.

But who could put into a cage conscience,

chain the wings of thought?

In spite of tears and wounds, blood and tortures,

Their poems keep blooming on the prison walls.

Born behind bars, their songs fly away into the world

And bring us this faithful message:  
Love, hope, determination, courage.

(NOTE: Excerpt from a poem by the Preparatory Committee for the formation of the Association of Vietnamese Women in France.)

#### EDUCATION IN PRISON

(Written by a woman prisoner, Hoang Thi Kim Dung, March 1973)

In prison, time is long, very long. Indeed, "a day in jail is equal to a thousand years outside it." So, we have to study. To while the time away and to form for ourselves an adequate knowledge so as to serve better the revolution once we will be freed. With this idea in mind, the women combatants of the Liberation Army detained in Phu Tai prison (Quy Nhon) have organized educational courses.

The classes were very simple, just like those outside the prison. Obviously, there were teachers and students. The former were chosen among those of higher education than others, some of them had been to the seventh or even eighth grade. The earth floor was at the same time the "desk" for the teacher, the "blackboard" and the "copy book" for the students. By turn, we kept vigilance while others studied. We learnt all the subjects, the three main of which were literature, history and mathematics. History and literature enabled us to understand the glorious past of our nation and the noble reality of our revolution.

In spite of our enemy's frequent beatings and torture, we have sought all ways and means to study. To this end, we collected small pieces of paper from cement bags, boxes of sweets, cigarette packets thrown away by the soldiers. As pencils, we used small sticks of bamboo; as for ink, we used soot mixed with water. The "paper" thus gathered was reserved for those of lower educational level. Most of the others used the floor to write and read on. We learnt poems by Nguyen Du, Nguyen Trai, Uncle Ho and To Huu.

If the wardens succeeded to lay their hands on the poems, we would be beaten, moderately if they were those by Nguyen Du, but brutally tortured if they were those by Uncle Ho and revolutionary poems. However dangerous as study was, we have put into it all our hearts. Our motto was: "Study, study again, study ceaselessly." Once, on the eve of her being sent to another camp, Mrs. K. stayed awake for a whole night and wrote in the dark her examination task. A woman detainee was executed because the torturers found on her body a description of a massacre in the prison.

It's not easy to describe fully the beatings and torture we were subjected to when small pieces of paper bearing such figures as May 19 and September 2\* were discovered. Indeed, our enemy was afraid even of these figures. Once, Mrs. H., who suffered an ovary injury, was raped by the torturers' dogs. Before dying, she gave to her neighbor a piece of cement-bag paper which had been cleaned for the fifth time. (We have decided that a piece of paper would be unuseable only after its seventh cleaning.) The sheet was cleaned and dried and then written on, over and over again until torn and worn. Sometimes we had to shed our blood for collecting a piece of paper.

Besides literature, we learned music, embroidery, cookery. In "cookery" there was no practice, simply because we did not have the necessary ingredients. Water came to our mouth at the mere thinking of salt, let alone meat, fish, chicken. . . . What we knew we taught to others. Anyone could be a teacher and a student. There were regular examinations. At the end of the school term, we

\*Respectively, President Ho Chi Minh's birthday and Date of our Proclamation of Independence.

passed to a higher grade. After seven years in Phyl Tai, we averaged the fourth grade, including those who did not know a single word when they first came to the prison.

Because of our study, we were daily beaten until our blood shed, sometimes in profusion. The beast-like American imperialists have tried by all means to deceive us, for instance, by offering better conditions to study in the USA if we married them. We rejected their offer and continued with our study in jail.

Our history taught us that Comrades Nguyen Thi Minh,<sup>1</sup> Vo Thi Sau<sup>2</sup> and other sisters of ours had sacrificed their lives in a valiant and indomitable way. This was a great encouragement for us in carrying on our study and helped us heighten our spirit and strengthen our determination.

Interview with Mrs. Hguyen Thi Thua, released political prisoner. Given on June 21, 1973, to four Americans who were visiting the Democratic Republic of Vietnam.

She spent only one year in prison, but prior to that she lived in the city of Bung Tau, Ba Dia Province. Her story:

"I would like to tell you about what I have witnessed—the crimes committed by the U.S. and the Thieu administration in the South. I was a laborer in the town prior to my arrest. On the morning of May 3, 1972, I was walking to town; I heard explosions, and some soldiers arrested me. I was then five months pregnant. I was taken to the special police station and tortured for one month, six days. During that time I suffered the water torture, I was beaten, they applied electrodes to my nipples and genitals, and so I almost miscarried. I was angry and cursed them to their faces, and this led to more beatings.

"Later the police thought I would die, so I was taken to the Vung Tau hospital. There I got a little better and so was sent back to prison. They had no record on me—I was just a common person.

"I was taken to Thuvuc prison, Camp C, for women and children and pregnant women. I was put in a cell four meters wide and seven meters long, with 100 women and 100 children. I saw many women from Quang Nam, Danang, and the perimeter of Saigon. Many women were driven to miscarriage. The use of electrodes was most common and when the women would cry out, urine was poured into their mouths, or soapy water was poured into their mouths. The atmosphere, the heat, the density drove many prisoners near mad. Some leaped or shouted from the conditions. The children there were from five days to seven years old; many fainted and were lying on the ground. And the camp was in a hollow, so there were places where when it rained, water filled up the ground and many skin diseases resulted.

"For me, my body got swollen. I had no medication so my baby was born prematurely. I had three days of labor. I cried and shouted too much—my friends demanded to take me to the hospital, and I was finally taken on a truck, shackled. Even in the hospital, I was shackled, with two police standing by. I had no strength to give birth so they used forceps. Four days later the jailer came to get me. The doctors said that I was too weak, but the jailer used pressure and took me back.

"Several other women had the same fate

as I. Because they did not have strength to give birth, two others died in childbirth. And for my prematurely born baby, I was with it for two months, and then they took it away. They said it would be in a U.S. orphanage in the South. From then on, I did not know where my baby was. Because they robbed me of my baby, I shouted and cursed them and they locked me in solitary confinement. So from that time on I didn't have any information about my baby—I don't know if he is dead or alive.

"When the Paris Agreement was signed, we prisoners didn't know anything about it. But in February of 1973, there was a situation where they moved prisoners from camp to camp. One day they moved us to three different camps. This way, the Saigon regime was trying to break our unity, and create confusion.

"They used deception—they promised we would go to court so we could file suit, but we knew it was just to move us from prison to prison. We protested and some of us had to be taken by force to Tan Hiep prison, where there was no court, no lawyers, no judge—only a Saigon army man who gave out some sentences as high as 14 years or 20 years. They used other means to confuse us. The first was to give political prisoners a red card and the civilian prisoners a blue card. They would give the political prisoners a blue card—in an attempt to turn them into civilian prisoners. Another means they used was to bring in many civilian prisoners and put them in with political prisoners. This occurred not only in Thu Duc, but in Chi Hoa prison in Saigon, too.

"Many women resisted carrying the card, so they were kept in a special building hidden behind another building or a kitchen. So it was very hard to find them behind walls. With the detaining of women in solitary confinement, they would try to liquidate prisoners. Sometimes at midnight, guards would come and take prisoners away. They were never seen again. Another way to liquidate prisoners was to take the sick ones to the "hospital" where puppet authorities would inject poison into their veins.

"They returned some of the civilian prisoners like myself. They would come and say, now we will return you to the other side. They resisted, suspecting a trick. The troops beat them, and finally took them to Bien Hoa airport. They conducted psychological warfare on the road to the airport—all lies. Once at the airport, they delayed our return. We arrived at Bien Hoa on May 9, but weren't given back until May 11. During that time, many women fainted, and one child died.

"I can give you more detail on the torture. Especially when they would torture women, especially when they would torture the genitals, they would tell the women, 'We are doing this so you will never produce. If you haven't committed a crime, then we will beat you until you confess. If you have committed a crime, we will beat you so you won't do it again.'"

Question: Were you asked to sign a statement before you were released?

Answer: Yes. We were given a "chieu hoi" loyalty pledge to sign. We refused and were beaten again.

Question: Were all the prisoners turned over at Bien Hoa airport?

Answer: 222 were turned over; 700 remained in prison.

Question: Did you ever see Americans during your time in prison?

Answer: An American advisor came every 30 days, and the prisoners would receive especially heavy beatings before the advisor would come.

Question: Did these visits occur before and after the Paris Agreement?

Answer: Yes, they did occur before. After

the Agreement, I was in a special camp, so I don't know.

Question: Did the American advisors wear a uniform?

Answer: No.

Question: Did you learn the names of any of these advisors?

Answer: No.

Question: Could you describe the way in which the prisoners organized themselves in prison?

Answer: The only weapon we had was unity. It was especially useful when we were being beaten. When we were being beaten we would shout out, so the other prisoners would know.

Question: Were all the guards who did the torturing men?

Answer: Yes.

Question: Were all the torturers wearing the uniform of the Saigon army?

Answer: Yes.

Question: Were you regarded as a political prisoner when you went in?

Answer: Yes.

Question: Did you receive a red card when you went in?

Answer: Yes.

Question: Did you have a blue card or a red card when you came out?

Answer: We refused to carry blue cards; but some prisoners were beaten and gave in.

Question: Were the prisoners segregated by sex?

Answer: The prisoners in my prison were all women.

Question: What is your age?

Answer: 40.

Question: Are there other children in your family?

Answer: I have two daughters and one son, the one in the orphanage.

Question: How is your health now?

Answer: I am taking gynecological treatment for the torture applied to my genitals. My joints are painful when the weather changes.

#### A SMALL CHILD'S TEARS, AT NIGHT IN PRISON (By Poulo Condor)

From cell to cell, an anonymous song circulates:

The night is far advanced,  
Tell me why are you still awake?  
Sadness? anger? Why this agonizing feeling?  
For I hear, broken and far away, the sobs of a child.

How painful, they are these sobs from a little one.

In the chilling and solitary prison, at night,  
It tears the space, the baby's voice, his sobs  
penetrate our wounded heart.

Which chokes with rage and hatred: maybe  
this little prisoner,

Like a young weaned buffalo, a dispersed herd,

Was torn away from his mother who is locked  
in another cell?

All night long, you cry, famished,  
And even the grass and trees are moved.

What, then, of the human heart?  
Tired from the wait, the sobs fade one by one.

No, it is not possible! She is in a black cell,  
your mother,

Over the tiles, the rain falls with light drops,  
The cold wind blows in blasts against the wall,

The curtain of night is sinister and obscure,  
It covers the prison and all its buildings.

Calm yourself, my little one. Sleep deeply,  
sleep!

Tomorrow the dark night will have disappeared entirely.

You will find again your mother's loving hand,

She will rock you, her love will protect you,  
And with all your likes on the firm ground

you will return.

<sup>1</sup> The first woman to join the Indochinese Communist Party. She was a student in Vinh during the period of clandestine activity, and was sentenced to death by the French colonialists. She left to the women of Vietnam the following message: "The revolution is our way to salvation."

<sup>2</sup> A Vietnamese martyr who joined the anti-French guerrillas at age 14 and was killed by the French in Poulo Condor when she was 17.



Tomorrow, you will be told the story,  
The story of a tiny prisoner, bitter irony!  
Who cried night and day, torn away from his  
mother's breast.

Confound the pack of assassins!  
Our heart encloses as many drops of anger  
As there are drops of rain falling from the  
sky onto the earth.

It is long this story, oh, my brother!  
And tells of many more miseries and close  
friendships.

The day of the unity of our country  
When the South and the North by an in-  
tense bond will be reunited.

That day our mountains and our rivers will  
shine,

There will be no more children's tears, at  
night, in prison.

#### YOU CAN SAVE A LIFE

1. Join the National Letter-Writing Cam-  
paign demanding that aid to Thieu be cut off  
until the political prisoners are released.  
Write to your Congress Member and Senator.  
(See sample letter on following page.)

2. At the back of this pamphlet is a list of  
names of some women prisoners. Adopt a  
Prisoner, or better yet, have the women in  
your women's group or organization all adopt  
a prisoner, and write to her sending a copy  
of the letter to your Congress Member asking  
them to look into the health and welfare  
of your prisoner. Along with this, you may  
want to wear a bracelet with your prisoner's  
name on it. (See sample letter on next page.)

3. In the spring of 1973 the Yale University  
Committee of Concerned Asian Scholars, with  
wide support from both students and faculty,  
recommended that Madame Ngo Ba Thanh,  
the distinguished Vietnamese scholar and  
lawyer, be considered for an honorary degree  
at the June commencement. The administra-  
tion failed to approve the honorary degree  
but the controversy drew much attention to  
the prisoner issue. Columbia University stu-  
dents waged a similar struggle to have Mme  
Ngo Ba Thanh come to the U.S. to receive a  
degree. The dean of the University of Mich-  
igan Law School has issued an invitation for  
her as a guest lecturer. Why not try to or-  
ganize your state university or women's or-  
ganization to invite her?

4. Ask people to join a delegation to visit  
the local office of your representative. Have  
specific questions about use of U.S. money for  
support of the Saigon Government's prisons  
and support of President Thieu. Write IPC  
for a "Memorandum on Continued U.S. Sup-  
port for the South Vietnamese Police and  
Prison System and Program for Action" . . .  
an excellent document for lobbying.

5. See if you can organize a group of wom-  
en, church people, lawyers, etc. to Form a  
Delegation to Go to South Vietnam and de-  
mand to inspect Thieu's Prisons.

6. Distribute more of these pamphlets or  
arrange a film showing of the 30 minute  
movie "Saigon: A Question of Torture" made  
by a British film company and shown over  
British and Canadian t.v. This movie in-  
vestigates the political prisoners in the jails  
in South Vietnam. (Rental is \$20.)

7. Obtain a slide show entitled "Women in  
Vietnam" for use in your area. The slide  
show has 117 slides and a script (Purchase  
cost is \$20). It depicts the historical role of  
Vietnamese women in their country's strug-  
gle for National Independence and freedom,  
the development and growth of the massive  
Women's Union there, and how the war has  
affected their lives.

8. Build a tiger cage. Set it up in a public  
place. In New York some women fasted,  
dressed and made up as Vietnamese, and sat  
inside the cage to call attention to the issue.  
It did!

All resources mentioned above are avail-  
able through the Indochina Peace Campaign.  
Prisoner bracelets cost \$1.00.

#### SAMPLE LETTER TO A MEMBER OF CONGRESS

DEAR ———: I respectfully urge you to be-  
come aware of the approximately 200,000  
civilian political prisoners detained by the  
Thieu regime in very subhuman conditions,  
with many being tortured, starved or liqui-  
dated. I understand that some are as young  
as six years old. Many are being reclassified  
as common criminals so they don't have to  
be released under the Agreements. I urge  
they be immediately released, in keeping  
with both the spirit and letter of Article II  
of the Agreement which directs the two  
South Vietnamese parties to: "... prohibit  
all acts of reprisal and discrimination against  
individuals or organizations that have col-  
laborated with one side or the other . . .  
(and) insure the democratic liberties of the  
people. . . ." This is an American respon-  
sibility since USAID and DOD funds, pro-  
vided by our tax dollars, maintain the prisons  
and trains the police force which is carrying  
out this brutal repression.

If you wish further information and docu-  
mentation concerning these prisoners, it can  
be found in: *Hostages of War: Saigon's Polit-  
ical Prisoners* by Holmes Brown and Don  
Luce, Indochina Mobile Education Project,  
1322 18th St., N.W., Washington, D.C., or by  
contacting the Indochina Peace Campaign,  
181 Pier Ave., Santa Monica, CA. 90405.

#### OPTIONAL PARAGRAPH

I am concerned about the rights, health  
and whereabouts of these prisoners, espe-  
cially one letter-friend to whom I am writing  
named ———. I am trying to find out the  
following about my friend: Where is she?  
How is she? Why is she being held? Can she  
receive mail and visitors? When will she be  
released? If she has been released, where is  
she now?

#### SAMPLE LETTER TO A PRISONER

DEAR ———: I am a U.S. citizen who is very  
concerned about your health and welfare. Re-  
ports have been coming out on our TV lately  
which show how badly the political prisoners  
are treated. I realize that many have been  
tortured and that many cannot walk as a  
result of being shackled to the bars of cells  
and tiger cages. I promise you that I shall  
work for your release and for the freedom of  
all the political prisoners in South Vietnam.  
I hope that you will be able to write to me  
about your treatment and your mental and  
physical condition.

Sincerely,

#### LIST OF WOMEN POLITICAL PRISONERS

From Nha Trang deported to Poulo-Condor  
(Con Son Island) on February 15, 1973, with  
the pretext of liberation:

Prisoners, prisoner ID number, born in, at

1. Nguyen thi Day, A2347, 1931, Ninh Thuan.
2. Bui thi Nhieu, A2348, 1932, Ninh Thuan.
3. Ngo thi Tu, A2349, 1953, Quang Nam.
4. Le thi Xi, A2351, 1952, Binh Thuan.
5. Phan thi Lieu, A2350, 1958, Quang Nam.
6. Nguyen thi Tu, A2352, 1956, Khanh Thuan.
7. Pham thi Chuong, A2354, 1931, Khanh Hoa.
8. Le thi Muoi, C3692, 1953, Binh Thuan.
9. Nguyen thi Loc, A2353, 1936, Binh Thuan.
10. Dao thi Loi, C3693, 1955, Binh Dinh.
11. Tran thi Tra, C3694, 1951, Binh Dinh.
12. Ngo thi Guyen, C3689, 1952, Binh Thuan.
13. Huynh thi Ben, C3688, 1954, Binh Thuan.
14. Nguyen thi Hanh, C3690, 1954, Binh Thuan.
15. Tang thi Ha, C3691, 1954, Binh Thuan.
16. Le thi Nan, 528.
17. Le thi Minh Hien, 526.
18. Nguyen thi Cuc.
19. Thieu thi Tan, 17983 HC.

20. Nguyen thi Cam.
21. Thieu thi Tao.
22. Nguyen thi Danh.
23. Nguyen thi Nhan.
24. Hoang thi Kim Hgan.
25. Phan thi Baxh Tuyet.
26. Le thi Huong, 1097 GTQS.
27. Huynh thi Khinh, 877 CTTA.
28. Phan thi Le Hanh.
29. Nguyen thi Nhan, 862 GTQS.
30. Lan thi Co.
31. Nguyen thi Que Lan, 1142 HC.

#### WOMEN PRISONERS AT DE THU DUC (SINCE FEBRUARY 1973)

1. Pham thi Bong.
2. Nguyen thi Nhan.
3. Le thi Em.
4. Nguyen thi Ven.
5. Nguyen thi Huong.
6. Nguyen thi Cam.
7. Bui thi Bong.
8. Le thi Loi.
9. Le thi Loi.
10. Duong thi Trang.
11. Nguyen thi Nhan.
12. Tran thi Bich.
13. Nguyen thi Danh.
14. Tran thi Xe.
15. Dang thi Lieu.
16. Tran thi Lanh.
17. Nguyen thi Banh.
18. Nguyen thi Teo.
19. Phan thi Thu.
20. Phan thi Tu.
21. Nguyen thi Bay.
22. Nguyen thi Tana.
23. Tran thi Huu.
24. Nguyen thi Can.
25. Mai thi Huong.
26. Tran thi Nguyet.
27. Nguyen thi Xe.
28. Nguyen thi Col.
29. Nguyen thi Tung.
30. Ho thi Phan.
31. Pham thi Thin.
32. Ho thi Vinh.
33. Nguyen thi Cuom.
34. Nguyen thi Mul.
35. Nguyen thi Than.
36. Ngo thi Lan.
37. Nguyen thi Boi.
38. Tran thi Tao.
39. Tran thi Hue.
40. Nguyen thi Tung.
41. Nguyen thi Cal.
42. Nguyen thi Lon.
43. Huynh thi Xuan.
44. Nguyen hi Toan.
45. Nguyen thi Thu.
46. Nguyen thi Sa.
47. Ngo thi Ke.
48. Pham thi Hung.
49. Tran thi Nguyen.
50. Phan thi Theo.
51. Nguyen thi Lan.
52. Quach kim Dien.
53. Nguyen thi Diep.
54. Tran thi Nguyet.
55. Vo thi Lan.
56. Nguyen thi Hoa.
57. Tran thi Phuoc.
58. Nguyen thi Van.
59. Nguyen thi Lieu.
60. Nguyen thi Hong.
61. Nguyen thi Cuc.
62. Nguyen thi Rong.
63. Tran thi Cam.
64. Tran thi Nhi.
65. Nguyen thi Minh.
66. Tran thi Nam.
67. Giang thi Anh.
68. Kieu thi Hal.

List of women prisoners whom the authori-  
ties have reclassified as civil offenders. These  
prisoners, supposedly liberated by the ad-  
ministration of Khanh Hoa (Nha Trang)  
prison, were deported to Poulo Condor on  
Feb. 16, 1973.

Prisoners, Prisoner I.D. number, Born in, At

1. Bui thi Le Thu, A.2174, 1950, Quang Ngai.

2. Vien thi Minh Thanh, A.2170, 1952, Ninh Thuan.  
 3. Nguyen thi le Thuy, A.2187, 1953, Binh Dinh.  
 4. Le thi Ba, A.2191, 1932, Binh Dinh.  
 5. Pham thi Ba, A.2197, 1920, Binh Thuan.  
 6. Huynh thi Lam, A.2178, 1929, Binh Thuan.  
 7. Do thi Kien, A.2121, 1930, Binh Dinh.  
 8. Thi Canh, A.2182, 1939, Khanh Hoa.  
 9. Yngoc thi E Ban, A.2174, 1916, Ban me Thuat.  
 10. Vo thi Yen, A.2177, 1956, Binh Dinh.  
 11. Ngo thi Col, A.2172, 1929, Khanh Hoa.  
 12. Vo thi Nang, A.2128, 1925, Phu Yen.  
 13. Nguyen thi Nhi, A.2131, 1955, Phu Yen.  
 14. Le thi Tho, A.2142, 1931, Phu Yen.  
 15. Nguyen thi Anh, A.2130, 1952, Binh Dinh.  
 16. Ngo thi Cong, A.2168, 1954, Binh Thuan.  
 17. Le thi Chau, A.2173, 1940, Khanh Hoa.  
 18. Bui thi It, A.2169, 1947, Binh Thuan.  
 19. Le thi An, A.2153, 1928, Phu Yen.  
 20. Nguyen thi Lan, A.2133, 1955, Phu Yen.  
 21. Nguyen thi Lieu, A.2193, 1941, Binh Dinh.  
 22. Nguyen thi Cho, A.2188, 1941, Binh Dinh.  
 23. Ho thi Quat, A.2194, 1944, Binh Dinh.  
 24. Vo thi Phyl, A.2163, 1940, Ninh Hoa.  
 25. Nguyen thi Chen, A.2155, 1916, Binh Thuan.  
 26. Le thi Phai, A.2114, 1927, Binh Thuan.  
 27. Mai thi Chum, A.2179, 1947, Phan Rang.  
 28. Nguyen thi Chinh, A.2174, 1929, Quang Ngai.  
 29. Tran thi Dien, A.2161, 1923, Khanh Hoa.  
 30. Nguyen thi Thin, A.2175, 1953, Thu Duc.  
 31. Le thi Ny, A.2112, 1950, Binh Dinh.  
 32. Tran thi Chung, A.2149, 1928, Phu Yen.  
 33. Pham thi Loi, A.2146, 1944, Khanh Hoa.  
 34. Luu thi Thi, A.2196, 1951, Binh Dinh.  
 35. Phan thi Nong, A.2155, 1942, Phu Yen.  
 36. Pham thi Ngot, A.2188, 1912, Quang Ngai.  
 37. Tran thi Nguyen, A.2185, 1951, Quang Ngai.  
 38. Nguyen thi Nla, A.2166, 1951, Khanh Hoa.  
 39. Tran thi Thao, A.2151, 1915, Quang Ngai.  
 40. Nguyen thi Nah, A.2181, 1952, Khanh Hoa.  
 41. Nguyen thi Thu, A.2164, 1939, Binh Thuan.  
 42. Tran thi Thuc, A.2156, 1952, Binh Thuan.  
 43. Dinh thi Mai, A.2129, 1929, Phu Yen.  
 44. Nguyen thi Chin, A.2160, 1955, Binh Dinh.  
 45. Tong thi Nhan Van, A.2192, 1951, Binh Thuan.  
 46. Phan thi Bot, A.2159, 1949, Khanh Hoa.  
 47. Vo thi Buoi, C.3658, 1939, Khanh Hoa.  
 48. Vo thi Lanh, C.3658, 1954, Binh Dinh.  
 49. Nguyen thi Nga, A.2143, 1951, Phu Yen.  
 50. La thi Kha, C.3654, 1953, Binh Thuan.  
 51. Vo thi Khanh, A.2213, 1927, Binh Dinh.  
 52. Truong thi Bon, A.2209, 1940, Binh Dinh.  
 53. Nguyen thi Tret, C.3655, 1951, Binh Thuan.  
 54. Nguyen thi Sau, C.3661, 1954, Binh Thuan.  
 55. Huynh thi Loan, A.2165, 1939, Khanh Hoa.  
 56. Nhuyen thi Hat, A.2206, 1953, Binh Dinh.  
 57. Nguyen thi Hong, A.2124, 1951, Quang Nam.  
 58. Tran thi Huong, A.2120, 1952, Quang Nam.  
 59. Tran thi kim Huong, A.2162, 1940, Phu Yen.  
 60. Phan thi Hong, A.2126, 1930, Phu Yen.  
 61. Nguyen thi Hien, A.2122, 1954, Binh Dinh.  
 62. Huynh thi Van, A.2131, 1951, Phu Yen.  
 63. Nguyen thi Sen, A.2140, 1930, Phu Yen.

64. Nguyen thi Vang, A.2180, 1924, Ninh Thuan.  
 65. Nguyen thi Xe, A.2158, 1953, Phu Yen.  
 66. Truong thi Sen, A.2144, 1937, Phu Yen.  
 67. Bui thi Hoa, A.2190, 1948, Binh Dinh.  
 68. Truong thi Dung, A.2167, 1952, Binh Dinh.  
 69. Dao thi Huong, A.2215, 1932, Binh Dinh.  
 70. Do thi Thanh, A.2135, 1951, Phu Yen.  
 71. Huynh thi Tu, A.2156, 1954, Phu Yen.  
 72. Trinh thi Thanh, A.2154, 1947, Phu Yen.  
 73. Tran thi Sau, A.2186, 1956, Khanh Hoa.  
 74. Vo thi Sau, A.2186, 1956, Khanh Hoa.  
 75. Le thi Trong, A.2138, 1926, Phu Yen.  
 76. Thi Sang, A.2157, 1939, Ninh Thuan.  
 77. Cao thi Thanh, A.2136, 1927, Khanh Hoa.  
 78. Tran thi Dua, A.2127, 1916, Phu Yen.  
 79. Huynh thi Dao, A.2189, 1928, Binh Dinh.  
 80. Pham thi Dao, A.2150, 1958, Quang Ngai.  
 81. Tran thi Trinh, A.2205, 1953, Binh Dinh.  
 82. To thi Que, A.2207, 1937, Binh Dinh.  
 83. Nguyen thi Trang, A.2202, 1933, Binh Dinh.  
 84. Iran thi Dau, A.2184, 1934, Khanh Hoa.  
 85. Phan thi De, A.2134, 1920, Khanh Hoa.  
 86. Huynh thi Dau, A.2210, 1929, Binh Dinh.  
 87. Tran thi Thua, A.2195, 1951, Binh Dinh.  
 88. To thi Hang, A.2211, 1950, Khanh Hoa.  
 89. Vo thi Soi, A.2183, 1937, Khanh Hoa.  
 90. Pham thi Gai, A.2141, 1936, Khanh Hoa.  
 91. Pham thi Duong, A.2204, 1920, Binh Dinh.  
 92. Huynh thi Tat, A.2137, 1950, Binh Dinh.  
 93. Le thi Suong, A.2208, 1945, Binh Dinh.  
 94. Nhuyen thi Hai, A.2199, 1945, Binh Thuan.  
 95. Ho thi Duc, A.2176, 1951, Binh Dinh.  
 96. Nhuyen thi Xi, A.2201, 1918, Quang Nam.  
 97. Tran thi Ha, C.3660, 1949, Quang Nam.  
 98. Tran thi Xom, A.2152, 1922, Phu Yen.  
 99. Nguyen thi Suu, A.2200, 1949, Binh Dinh.  
 100. Nguyen thi Thao, A.3659, 1953, Binh Thuan.  
 101. Nguyen thi Ghoi, C.2123, 1926, Khanh Hoa.  
 102. Nguyen thi Than, A.2145, 1937, Khanh Hoa.  
 103. Nguyen thi Tam, A.2171, 1954, Binh Dinh.  
 Women prisoners at Tan Hiep prison are:  
 1. Le thi Loc, 22852.  
 2. Tran thi Hue.  
 3. Tran thi Lan.  
 4. Nguyen thi Man.  
 5. Nguyen thi Ghi, 23159.  
 6. Tran thi Chiem.  
 7. Tran thi Hong Nga.  
 8. Nguyen thi Thu Lieu.

#### WOMEN PRISONERS WHO ARE SERIOUSLY ILL MENTALLY FOR WHOM THERE IS NO ADEQUATE CARE

1. Chi Nguyen Thi Que, 45 years old, arrested in November 1959, has mental trouble as the result of suppression and torture in prison. She was sentenced to 10 years imprisonment and was moved from one prison to another—Thu Duc, Chi Hoa, Phu Loi—and all the prison administrators know that she is a mental case. But for more than 11 years already she has been in prison and no care is taken for her health. Her husband died in 1967 and her daughter was killed during bombing in 1968. Now she is still in the prison of Chi Hoa.  
 2. Chi Nguyen Thi Phe, 35 years old, arrested on August 3, 1963 and sentenced to 5 years imprisonment. Her home town is far away in Binh Dinh and her son, 3 years old, was taken care of by other people. The poor child, without father or mother, cared for by others, died after several months.  
 Thi Phe has serious stomach trouble, for which no care is taken. She has been given injections of Atropine and is becoming blind. Even the German doctors in the prison of Con Dao say that her condition was serious and suggested that she should be moved to the mainland for treatment. Today, her period of imprisonment has been exceeded by 2 years and 7 months, and her condition becomes more and more serious, but the government does not agree to her release.  
 She is still in the prison of Chi Hoa.  
 3. Chi Nguyen Thi Xuoc, 45 years old, arrested in 1962, her home district in Binh Dinh. She was arrested with her son, 11 years old. After several months of investigation, her son was released. He wandered about in Saigon, and after 8 years she does not know if her son is alive or dead, or if he may have returned to Binh Dinh.  
 As the result of torture and the dampness of the prison, today her lungs are affected and she is given no treatment.  
 She was sentenced to 4 years imprisonment, but today, she has already served 8 years. The day of her release, when she hopes to see her mother and her son, is still far away.  
 4. Chi Ton Anh, 47 years old, arrested in Binh Dinh on July 26, 1961. She was sentenced to 7 years imprisonment; now she has TB and stomach trouble and no care is taken of her so that she cannot walk, nor eat and drink properly. For the last two years the government refuses to release her.  
 She is still in Chi Hoa prison.  
 5. Chi Nguyen Thi Kheo, 36 years old, was arrested in 1960, in An-giang. In the local prison she was tortured so that she vomited blood and was moved to the hospital. When an attempt was made to force her to sign a false confession, and she refused, she was again beaten by the police.  
 She was unmarried when sentenced at 26 years of age to 7 years of imprisonment. Today, she has been in prison for more than 10 years and the government does not agree to release her, although an official in the Thu Duc prison told her in 1964 that her sentence has been reduced by one year. During the 10 years she has been moved to all the prisons in the south: An-giang, Chi Hoa, Go Cong, Thu Duc, Phu Loi, Con Dao, and now is the third time she returns to Chi Hoa.  
 No competent doctor has diagnosed her illness—she is very weak and thin and old-looking and menstruation has ceased.  
 6. Chi Nguyen Thi Thao, 47 years old, was arrested on May 2, 1960 and sentenced to 10 years imprisonment, when her daughter was just 7 months old. During the time of investigation, she was moved from prison to prison: Gia Dinh, Chi Doa, Phu Loi, Thu Duc, Con Dao and back to Cho Hoa. She tried hard to keep the child with her, because she did not want her to be sent to an orphanage. After hearing from her family she sent the child to her sister, but unhappily her sister died. The child was then sent to the grandparents who also died. For ten years the little girl has wandered from house to house in the village, without family affection and without education, showing how corrupt South Vietnamese society has become.  
 In August 1970, thi Thao was taken from Con Dao to Chi Hoa and was able to see her daughter, who cried: "Mother, do not die, you have to live with me. Your sentence is finished, why are you not released? Do the administrators of the prisons not have any children? Why do they not know how to love children who have no mothers?"  
 But thi Thao cannot hear—she has become deaf.  
 She has TB, but the prison nurse always gives her quinine. So that, after ten years in prison, the TB is very advanced and the deafness is extremely serious.  
 The day of release and the reunion of mother and daughter is far away.  
 These are some cases among the 83 women prisoners now in Chi Hoa. They are proof that the prisons of South Vietnam today are savage and inhuman and must be reformed.

May, 1971.

DIU THUY.



## INDOCHINA PEACE CAMPAIGN

The Indochina Peace Campaign is a coordinated grassroots network of activists committed to finally stopping all U.S. aggression in Indochina and achieving peace and self-determination there. We generate public pressure to:

1. Demand the 1973 Paris Agreement on Vietnam be implemented. The U.S. must stop supporting the reactionary regimes of Indochina, including the world's most massive police state in Saigon. Thieu's political prisoners must be freed and a government of national reconciliation created in South Vietnam.
2. Create friendship and understanding with the Indochinese people made "faceless" by the Pentagon, through Medical Aid to Indochina and other support and cultural programs.
3. Broaden and unite the anti-war movement, supporting amnesty and the rights of all Americans facing repression because of the war.
4. Agitate around the Watergate crisis to wrench policy-making from Indochina out of the hands of the Executive.

[From World magazine, Aug. 14, 1973]

## AMERICAN TROOPS IN EUROPE: THREAT OR SAFEGUARD?

(By Edward L. King)

The U.S. military force in Europe is too large and too costly, and the reasons for keeping it that way are invalid. Moreover, far from protecting the world from nuclear holocaust, it actually increases the likelihood of nuclear war.

At present 313,000 American military personnel, accompanied by 250,000 military-sponsored dependents, are stationed in Europe. The cost of maintaining them, together with armed-service personnel based in the United States but oriented to missions in Europe, has been climbing steadily—to \$17 billion in fiscal 1973—and it has contributed to a U.S. balance of payments outflow of roughly \$5 billion for the same year. These are costs that the American economy can no longer tolerate without compelling justification, and in this case there is simply no such justification.

According to the Department of Defense, these are two basic national-security objectives that provide the rationale for U.S. force levels and overseas deployments. These objectives are: (1) to preserve the United States as a free and independent nation, safeguard its fundamental institutions and values, and protect its people; (2) to contribute to the security of other nations with whom we have treaties or whose security makes a significant impact on our security.

In accomplishing the latter objective, the Defense Department cites "U.S. commitments under primary applicable treaties" as the justification for a large part of the military-manpower requests for fiscal 1974. But no specific manpower requirements are set forth in either the NATO or SEATO treaties. The NATO treaty does not specify any level of U.S. military force. It does not even require that members take military action. The size and composition of any U.S. military force assigned to NATO is determined solely by the U.S. government.

Thus the NATO treaty does not constitute a legitimate justification for the Defense Department's commitment of some 500,000 armed-service personnel (including the U.S.-based personnel) to the initial defense of NATO Europe. The NATO-committed force consists of eight army and marine divisions, six aircraft carriers, more than eighty surface warships and attack submarines, and twenty-one air squadrons. This force was agreed to by the U.S. executive branch during talks with NATO allies; it is not an honoring of obligations under NATO treaty articles.

What is the stated rationale behind this huge, costly, and unnecessary maintenance of military manpower? After the fallacious NATO-treaty argument, it is, of course, the oft-cited "threat of Soviet aggression." The Defense Department has described this so-called threat in exactly the same words for the past four fiscal years:

While we do not consider aggression by the USSR likely in the present political climate, the fact remains that the Soviets have a vital interest in preserving the status quo in central Europe and in retaining their hold on Eastern Europe. A crisis that could lead to a conflict could arise if the political situation substantially changed in a way that threatened the USSR or its hegemony over Eastern Europe, or if a Soviet government saw opportunities for other ways to apply critical pressures on the cohesion of the [NATO] Alliance. Such a crisis could escalate to hostilities.

Apparently in pursuit of this reasoning, the United States is maintaining more troops in Europe today than it did in June 1961, immediately prior to the build-up occasioned by the Berlin crisis. This increase has occurred despite the obvious reduction in the scope and magnitude of the Soviet threat to Europe, a reduction brought about by Sino-Soviet hostility, detente in central Europe, a Berlin agreement, a SALT agreement, the recent Nixon-Brezhnev summit, and increased trade between East and West.

Even if the Soviet threat to Europe is accepted as real and continuing, U.S. preparation for meeting it militarily is unsound. The stated mission of our conventional, general-purpose manpower in Europe is to provide a means of phased "flexible response" to a Soviet ground attack. But if an attack were to occur, it is doubtful that U.S. deployments in central Europe would be able to respond successfully in a purely conventional manner. Our troops are not positioned, trained, manned, or equipped to conduct an effective, non-nuclear, initial forward defense unless given a warning and a mobilization period consisting of about thirty days.

With such a thirty-day warning and mobilization period prior to the commencement of hostilities, U.S. divisions could, according to the Defense Department, be repositioned to more effective battle locations; reinforcements could be flown in from the United States; some of the dependents could be evacuated; and usable wartime lines of supply and communication (which are presently non-existent) could be opened.

However, an unforeseen attack would make it impossible to accomplish any of these requirements or to gain necessary air superiority to permit the landing of airlifted U.S. reinforcements. And airlifted reinforcements are essential to any hope of establishing a conventional forward defense in central Europe.\*

The Defense Department admitted in Senate testimony last year that "U.S. Army forces located in West Germany are spread thin." To overcome this, the department said, it plans to deploy the U.S.-based Reformer Division plus "an additional two divisions to Europe within thirty days. These two divisions are considered the *minimum essential* [italics added] for the conduct of an initial conventional defense in the [European] central region."

If these additional two divisions, as well as ten support units—known as the "two-plus-ten"—are not rapidly forthcoming, U.S. ground forces would have no choice but

\* The ability of U.S.-based combat forces to reinforce rapidly our forces in Europe by air is questionable. Exercise Reforger II, conducted in late summer of 1970, tested U.S. ability to airlift troops rapidly to Europe; the results were not encouraging.

to resort quickly to tactical nuclear weapons in order to save themselves from being destroyed. Since at least as far back as 1961, U.S. military strategists have planned on making the first use of tactical nuclear weapons within the initial hours of any attack by the Soviet Union.

Thus there is danger that instead of providing a "flexible" U.S. response to any level of aggression in Europe, the current conventional troop deployment in central Europe may actually lock the United States into early first use of tactical nuclear weapons—which could quickly lead to a massive nuclear exchange. Rather than providing an extended "pause" before crossing the nuclear threshold—as successive administrations have claimed—the present U.S. force levels in central Europe in fact lower that threshold to almost immediate nuclear war in the event of any Soviet or U.S. misstep in Europe.

U.S. ground-force deployments to NATO should therefore be seen as a large hostage force manning a tactical nuclear trip wire and as a guarantee that any American President will opt for immediate nuclear war in Europe. The President would have little choice but to commence a nuclear war. Otherwise, he would place more than a half million U.S. servicemen, their wives, and their children in grave jeopardy.

At the 1950 Lisbon conference, where much of present NATO conventional defense strategy was conceived, it was estimated that even then, when the United States enjoyed absolute atomic superiority, ninety NATO divisions would be required to defend central Europe. Now, in an era of nuclear parity, only twenty-five NATO divisions (including 4 U.S.) are supposed to accomplish much the same conventional mission that military experts established for ninety divisions. This is not a feasible mission, and it cannot be accomplished without resorting to tactical nuclear weapons. Nor is it feasible from a U.S. political or economic standpoint to contemplate stationing more troops in Europe.

This means that in view of the reluctance of our NATO allies to provide larger forces for their own defense, conventional flexible response is not a valid approach to the defense of central Europe. It is not even necessary, since there is little likelihood of a Soviet conventional attack. The concept of conventional defense (which actually relies on tactical nuclear warfare) is a lingering shibboleth of NATO in which the Europeans have little belief and the American public must invest billions.

What should be our military policy toward Europe? The present level of U.S. troops is not needed to reassure the Europeans of our intention to maintain strategic nuclear protection. A smaller U.S. deployment of perhaps one or two divisions could—if better organized and positioned—provide as much real flexibility as the present oversupported 4½ divisions without drastically lowering the present nuclear threshold. As Dwight Eisenhower, NATO's first supreme commander, said in 1963, "One division can show the flag as well as several." This smaller deployment would cost far less and would help counteract the chronic international weakening of the dollar.

But troop deployments have become a political sacred cow, the wrapping covering the basically political issue of American primacy in European affairs. Military troop levels have been used to protect the real political and economic issues. It has been far easier to defend a continued American presence on the basis of military requirements than on the basis of political expediency.

When it comes to troop reductions, the time never seems ripe for change. The idea of Mutual Balanced Force Reductions (MBFR) is the latest in a long series of dilatory tactics. During the four years of East-West exchanges preparing the way for

MBFR talks, the fact that the exchanges were taking place was used as a rationale for postponing any reduction in troops. Now, after four months of preliminary discussions, not even an agreement on the conference membership has been reached. The slowness of these preliminary discussions brings into serious question whether the United States and the USSR are sincerely interested in troop reductions. All indicators point to MBFR as yet another delaying tactic—employed by both NATO and the Warsaw Pact nations—to avoid facing the new situation in central Europe brought about by the continuing political and economic détente.

As Albert Willot, counselor on the Belgian permanent delegation to the North Atlantic Council, said in a recent article in the *NATO Review*:

"Europeans should not labour under a misapprehension. Even in the absence of any agreement with the East on MBFR, the United States will sooner or later be compelled, for well-known domestic political reasons, to reduce the level of their conventional presence in Europe. It must too be admitted that the Europeans are most unlikely to make up the difference."

Willot went on to speculate that MBFR negotiations might delay "and perhaps even for a long time limit" the reduction of U.S. conventional forces in Europe, if only because of the psychology of a situation in which a ceiling is imposed on the size of American forces: "Even the most staid motorist," he said, "has a natural tendency to drive at the maximum legal speed limit."

We must hope that the United States does not fall into the psychological trap suggested by Willot. To delay necessary reductions in the excessive and featherbedded U.S. conventional forces assigned to NATO would be a costly mistake. And to make this mistake because of European reluctance to assume a just portion of its own defense, or out of a naive hope for substantive results from the stalled MBFR talks, would be to ignore the best interests of the United States. Past U.S. troop reductions have found the Soviets also withdrawing troops. Additional phased reductions in the bloated U.S. force in Europe could stimulate similar Russian moves and therefore lead the world further from the threat of nuclear war and closer to the promise of peace.

[From the Washington Post, Sept. 14, 1973]

#### THE CASE FOR REDUCING U.S. FORCES IN EUROPE TO ABOUT 150,000

(By Edward L. King)

It is interesting that Robert Komer, one of the architects of some of our disastrous policies in South Vietnam, has now become a "Europe-firster" ("Keeping GIs in Europe"—August 30, 1973).

It is difficult indeed to reconcile his newfound concern for maintaining U.S. conventional troop levels in Europe, with his previous acquiescence in the slashing of those same troop levels in 1967-1969 to provide trained military men to work in his special Vietnam program.

Komer now cavalierly labels many past arguments about removing U.S. troops from Europe as "simplistic" and calls for a more informed discussion of the issue. Despite his long preoccupation with Vietnam he must be aware that serious critics such as Senator Mansfield have been carrying on informed discussions for 10 years.

Komer's article certainly adds nothing new to the discussion. It does, however, raise some questions about the facts and his understanding of them.

For example, he contends that four and one third U.S. divisions—stationed mostly in southern Germany—are defending "the shortest high speed avenues of attack by which a Warsaw Pact offensive could split NATO, much as the Germans did . . . in

1940." But the major high speed approaches are located north of the U.S. divisions, and in two world wars the Germans attacked France from the north, not through the area where most U.S. divisions are stationed today.

Komer says it cost \$4 billion to maintain U.S. troops in Europe. That is only the cost of the pay and maintenance of the men and their dependents. If you also consider the cost of their arms and equipment, that figure is correctly \$7.7 billion. And he makes no mention of the \$1.5 billion deficit in U.S. military balance of payments caused by the presence of over 300,000 U.S. troops and dependents in Europe.

Pages 190-194 of the FY 1974 Department of Defense Military Manpower Requirements Report clearly show that over 50% of our general purpose forces are predicated solely on a NATO conflict—not one major and one minor conflict in Europe or elsewhere as Komer claims.

He also repeats the tired old argument that it costs almost as much to keep our troops at home as in Europe. Yet last year—before devaluation—DOD witnesses testified before the Senate Armed Services Committee that first year savings of \$42 million would be realized from withdrawing one mechanized division from Germany and stationing it in the U.S.

After his Vietnam years, perhaps Komer considers \$42 million an insignificant amount. I doubt that other taxpayers would agree.

Komer missed a central point in joining the decade-long debate on U.S. troops in Europe. That is, why should the taxpayer pay \$17 billion (cost of all U.S. forces committed to NATO), or \$7 billion (cost of those in Europe), when less than 25% of those troops are assigned to combat skill jobs that direct fire on an enemy in actual combat defense of the American people?

I agree with Komer's call for keeping "substantial" U.S. forces in Europe. I submit that Senator Mansfield's proposal to keep around 150,000 U.S. troops in Europe is exactly such a "substantial" force.

[From Air Force Times, August 29, 1973]

#### WHY CUT TROOPS ABROAD

(By Lt. Gen. Ira C. Eaker (USAF, Ret.))

The most important issue facing the Congress, from a national security standpoint, is the growing demand that U.S. forces overseas be unilaterally and drastically curtailed.

President Nixon, during his four-and-one-half years in office has reduced our armed forces by 1.3 million men, largely a result of the termination of the war in Southeast Asia. Of our present military strength of 2.2 million 600,000 remain abroad.

There are some persuasive arguments for reducing our overseas garrisons. Our NATO allies, prostrate when we made our original agreement to participate in their defense in 1950, are now prosperous and are not paying their share of common defense costs.

All NATO countries spend about \$35 billion annually on NATO defenses. The U.S. contributes \$17 billion of that figure, nearly equal to the amount all other NATO allies provide.

The U.S. spends nearly 7 percent of its GNP (gross national product) on its military establishment, more than any of its NATO partners, except Portugal. West Germany's defense expenditure is 4 percent of its gross national product, the United Kingdom 5.8 percent and Canada only 2.5 percent. The average percentage of all the NATO countries, less the U.S., is 4.2 percent.

The present economic and political climate is favorable to the campaign to reduce our military forces abroad. The U.S. presently has an unfavorable annual balance of foreign trade of at least \$10 billion. U.S. troop costs in Germany contribute \$1.7 billion to that deficit.

The cordial summit meetings in Peking, Moscow and Washington, followed by the climate of détente, have produced an irrational euphoria in Congress. The theory apparently is that while we have reduced our armed forces more than a million men international tensions have eased. Therefore if we disband all our military strength, peace will be assured.

The administration position (the White House, State and Defense Departments) is that this is the worst possible time to take unilateral action in reducing our NATO troop commitments. The MBFR talks (mutually balanced force reductions) in Europe are now scheduled to begin October 30. President Nixon and Party Secretary Brezhnev agreed, at their recent meeting in Washington, to instruct their representatives to reach agreements in the second round of SALT no later than 1974. If we unilaterally reduce our forces there will be no incentive for mutual troop reduction at the up-coming MBFR or for nuclear arms reductions in the second round of SALT.

Secretary of Defense James R. Schlesinger, in his recent appearances before congressional committees, urged that he be given a few months to work out agreements with the NATO partners to pay a fair share of the costs of maintaining our troops in Germany.

Deputy Secretary of Defense William P. Clements has warned that while we have been reducing our military forces and delaying development of new weapons, neither Russia nor Red China has followed suit. In fact, both have made dramatic increases in their military power.

There is some hope that further unilateral action in reducing U.S. troops abroad may be delayed.

[From the Philadelphia Inquirer, Aug. 19, 1973]

#### HOW LONG MUST WE MAINTAIN HOW MANY MEN IN EUROPE

Now that the bombs no longer burst in the air of Cambodia and the U.S. seems to have at long last extricated itself from military involvement on the Indochina peninsula, this country can begin to attend to some other pressing business of foreign affairs.

Specifically, there is the question of whether to reduce the number of American troops stationed in Western Europe, and it might be well to begin with a couple of truisms.

One is that foreign policies—or any policies, for that matter—ought to be addressed to the realities; and the other is that times have changed.

In 1951, when the North Atlantic Treaty Organization was coming into being, America and its European allies could perceive a clear and present danger of aggression by a Soviet Union led by Joseph Stalin. Today, in an atmosphere of détente, no one seriously expects a sudden Soviet thrust by conventional forces into Western Europe, still less a Soviet "nuclear Pearl Harbor."

In 1951, the U.S. was clearly the pre-eminent military and economic power in the world, while Europe had been drained of its men and resources by the prolonged blood-letting of World War II. Today, Europe has more than fully recovered. It is the U.S. dollar which is weak, and that weakness is caused in large part by the drain of about \$17 billion a year to support the U.S. commitment to NATO—some 307,000 American men stationed in Western Europe 28 years after the end of World War II.

So it seems to us that the realities are on the side of Senate Majority Leader Mike Mansfield, who for more than a dozen years has been urging a reduction in American forces abroad and is currently sponsoring a resolution calling for at least a 50 percent cutback in our NATO forces.



Saying this, we do not brush off the Nixon Administration's contention that its hand should not be weakened in the forthcoming negotiations with Warsaw Pact countries on "mutual and balanced force reductions." Still, those negotiations can drag on indefinitely. Must the U.S., then, be locked in indefinitely to a level of troop strength far beyond any realistic appraisal of a Soviet threat?

Indeed, we suggest that the Congressional pressure may strengthen the administration's hand in dealing with our NATO allies, who, as even Defense Secretary James R. Schlesinger has acknowledged, are even today carrying less than their full share.

Meanwhile, we also suggest that the administration does not strengthen its hand in dealing with Congress when, in one breath, its spokesmen hail its acknowledged success in defusing international tensions while, in another breath, they bespeak the doomsday oratory of the Cold War.

An orderly reduction of U.S. forces abroad does not mean a headlong retreat into isolationism. It does mean a more realistic appraisal of America's role and capabilities.

[From London Times, July 10, 1973]

#### THE LONG, HARD ROAD TO AN ARMS PACT FOR EUROPE

(By Henry Stanhope)

The grand, not to say majestic, opening of the Conference on Security and Cooperation in Europe at Helsinki, is in sharp contrast to Western expectations of its sibling, the conference on troop reductions in Central Europe which is now scheduled to start at Vienna on October 30.

Even those anonymous makers of mnemonics have an arduous three months ahead as they abandon the old "MBFR" (Mutual and Balanced Force Reductions) and try to make something of the new title Mutual Reduction of Forces and Armaments and Associated Measures in Central Europe. MURFAAM for short perhaps?

Having given way on the semantics, principally by omitting that bothersome word "balanced" from the title, and having conceded the Soviet point that Hungary should take part only as an observer, the Nato team enters MURFAAM two goals down. Or maybe the score should be three, because so much of the five months preparatory talks, just completed, was taken up haggling over Hungary that the Western powers fly to Vienna without the detailed agenda they had wanted.

There are three principal points which should have been settled in the spring and which will now have to be resolved at Vienna in October, delaying the start of the actual negotiations. The first concerns the decision on whose troops should even be considered for the slimming process. Should they be Russian on the one side and American on the other, as is so often assumed, or should other Nato and Warsaw Pact countries be involved too—as the West Germans and others would like?

The second concerns the areas in which these reductions should be made, and whether these should coincide with the areas in which measures of military constraint are also to be introduced—such as the joint notification of manoeuvres or the exchange of observers on either side.

The third, most important of all, concerns verification procedures. Should the powers agree to leave this to national means of verification which, for Nato, means principally the American system of sensors and satellites, or should they work out something more comprehensive?

Arguments over verification have been insuperable obstacles in most other major arms controls talks to date—and will play an increasingly large role in the Strategic

Limitation Talks. How high a hurdle will they be now?

The wine during the CSCE preparatory talks at Helsinki tasted sweeter than expected by Nato nations. But that at the MURFAAM preparatory discussions in Vienna tasted considerably more sour. Senior NATO sources now fear that the time taken up by fixing these three basic parameters at Vienna in October will seriously delay an initial settlement over troop reductions. And desire for such a settlement is still strong, however wary some of the Western powers, notably Britain, remain of the security implications.

There is scepticism over early American hopes that an initial agreement on troop reductions can be reached in a year. But there is also a feeling that the talks must show results, or at least substantial progress, after 18 months. The underlying worry is still that American domestic pressures will force the United States to carry out unilateral withdrawals of some of her troops from the continent—however strongly her military chiefs may advise against it—unless this progress is both real and apparent.

Senior officials in Brussels are afraid too that the Watergate affair will work its insidious influence by alienating a number of Congressmen against the policies of the Nixon Administration, throwing moderates as well as the more ardent supporters of Senator Mansfield behind the banner shouting "Bring the boys back home." And the revaluation of the mark, together with the dollar crises can only speed up the process.

The main aims of the West is still to achieve some reduction in the might of the Warsaw Pact forces. Anxiety to achieve this can be understood more clearly in Germany than it can in this country. Despite *détente*, the border between East and West, together with unsmiling guards staring across from their concrete observation towers, bristle uncomfortably.

Ironically the border fence has just been strengthened in parts, including that strip along the Fulde Gap, the classic invasion route, behind which the Soviet forces still maintain their biggest concentration of forces. The fence has been raised to 12 feet—with an inner fence 50 metres or more behind it and an anti-vehicle ditch—and an anti-personnel shotgun device has been affixed as a deterrent to any young East German who wants to try his luck against the wire.

Other changes in the Soviet deployment in the East also give cause for concern about the difficulties ahead in trying to cut back forces in central Europe. Many of the 1,500 Soviet T-54 and T-55 tanks virtually disappeared after they were recently replaced by more modern more capable T-62s. Western intelligence officers think they have been stored in dehumidified depots in Eastern Europe to provide the Russians with the kind of dual-basing capability already possessed, to a limited extent, by the Americans.

Soviet forces have also switched from rail to air as the principal means of moving troops between Russia and Eastern Europe. Dual-basing gives the United States 7th Army the ability to move part of its 1st Division from its base in Fort Riley, Kansas, to West Germany in 11 or 12 hours. But dual-basing gives the Russians the ability to fly in troops in two or three hours. Nato officers used to calculate that the Soviet Union could move between five and six divisions a day into Eastern Europe by train. How many can they move by air with the help of their considerable air transport fleet?

These are questions to which Western intelligence officers are now addressing themselves. But they are questions which are going to make negotiations over troop reductions more, not less, difficult. While the speeches flow on at Helsinki, diplomats look forward to their next East-West encounter at Vienna with ill-concealed misgiving.

[From the Christian Science Monitor, Oct. 2, 1973]

#### U.S. TROOP-CUT PLAN IMPOSES DECISIONS ON EUROPE

(By Richard Neff)

BRUSSELS.—In the short run, the U.S. Senate's moves to cut back the American forces in Europe have caused scarcely a ripple at NATO headquarters.

At the same time, no one here doubts the tremendous long-term significance of the Senate action.

European diplomats have long known that such action was coming sooner or later. The mere fact that the Senate has moved now does not significantly change the special work started here last summer on how to increase Europe's share of the military burden. The work was proceeding and will continue.

Even if the Senate decisions win approval with the House of Representatives, it is still not clear just how many of the 285,000 land-based U.S. troops in Europe (Army and Air Force) will be affected.

#### POLITICAL IMPACT

However, statistics do not matter as much as the political impact congressional moves could have on Europe. Since 1962, the U.S. has already reduced its troops here by some 25 percent, from a peak 434,000. This decrease has had no impact at all on European opinion.

What matters to people here now is that the mood of the U.S. Senate toward a troop cut has clearly changed more than "25 percent" since 1962. In the intervening years, the U.S. balance of payments has gone awry, the American people have agonized their way through Vietnam and Watergate, and meanwhile European prosperity has steadily risen, along with the apparent prospects of East-West *détente*.

#### NEW CONDITIONS

These new conditions have opened three crucial courses of action for Europeans:

Experts here wonder if an outside stimulus—in this case a congressional troop-cut decision—will once again prove to be the factor that drives West Europeans into further unity among themselves—this time in the defense field, in order to balance off the waning of American presence in Europe.

Will Europeans—always skeptical of the Nixon-Kissinger quest for a new declaration of Atlantic principles—now see that American influence in Europe is on the decline and therefore will put Europe in a position of calling some of the shots when the American President visits Europe in the next few months?

Also, it is of deep concern here that West Europeans, rather than choosing the steep and arduous path of European defense integration, will instead be lured into the more pleasant and appeasing way of new political arrangements with the Soviet bloc. In other words, if and when American forces are withdrawn, the Europeans' reaction will depend greatly on their own perception of the Soviet military and political threat, and how Western Europe must respond to it.

#### DUPLICATION FACTOR

U.S. congressmen generally ignore the fact that West Europeans spend some \$25 billion annually on their own defense. The trouble is that this sum is not so effective as a similar amount spent by the Americans because much of the European spending is wasted by individual nations' duplicating one another's defense efforts.

No matter what Congress finally decides on U.S. troop levels in Europe, the Europeans are not going to raise their own defense budgets; it is just not in the cards politically. Europeans will try undoubtedly to siphon off some or all of the U.S. balance-of-payments deficit incurred by American troops here. This would be done by currency schemes,

offset agreements, etc., but not a major overall hike in federal spending.

#### A PROBLEM OF TRUST

If Europe were not to be weakened militarily and politically by an American cut-back, Europe's only hope is in defense specialization, but this raises a problem of trust. Can one European nation trust a vital aspect of its national defense to a neighboring country? Has European integration progressed that far?

[From Human Events, Aug. 4, 1973]

#### SOVIETS GAIN CONCESSIONS IN MBFR NEGOTIATIONS

The former Supreme Allied Commander for NATO warned last week that Western security is at stake in "the Mutual Balance Force Reduction" (MBFR) negotiations now going on in Vienna. And, indicates Gen. Lyman L. Lemnitzer (U.S.A.-Ret.), the Kremlin has won major triumphs in the opening rounds of the confab.

In a Washington talk, Lemnitzer noted that NATO first asked for an MBFR conference—to discuss mutual reductions in the Warsaw Pact and NATO forces—in 1968. The Kremlin ignored the offer, preferring instead to build up a "massive military capability in Europe which is far greater than is required solely for defense purposes."

In 1971, when Senate Majority Leader Mike Mansfield called for a 50 per cent reduction of U.S. forces in Europe, the Kremlin's public attitude toward MBFR changed. Soviet boss Leonid Brezhnev made world headlines by urging troop cutbacks and advocating an MBFR conference. It was, says, Lemnitzer, a great "propaganda ploy" in which Brezhnev convinced the world that MBFR was his idea—not NATO's.

While publicly supporting the idea of European arms reduction, Brezhnev privately sabotaged the proposed talks. A NATO delegation headed by former Secretary General Manlio Brosio, was sent to Moscow to make arrangements for the talks, but was left cooling its heels because the Red Army wanted more time to build its strength.

Finally the Soviets passed the word that they would open talks on MBFR only if NATO agreed to participate in a separate European Security Conference—a proposal that the Kremlin has been making since the days of Stalin. The West agreed, handing the Soviets what Lemnitzer calls a major diplomatic victory.

But the Kremlin victories did not end there. NATO wanted the MBFR talks held in Vienna, the Soviets in Geneva. The Soviets won.

Most significantly, however, was the Western capitulation on the question of Hungary. In February the Soviets announced that Hungary must be excluded from the area of projected troop cuts. NATO objected—but caved in 14 weeks later, yielding to the Kremlin demand but vaguely reserving the right to raise the issue later.

Says Lemnitzer:

"To exclude the area of Hungary where about 40,000 elite Soviet troops are stationed is incomprehensible from the military point of view and could go a long way toward defeating the purposes of the MBFR talks. It could also gravely affect the fate of the satellite states in Eastern Central Europe and any hope that they may have of attaining their full freedom and sovereignty. It certainly does not hold out much hope for Hungary. It also provides a beachhead—or more specifically—a sanctuary for the Red Army and Tactical Air Force at the crossroads of Eastern Central Europe."

Lemnitzer is obviously pessimistic about the MBFR talks. He pictures the Soviets as "smugly sitting back awaiting the next effort of the United States Congress to force a unilateral and substantial reduction in Europe

while they maintain untouched their massive military capability."

In a sharp criticism of Western diplomats Lemnitzer concluded: "We need to be tough negotiators. The West is all too inclined to make important concessions in order to assure that final agreements are reached. We seem to consider it all-important to avoid an impasse at all costs in order to reach agreement in conferences of this kind."

"We have already made important concessions in MBFR to date. In MBFR our security is at stake. It is vital, therefore, that any agreements which are reached do not require concessions which will jeopardize the security of the United States and NATO allies."

[From the Christian Science Monitor, Sept. 29, 1973]

#### TROOP CUTS: HOW WILL THE KREMLIN ACT? (By Dana Adams Schmidt)

WASHINGTON.

What the United States Congress does and says about manpower and expensive weapons like the Trident missile submarine directly affects United States-Soviet relations.

The Senate's last word on manpower this week—a 23 percent cut, amounting to 110,000 men by December, 1975—will echo and re-echo in the debates at the SALT (strategic arms limitation talks) sessions that began at Geneva Monday, at the MFR (mutual forces reduction) talks that begin in Vienna Oct. 30, and in the discussions on the future of NATO with representatives of nine West European states in New York Sept. 29.

This compromise sponsored by Sen. Hubert H. Humphrey (D) of Minnesota was adopted by a substantial 48-36 vote, although it is only a little less drastic than the Mansfield amendment previously defeated.

#### DIMINISHED IMPACT

Its impact may be diminished by the Defense Department concentrating the cuts in the Far East. But the Russians and the West Europeans will have before them the unmistakable evidence, not to be obscured by any diplomatic eloquence, that the American mood is now shifting.

[The Humphrey amendment was tied to the \$21 billion military procurement authorization bill for the current fiscal year. Debate on the bill continued Friday.

[Earlier Thursday the Senate rejected 49 to 47 an attempt to block acceleration of the Trident missile-firing-submarine system.

[The Pentagon lobbied heavily for the Trident speedup. But opponents claimed money would be saved by delaying work on nine Trident sub systems until the first one was in operation.]

Actually the word "mood" does not convey the extent of the basic sea change that is taking place after 32 years during which the United States has kept around half a million men overseas in support of its allies.

The cost of this overseas military establishment, amounting currently to 471,000 landbased men at 1,963 bases, installations, and properties, is about \$30 billion a year. Of this force, 313,000 are stationed in Western Europe and related areas such as Morocco, Iceland, and Turkey at a cost of about \$17 billion a year.

#### LESS STRENGTH

At all the international meetings taking place, the United States will negotiate less from strength than in the past, especially since this vote—even if reversed or modified by the House of Representatives in conference—will be seen as indicative of the trend.

At the MFR talks in particular, the American delegates may find it harder to convince the Soviet delegates that they must make concessions to gain American manpower withdrawals, since they can count on the American Congress doing the job for them.

Certainly the Senate's action will bring to the surface European doubts about the constancy of American determination to defend Europe when "the nine" meet with Walter Stoessel, assistant secretary for European affairs in New York.

They will have before them a proposed draft of an "Atlantic declaration" that emerged from a meeting of the nine in Copenhagen 10 days ago. It is to be proclaimed during President Nixon's trip to Europe.

#### DISCUSSION SEEN

When this trip is to take place undoubtedly will be discussed not only in Washington but during an informal visit to New York over the weekend by Willy Brandt, the German Chancellor.

Herr Brandt, who has been attending a conference sponsored by the institute for humanistic studies at Aspen, Colo., is one of the most constant allies of the U.S. on the European continent. He may well be consulted by the President about whether he should cross the Atlantic this year, or wait until next, and what he should do while in Europe.

Hitherto European opinion on the whole subject of Mr. Nixon's proposal for a new "Atlantic declaration," successor to World War II Atlantic Charter, has been reserved; some good sources in the capital believe the Chancellor will advise him to delay. By the beginning of next year, so it is argued, the extent of the shift in American opinion and policy, the future of the American commitment to Europe, should be clearer.

[Meanwhile, the Senate took the unusual step Friday authorizing President Nixon to promote Vice-Adm. Hyman Rickover to admiral.

[Sen. Henry M. Jackson (D) of Washington offered the authorization in an amendment to the military procurement authorization bill.

[Under normal procedures, military promotions are recommended by the president and approved by the Senate. There was no such recommendation in Admiral Rickover's case.]

[From the Christian Science Monitor, Sept. 24, 1973]

#### DIPLOMATS CONFER IN SERIES OF TALKS TO DEFINE NEW PATTERN OF RELATIONS

(By Takashi Oka)

GENEVA.—"Detente is a two-edged sword—for the Soviets and for the United States," said a senior Western diplomat attending the 35-nation Conference on Security and Cooperation in Europe (CSCE) in Geneva's plush new international conference center.

The diplomat was taking issue with views sometimes expressed in the West that so far detente has worked to Moscow advantage—not to that of Washington or its allies. He has been intimately associated with all stages of the security conference, from its preparatory phase in Helsinki to what is known as its second phase by the shores of Lac Lemman today.

These are days of delicate intricately interwoven negotiations around the world—East-West, West-West, and perhaps even East-East.

Danish Foreign Minister K. B. Anderson sees Secretary of State Henry A. Kissinger in New York this week to discuss American-European relations and to see whether there is hope of enough substantive agreement to bring about a visit by President Nixon to the old continent later this fall.

#### DIPLOMATIC ACTIVITY ABOUNDS

Besides the security conference here in Geneva, SALT II, the Strategic Arms Limitations Talks between Washington and Moscow resumes this week. The foreign ministers of the world are in New York for the United Nations General Assembly, and finance ministers are gathered in Nairobi,



Kenya, for a meeting of the International Monetary Fund.

The West is having to coordinate its strategy on security, trade, and monetary matters at a time when the Soviet bloc presents a picture of doctrinal rigidity within, and of increased military preparedness against the West without.

President Pompidou has returned to France from China, his ears tingling from Peking's warning that the West must not let down its guard against Moscow, that Europe must forces poised along its eastern borders.

#### TALKS DUE IN VIENNA

And then, in Vienna, there is MBFR—the crucial talks on mutual and balanced force reductions between Communist and Western forces in central Europe.

All these talks and negotiations—especially the Vienna talks, which will not begin until Oct. 30—have their effect on the European security conference here in Geneva.

For, together with all these other talks, it is an attempt to define a new pattern in relations between nations still divided by deep mutual suspicions nearly 30 years after World War II.

The CSCE is a bit like the old League of Nations, which like so many other international organizations from the Red Cross to the Ecumenical Center, had or has its headquarters in Jean Calvin's hospitable, gracious city.

The Latin Americans are absent, as are Japan, China, and the new countries of Asia and Africa.

But with the United States and Canada present, as well as the Soviet Union, the nations of Europe have the cozy feeling that they can discuss the security of their continent with the nations that really count, without being distracted by the extraneous issues that take up so much of their time at the postwar United Nations.

#### SOVIETS DISCOMFITED

When the diplomat spoke of a "two-edged sword," he was thinking primarily of the discomfiture the Soviets have suffered over having had to spend so much time arguing basic human rights and East-West human contacts.

The conference, in these fields, has not gone at all the way the Kremlin wanted. In his Sofia speech last week, Soviet party chief Leonid I. Brezhnev again proposed a quick conference, ending with a solemn declaration by all 35 nations before the end of the year.

But this is seen by most delegates here as impossible.

At Helsinki, the Soviet delegates were rough and tough as they tried to railroad the conference into the vague, general declaration of principles sanctifying postwar frontiers, which Moscow wants.

Here in Geneva, a new Soviet team has been, to borrow the description of a Western delegate, "as smooth as silk."

The smaller nations of Europe—Sweden, Switzerland, Austria—have played a crucial role in getting the conference down to brass tacks, preparing agenda acceptable to East and West, defining issues, and fashioning compromises.

#### ROMANIA TAKE STAND

On the Eastern side, Romania has stood up for reversal of the so-called Brezhnev doctrine that under certain circumstances (Czechoslovakia) one state can interfere in the internal affairs of another.

It will be months before this second phase of the CSCE comes up with anything approaching a conclusion. But the Western delegates already are heartened by the coordination their own side has been able to achieve, both in the European Common Market context and in that of NATO, and by the constructive manner in which their own interests have meshed with those of the European neutrals.

Contrary to the fears many in the West expressed at the beginning of the conference, détente, at least in the Geneva and Helsinki forum is not working out as the Soviets would like, nor has euphoria clouded Western or neutral appreciations of the substantive issues that must be resolved.

[From the New York Times, Sept. 29, 1973]

#### TROOP COMPROMISE

After a bewildering display of indecision, the Senate finally hammered out a reasonable interim position this week between the contradictory pressures affecting the United States military presence overseas. It put on record an impressive show of support for cutting back a bloated military establishment, but wisely backed away from specific cuts in European troop strength which could have weakened American negotiators just as they began delicate talks with the Soviet Union.

To a large extent the so-called Humphrey-Cranston amendment, which was adopted Thursday, merely gives the Senatorial imprimatur to reductions the Administration was already considering. Its sponsors made it clear that the 110,000 troops they propose to bring home by the end of 1975 could be withdrawn entirely from bases in the Pacific, where the United States now maintains a force level of about 227,000. American contingents in Europe, assigned to NATO, which will be the subject of talks on mutual and balanced force reductions (M.B.F.R.) opening next month, would not necessarily be affected by the Senate's action even in the unlikely case that the amendment passes all legislative hurdles and becomes law.

The effect of the Senate's vote was to serve notice—on the Administration and on the NATO allies—that the huge defense burdens shouldered by the United States cannot be carried indefinitely, or even for many more years, without significant increases in the support contributions from prosperous Western Europe. Even Senators who can be considered military hardliners now seem unwilling to accept without challenge the stated defense demands the Western alliance is making of the United States.

Part of the steam built up behind the moves toward military withdrawal came from a long-standing fear in the Congress and elsewhere that the Administration would use delaying tactics in the forthcoming troop reduction talks, setting them up as a pretext for trying to fight off any European outbacks for years to come on the theory that it would be folly to give away unilaterally what could be used as a bargaining chip.

But at least for the immediate future, the argument against the Mansfield amendment for drastic unilateral reduction in European force levels surely makes sense. This foolish measure actually passed the Senate this week, only to be rescinded in another vote a few hours later. Demands for a specific cut in European troop strength virtually on the eve of long-awaited negotiations would have been interpreted by friends and adversaries alike as a signal of American lack of interest in preservation of a credible presence in Europe.

But that argument will have less validity next year or the next, by which time the Congress will be better able to judge, on the basis of the M.B.F.R. talks, whether a genuine effort is under way by both the Soviet Union and the United States to phase down their respective European garrisons in an orderly and balanced fashion.

[From the Manchester Guardian Weekly, Aug. 4, 1973]

#### TROOP-CUT LOBBY STRENGTHENS (By Hella Pick)

The United States allies in Europe are being quietly advised to take a serious view

of renewed Congressional pressure to reduce American troop strength in Europe. There is evidence of growing support in the House of Representatives as well as in the Senate for Senator Mike Mansfield's longstanding fight to secure significant reductions in US forces stationed overseas, especially in Europe.

Senator Mansfield is confident that the American attitude to maintaining large forces abroad has changed radically, and he believes that there is now a 50-50 chance that Congressional action will be taken later this year. Among factors affecting public and Congressional opinion is, of course, the lessening of East-West tensions. But Europe's failure to respond more positively to the Administration's attempts to discuss and refurbish the Atlantic alliance is also contributing to the situation. Yet another factor is the growing pressure to reduce defence expenditures.

Senator Mansfield has little interest in the East-West force reduction talks due to start in October, and appears convinced that the Soviet Union is far more likely to respond to unilateral US force reductions than to make significant concessions in block-to-block negotiations.

The Administration, as usual, is strenuously rejecting the Senator's arguments and is still asserting its confidence that it can successfully resist him. Nevertheless, it has been fielding all its big guns in the debates that have been going on in committees of both the House of Representatives and the Senate. There is no doubt that Dr. Kissinger is more than ever convinced of the need for more positive moves from European allies to demonstrate to Congress their realization that the United States can no longer be expected to shoulder the principal burden of defense in the Western world.

It is unlikely that decisive Congressional action will be taken before the summer recess which starts at the end of next week. But both Houses will return to the debate in September, when it is expected that amendments will be tabled to the Administration's Defence Procurement Bill. These will aim at compelling the Administration to order unilateral troop withdrawals, and are more likely to be carried in the Senate than in the House of Representatives.

Even so, Senator Mansfield now seems certain that Congress will make it extremely hard for the Administration to gain the two or three years that it will take to secure any results from the fourth reduction negotiations between NATO and the Warsaw Pact countries.

The Administration is claiming that its position in the fourth reduction talks would be crippled by a Congressional call for unilateral withdrawals. Another Administration argument is that it might cost more to keep the troops inside the United States than stationed overseas.

But the Administration is also hoping that NATO will make a careful study of Senator Mansfield's arguments. He is calling for a 50 per cent reduction of US troops stationed overseas over the next three years—broadening the canvas and no longer concentrating only on troop reductions from Europe. He rejects the idea now fashionable in NATO that a 10 per cent reduction in troop strength would be just about tolerable, and insists that far more troops must be withdrawn from Europe.

Senator Mansfield's views have made a deep impression on his fellow senators and there has been no disagreement with his latest speech. In it, he accepts that the United States should maintain its nuclear deterrent in Europe, but uses both political and strategic arguments to justify the view that NATO is "in a state of still rigidity" and that there is something "altogether cockeyed and unrealistic" about the maintenance of over 300,000 US troops in Europe. Such numbers, in his view, are neither justified mili-

tarily, nor required as "hostages" to underwrite the US nuclear guarantee.

[From the Philadelphia Bulletin,  
Oct. 1, 1973]

#### AMERICAN TROOPS ABROAD

All the frustrations and growing impatience with the continued high level of American forces abroad were evident in the Senate's vacillation this past week on amendments to bring home American soldiers.

In a clear signal that the Administration's and Defense Department's arguments in favor of retaining the status quo are becoming less compelling, the Senate voted first to reduce troop levels by 40 percent, then reversed itself after extensive lobbying, and finally settled on a 23 percent reduction over two years.

The votes evoke mixed feelings. There is an understandable reaction in Congress that after nearly 30 years of carrying the burden of free world defense a revitalized Western Europe should increase its own share of support. On the other hand, the tactical pitfall of playing our hand before Warsaw pact nations have committed themselves to reductions could leave the United States in a weakened bargaining position in upcoming mutual force reduction talks.

On the face of it a 23 percent reduction—110,000 troops—would not much affect the balance of conventional force in Europe if most of the troops are withdrawn from the Asian and Pacific areas as Sens. Hubert Humphrey and Alan Cranston, cosponsors of the troop reduction amendment, have suggested.

The real meaning of the Senate's action lies in the renewed warning to NATO members that Congress is no longer willing to accept an indefinite postponement in the reduction of American troops abroad.

Even the House, where support for maintaining current troop levels is strong, shows signs it may be weakening on the issue, although probably not enough to accept the Senate's amendment in House-Senate conference.

Europeans who argue that current troop levels are necessary to counter a potential Communist threat should themselves do more to maintain those levels. While European NATO members contribute about 3.5 percent of their collective gross national product to defense, the United States supplies twice that much to defense.

The argument that some 300,000 American soldiers are needed in Europe to guarantee a nuclear response in the event of overwhelming Communist attack would hold as true with 250,000 troops, 100,000, or even 50,000. The size of the so-called "hostage" force is not so important as its mere presence.

The significance of the Senate's vote should not be lost on European leaders. It should spur European states to greater unity and participation in their own defense.

That, rather than an American desire unilaterally to withdraw from its world responsibilities, should be Europe's reading of troop cutting amendments.

[From the Christian Science Monitor]

FRANCO BLOCKS MIDEAST INTERVENTION:  
UNITED STATES CONFINED TO QUARTERS IN SPAIN

(By Richard Mowrer)

MADRID.—Spain will not permit the United States military to utilize Spanish bases "in a local conflict such as the Arab-Israeli war."

The Franco government's terse announcement comes in the wake of mounting speculation that American naval and Air Force installations here might be involved in the Middle East conflict, as they have been in other times of crisis in the eastern Mediterranean.

The statement is certain to be well received by the Arab states.

At the time of the six day war in 1967 the American military facilities in Spain served to evacuate American families from the war zone. During the Lebanon crisis in 1958 the bases were used as staging areas for the movement of supplies and personnel to the eastern Mediterranean.

The Spanish Government statement emphasizes that the United States can only use the bases to meet a threat or attack against the security of the West.

#### AIR FORCE HEADQUARTERS

Whether the Spanish Government's declaration will affect adversely the effectiveness of the American military presence is not clear.

Torrejón Air Force base 14 miles outside Madrid is the headquarters of the U.S. 16th Air Force. It commands units not only in Spain but in Italy, Greece, and Turkey.

The naval installations at Rota on the Mediterranean coast are a useful base for American nuclear missile submarines. But Rota also is important as a logistics support base for American forces in the eastern Mediterranean where war is raging. It provides logistics support for the U.S. Sixth Fleet capable of rapid response airlifts to replenish the fleet at sea.

Spain's announcement restricting use of the bases underscores that General Franco totally supports the Arab cause, so much so that Spain is the only country in Europe that has not recognized Israel.

The American military presence in Spain goes back to 1953. Over the years the Spaniards have drawn a tightening noose of controls over the American-built air and naval bases from which U.S. forces operate.

Originally they were defined as "joint" Spanish-American bases. In 1970 when the agreements were reviewed this was changed to "Spanish base facilities" made available to U.S. forces subject to Spanish consent.

The bases agreement does not come up for renewal until 1975 but already there are strong indications that Spain is not satisfied with the accords as they are and will insist on big changes.

As a condition of renewal Spain will insist on a full-fledged military alliance with security guarantees similar to those enjoyed by NATO countries. The accords with Spain up to now have been by executive agreement.

Spain has been excluded from the NATO alliance, largely because of its regime. But the feeling here is that Spain's prospects of winning full acceptance are improving, particularly because of the Soviet buildup in the Mediterranean, which enhances Spain's strategic value to the West.

Spanish critics of the bases agreements say these expose Spain to involvement in foreign crises without Spanish consent and without foolproof guarantees that the U.S. will come to Spain's aid in case of conflict.

It may be that the government's statement to the effect that the United States will not be permitted to use Spanish bases in connection with the Middle East crisis is meant for domestic consumption. But it could also herald tougher restrictions on the use of the American-manned facilities here.

This bill is simply not good enough. I urge the House to defeat this conference report and to demand responsible conferees who will carry out the wishes of the House.

Mr. BROWN of California. Mr. Speaker, it disturbs me greatly that the Department of Defense authorization bill for fiscal year 1974, H.R. 9286, once again fails to provide for recomputation of retired military pay.

Our Government has committed an injustice in its policy toward military retirees. Up to 1958 the law provided that

retirees would share proportionately in raises given to the active duty forces. This recomputation of retired pay was an important incentive for men to enlist and to remain in the armed forces despite the low pay for active duty service. People who entered the service prior to 1958 had every reason to expect that they would benefit from this system of recomputation after retirement.

The Military Pay Act of 1958, however, ended this recomputation system. It failed to include any "grandfather clause" to protect the rights of retirees. This was despite the recommendations of the Cordiner military pay study committee upon which the pay act was based. The committee had concluded that:

The incentive value of the existing military retirement system depends to a major degree upon the integral relationship with active duty compensation and the confidence which has been built up on the military body that no breach of faith or breach of retirement contract has ever been permitted by Congress and the American people.

The Cordiner report was no isolated instance of a study group favoring military retirees. Again in 1966 a similar conclusion was reached by the Cabinet Committee on Federal Staff Retirement Systems. It reported that:

Whenever a staff retirement system is changed, provision shall be made to protect the equities of any individuals who would be adversely affected by such change.

The recomputation system is not something of recent origin. It was in effect during most of the latter half of the 19th century and most of the first 58 years of this century.

The consequence of the actions taken by Congress in 1958 has been the creation of 11 different rates of retired pay for former members of the Armed Services of equal grade and length of service. The oldest retirees, whose needs are greatest, receive the smallest pay while the youngest receive the largest. The disparity is often as much as 50 percent.

Senator HARTKE attempted to remedy this injustice while the defense authorization bill was before the other body. His amendment, adopted by that body, would have provided a one-time recomputation of military retired pay to the 1972 rates, as adjusted upward by intervening raises based upon increases in the Consumer Price Index.

If enacted, this would have brought many older military retirees out of the poverty category. It would have enabled many military retired sexagenarians to leave the labor market, relieve unemployment, and reduce the competition faced by returning Vietnam veterans.

It is regrettable that the conference on this bill did not resolve the differences between the versions passed by this body and the other body so as to reinstate a recomputation system. It would seem that as a matter of simple justice this would have occurred. Restoration of recomputation may have been lost for this year's defense authorization bill but you can be certain that there will be a concerted effort to include it in the next budget.

Mr. BOB WILSON. Mr. Speaker, while I support the major provisions of the conference report on the military pro-



curement authorization bill before us today, I did not sign the report, because I was dismayed that the conferees did not retain the Hartke amendment providing for a one-time recomputation of military retired pay.

Recomputation has been a long-festering controversy and, in the Hartke proposal, we had the opportunity at hand to reach a fair and equitable compromise to this longstanding injustice. Although the various military retiree organizations would like the restoration of full recomputation, they are more than aware of the political realities involved. As a result, these various organizations have united in a pledge to accept the Hartke compromise as a final, one-time settlement of the recomputation issue. The solution was within our grasp and I am disappointed that the conference committee let it slip away.

Those most directly affected by the abandonment of recomputation in 1958 and 1963 are service men and women already on the retiree roles at the time the method of computing their retired pay was changed. They are generally the ones most in need now and would benefit directly from a one-time recomputation of retired pay at age 60, since most of the pre-1958 retirees are well over 60 at this point. In addition, younger retirees, a large number of whom had many years service invested in their military careers at the time the retirement computation formula was altered, would be eligible for recomputation at a time when their own earning capabilities would be greatly diminished.

Those opposing recomputation have been able to crank out of the computers all sorts of dire predictions as to cost, but the Hartke amendment fell well within the President's budget request of \$360 million for the first-year costs of recomputation. After the first few years, the costs would begin to decline due to the thinning of the current retiree ranks as a result of death. The costs of any Federal program projected to the year 2000 are staggering beyond words and this is a scurrilous yardstick to use in measuring the merits of recomputation.

The Hartke amendment was overwhelmingly adopted by the Senate several weeks ago. As a member of the conference committee, I was disappointed that not enough conferees fought for the Senate's position on this issue.

Recomputation deserves an unbiased hearing within the full context of the costs of the present and future military retirement system. The Defense Department has recommended a number of changes in the present military retirement structure. While these are not necessarily all meritorious, the subject should receive a full review by both the House and Senate Armed Services Committees. As a member of the House committee, I urge our distinguished chairman to schedule comprehensive hearings on the subject of military retirement.

Mr. HÉBERT. Mr. Speaker, I move the previous question on the conference report.

The previous question was ordered.

The SPEAKER. The question is on the conference report.

The conference report was agreed to. A motion to reconsider was laid on the table.

#### AUTHORIZING CLERK OF THE HOUSE TO MAKE CORRECTIONS IN ENROLLMENT OF H.R. 9286, AUTHORIZING APPROPRIATIONS FOR MILITARY PROCUREMENT, 1974

Mr. HÉBERT. Mr. Speaker, I ask unanimous consent for the immediate consideration of the concurrent resolution (H. Con. Res. 373) directing the Clerk of the House of Representatives to make corrections in the enrollment of H.R. 9286.

The Clerk read the concurrent resolution as follows:

##### H. CON. RES. 373

Concurrent resolution directing the Clerk of the House of Representatives to make corrections in the enrollment of H.R. 9286

Resolved by the House of Representatives (the Senate concurring), That the Clerk of the House of Representatives, in the enrollment of the bill (H.R. 9286) to authorize appropriations during the fiscal year 1974 for procurement of aircraft, missiles, naval vessels, tracked combat vehicles, torpedoes, and other weapons, and research, development, test and evaluation for the Armed Forces, and to prescribe the authorized personnel strength for each active duty component and of the Selected Reserve of each reserve component of the Armed Forces, and the military training student loads, and for other purposes, is authorized and directed to make the following corrections:

(1) Immediately after section 805, insert the following new section:

"Sec. 806. Notwithstanding any over provision of law, upon enactment of this Act, no funds heretofore or hereafter appropriated may be obligated or expended to finance the involvement of United States military forces in hostilities in or over or from off the shores of North Vietnam, South Vietnam, Laos, or Cambodia, unless specifically authorized hereafter by the Congress."

(2) Redesignate sections 806 through 818 as sections 807 through 819, respectively.

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

Mr. ARENDS. Mr. Speaker, reserving the right to object, I do this for the purpose of asking the gentleman from Louisiana if he will give us a little more explanation about the need for these corrections, which are technical corrections, as I understand it.

Mr. HÉBERT. Mr. Speaker, I will be very happy to respond to the gentleman.

Mr. Speaker, the concurrent resolution simply overcomes a clerical error in the conference report on H.R. 9286. Stated another way, this is a technical amendment to correct the conference report so that it may incorporate language agreed to by the conferees.

The Senate amendment contained a provision, section 1107, providing a re-statement of the total statutory prohibition of funding of U.S. military activities in, over, or from off the shores of Indochina without the express consent of the Congress. The amendment of the Senate simply continues language presently in the law and is consistent with the policy decisions previously made by the Congress.

There are now two existing provisions of law, both signed by the President, which embody this language, section 307 of Public Law 93-50, the Supplemental Appropriation Act, and a similar provision in section 108 of Public Law 93-52, the continuing resolution for fiscal year 1974.

The continuing resolution for fiscal year 1974 expired on September 30. Similarly, the Supplemental Appropriation Act by its own terms will also expire.

The purpose of the section which had inadvertently been omitted from the conference report, is simply to reenact and make permanent existing law and congressional policy on this subject.

In view of this circumstance, the House conferees receded to the Senate position and accepted the Senate amendment. The action taken by the House conferees in explanation of this action is reflected on page 44 under the heading "Prohibition of U.S. Combat Activities in Southeast Asia."

Unfortunately, as I indicated previously, the clerks in preparing the material for the printer failed to include this provision in the conference report. Hence, this action is technically required to correct that clerical error.

I trust this explains the matter adequately.

Mr. ARENDS. Mr. Speaker, I thank the gentleman.

I withdraw my reservation of objection.

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

There was no objection.

The concurrent resolution was agreed to.

A motion to reconsider was laid on the table.

#### GENERAL LEAVE

Mr. HÉBERT. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the conference report just agreed to.

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

There was no objection.

#### PERSONAL EXPLANATION

Mr. WYATT. Mr. Speaker, on the last rollcall, No. 556, I was under a misapprehension and I voted "yea." If I had been correctly informed, I would have voted "nay."

#### THE UNITED STATES MUST GET ACTION ON ISRAELI PRISONERS

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

Mr. BADILLO. Mr. Speaker, I find it incredible that with the cease-fire in the Middle East in effect for more than a week now, there has been no action to exchange prisoners-of-war, or even—in the case of the Arabs—to identify the captured Israeli soldiers. If the United

States is to take a leadership role in bringing about a fair and lasting peace, it must begin by getting immediate action on prisoners-of-war as a means of laying the groundwork for the commencement of peace talks.

I have today sent a telegram to Secretary of State Kissinger urging him to seek immediate release of a complete list of captured prisoners-of-war, immediate permission for representatives of the International Red Cross to visit the POW's, and a commitment on early release of all prisoners.

I am gravely concerned over the continuing delay in action to release the troops captured during the recent war in the Middle East. It seems to me barbaric that Egypt and Syria have not even had the common decency to release a list of the Israeli POW's. A speedy and humane resolution of this issue should be a condition precedent to the commencement of negotiations between the nations involved.

I have urged our Secretary of State to make the strongest possible diplomatic representations both to the Arab States and to the Soviet Union with respect to three basic goals—immediate release of a complete list of all captured Israelis, permission for Red Cross visits to the prisoners both to confirm their identities and to ascertain their condition, and commitment to a speedy timetable for full exchange of all prisoners.

Further delay in resolving the prisoner issue can serve only to prolong and increase the tensions between nations in the troubled Middle East. The time for reconciliation and movement toward a lasting and fair peace is ripe, but a demonstration of good faith clearly is needed to establish a firm basis for negotiations. Use of POW's as a lever in negotiations is inhuman. The United States must make resolution of this issue a matter of urgent priority.

#### THE UNITED STATES AND CHILE— A COMMON SORROW

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

Mr. REES. Mr. Speaker, for the past 5 years I have been under the impression that the United States had no foreign policy toward Latin America. I have been wrong. We do have a policy—albeit a negative and destructive one—but we do have a foreign policy.

The policy can be described as one of friendship to right wing military dictatorships which are dedicated to the protection of U.S. business in their countries. While there is certainly nothing wrong with the United States attempting to understand the point of view of American business abroad, our policy seems to be one of slavish devotion to U.S. business interest in Latin America, whether or not a specific business enterprise is right or wrong, whether or not that business operates within the framework or laws of the host country.

It is this inflexible policy that businesses in trouble manipulate and hide be-

hind when they have disagreements with their host country. "Be kind to us or we will bring the full force of the U.S. Government down upon you and bankrupt you" is their message, and nowhere is this more evident than in the recent tragic events in Chile.

From the time of the election of Marxist Salvador Allende until the recent military takeover of this once free country, the United States, by its inaction, by its negative approach, aided in the ruin of Chile's economy. Consistently we refused them loans from the Export-Import Bank. Consistently we were able to veto loans from the World Bank and the Inter-American Development Bank. We were uncooperative toward efforts to restructure Chile's external debt.

Was our policy dictated by the expropriation of U.S. copper interests in Chile? If so, can we blame the Allende administration? The takeover of the copper companies was accomplished by a unanimous vote of the Chilean Parliament—a vote representing all parties in Chile, right, left, and center.

Or are we pulling chestnuts out of the fire on behalf of ITT—a company whose questionable activities in internal Chilean politics certainly justified seizure?

I will agree that Chile was in obvious economic trouble. I feel that the Marxist government did mismanage the economy. Their agricultural policy was a shambles. Aggressive takeovers of business and industry were damaging to the economy. As an American viewing the situation from the outside, I might disagree with their policies. But their Government was elected by the people of Chile, and those Government officials I met were sincere in their desire to help their country.

And, if the United States had only been half as cooperative toward Chile as we have been toward the Soviet Union in recent years, the tragedy of economic chaos and military takeover might not have occurred. How, on the one hand, can we burden our own citizens with a bill running into the hundreds of millions of dollars for the Soviet wheat deal, and, at the same time, shut off Chile the way we did?

It seems that our foreign policy supports elective democracies if they agree with us, but encourages their overthrow if they disagree with us. It is ironic that we funnel millions of dollars in foreign aid and instruct our representatives to vote for loans through the multinational banks to Brazil, a country which has a GNP increase of over 10 percent a year, which is the richest economy in Latin America, and a country which is ruled by a repressive rightwing military dictatorship. It is also ironic that now that the military has seized Chile we are giving that country credits to purchase wheat and are discussing other bounties.

It appears that the military in Chile is following a repressive policy—ideas are being suppressed, books are being burned, and the fate of thousands of political prisoners is in doubt. I wonder if the long tradition of Chilean democracy will be allowed to survive.

Perhaps one of the results of the coup will be that Marxist/Socialist Parties

throughout the world will reject the ballot box as the testing ground of their ideology. The world's first elected Marxist government fell to the fate of a military takeover. Will the example of Chile be a message to other such Marxist political movements that democracy and its structure must first be destroyed for Marxism to survive? I hope not.

I would like to include with my remarks two articles from the Progressive magazine: The first, "Chile: The Lesson," by Laurence Stern of the Washington Post; and the second, "Requiem for Don Quixote," by Columnist Murray Kempton:

#### CHILE: THE LESSON (By Laurence Stern)

With a perverse obstinacy, the United States has once again asserted itself as the most powerful radicalizing political force in Latin America. This is the underlying lesson of the tragedy in Chile, a lesson that is reverberating through the hemisphere.

Salvador Allende was elected in 1970 as the leader of a volatile coalition of Socialist and Communist parties. He was committed by platform and personal conviction to the Chileanization and socialization of his country's economy. But he also wanted to preserve constitutional democracy in a country with strongly ingrained constitutional traditions. Like Fidel Castro he was a child of the middle class. Unlike Castro he steadfastly resisted the path toward change through revolutionary violence.

Long before he came to power, Allende was the target of hostile U.S. governmental and corporate policies. In 1964, the United States conducted a massive, covert campaign—in which the Central Intelligence Agency played a major role—in behalf of Allende's opponent, Christian Democrat Eduardo Frei. A second attempt at intercession in 1970 by the CIA and the International Telephone and Telegraph Company is now a matter of well-documented record, thanks to columnist Jack Anderson and Senator Frank Church, the Idaho Democrat who heads the Senate Foreign Relations Committee's investigation of multinational corporations.

The Nixon Administration's official view toward Allende—a sort of Latin American Domino Theory—was propounded by Henry Kissinger at a White House backgrounder for Middle Western editors on September 16, 1970:

"Now it is fairly easy for one to predict that if Allende wins," said Kissinger, "there is a good chance that he will establish over a period of years some sort of Communist government. In that case you would have one not on an island off the coast which has not a traditional relationship and impact on Latin America, but in a major Latin American country you would have a Communist government, joining, for example, Argentina, which is already deeply divided, along a long frontier, joining Peru, which has already been heading in directions that have been difficult to deal with, and joining Bolivia, which has also gone in a more leftist, anti-U.S. direction, even without any of these developments. So I don't think we should delude ourselves that an Allende takeover in Chile would not present massive problems for us, and for democratic forces and for pro-U.S. forces in Latin America, and indeed to the whole Western Hemisphere . . . It is one of those situations which is not too happy for American interests."

Kissinger conceded that the American capacity to influence the events in Chile was small at that point. (Allende had already won the popular election plurality, but faced a run-off election in Congress, and in that respect he was right.)



But the events of the past month have provided a cruel and ironic twist to his prediction of Chile's future course. In the thirty-three months of Allende's tenure as President, all of Chile's parties survived, a free press continued to flourish, and Allende never succumbed to the strong temptations to suspend constitutional government. In 1971 Castro reportedly advised Allende to tighten the reins of executive power against the anti-government demonstrations organized by the opposing parties. Allende refused.

Yet within two weeks after the junta took over in Santiago the Marxist parties were outlawed and other parties "recessed"; labor unions were suppressed; books were put to the torch; thousands of Allende loyalists were arrested and untold numbers were killed throughout the country; aliens were rounded up for deportation—some to homelands in which they faced certain imprisonment or death; the press was muzzled, and normal constitutional process was suspended. This is precisely the fate that was to overtake Chile after Allende's accession to power in the misguided view of those who opposed his election.

For all of Kissinger's vaunted rationalism in matters of great power relations his recorded opinions on Third World realities have been consistently disastrous whether they pertained to Bangladesh, Cuba, Nguyen Van Thieu, or Salvador Allende. It is apparently Kissinger's view that Third World events should always tilt toward the interests of great-power diplomacy. The falling domino approach to Latin America is no more plausible than was the Domino Theory of the 1950s and 1960s as it applied to Southeast Asia. The specter of Vietnamese Communists storming Laguna Beach is no more hallucinogenic than the prospect of Chilean Communists pouring through the Alamo.

The Cuban Communists have tended to view Allende in gently disdainful terms as a Quixotic sort of Marxist with an impossible dream of building socialism from a matrix of bourgeois constitutionalism. That is the rock-ribbed Marxist-Leninist view, which the Cubans acquired in the international school of hard knocks. And it seemed almost to be an objective of American foreign policy to confirm Castro's judgment that constitutional socialism in the Western Hemisphere could not survive subversion from within and without.

The question of whether the United States participated directly in the military coup in Santiago seems a pointless one. We know that planning for the coup began in the fall of 1972—long before the economic and political upheavals of this past summer that supposedly served as a pretext. "We would have acted even if Allende had called a plebiscite or reached a compromise with the political opposition," a Chilean officer deeply involved in the plot told American correspondents. We know, too, that the CIA had advance information that the coup would take place.

The sources of financing for the truck owners' strike, a severe blow to the domestic economy, are still a mystery. The "pots and pans" demonstration by middleclass housewives in Santiago against Allende was strikingly similar to the 1963 "pots and pans" demonstrations in Sao Paulo, Brazil, which preceded the junta coup against the Goulart government. The speculation goes on, but the conclusive evidence is absent.

What did happen is that the United States conducted unrelenting economic warfare against the Allende government through the international lending organizations, through the U.S. Export-Import Bank, through the aid program, and through the private actions of the American corporate community in Chile. It was an open strategy that was virtually acknowledged by President Nixon. On

January 19, 1972, the President announced that the United States will "withhold its support from loans under consideration in multilateral development banks" when foreign countries expropriate American holdings without swift and adequate compensation.

What President Nixon did not say was that the economic squeeze against Chile had already begun. It began, in fact, months before the Allende government had made its basic decisions on the terms of expropriation for the copper companies. A credit blockade had been mounted against Chile by early 1971. The participants were the Inter-American Development Bank (where the United States exercises a *de facto* veto over loans), the World Bank, and the Ex-Im Bank.

The vote to expropriate the American-owned copper companies was taken unanimously in the legislature in July 1971. It is important to remember that the decision was supported by all the major Chilean parties on the right, left, and center—reflecting, it would seem, the mass consensus.

Expropriation is recognized under international law so long as fair terms of compensation are reached between the contending parties. But the squeeze was on while the Chileans were still deliberating on the terms of compensation, a policy that was not decided on until October 1971. The terms, while certainly onerous to the expropriated corporations, were consistent with international law: The Chileans found that the firms had extracted more than enough in excess profits to compensate them for the loss of their properties.

In the interim, the Ex-Im Bank denied Chile's request for \$21 million in credit to finance purchase of three Boeing passenger jets by LAN-Chile, the government airline. By August the Allende government was notified that it would no longer be eligible for new Ex-Im loans, that existing loan guarantees to U.S. banks and exporting businesses would be terminated, and that disbursements would be cut off for direct loans that had been previously negotiated by the Frei government. (The international lending community had been as generous with Frei as it was penurious with Allende.)

In that same period, the Inter-American Development Bank turned down a \$30 million loan application for development of a petrochemical center that had been approved at the technical staff level. The project came to a halt after the Bank's American director protested sending a technical mission to Chile for further implementing the plan. With the exception of small loans to two universities, a credit quarantine was drawn around Chile by the IADB.

The World Bank followed the same course. Its president, Robert S. McNamara, used the "poor credit risk" argument to explain the sudden ineligibility of Chile. "The primary condition for banking lending—a soundly managed economy with a clear potential for utilizing additional funds—has not been met. The Chilean economy is in severe difficulty," said McNamara. It was perhaps a coincidence that the last two World Bank loans to Chile for \$30 million were made prior to the election of Allende in 1970.

The private banks and the private companies pursued a complementary policy of heavy economic pressure against the increasingly battered Chilean economy. And it was the sworn testimony of the CIA's former chief of clandestine services for Latin America, William V. Broe, that this policy was also being promoted by the agency with the sanction of the National Security Council, chaired by Henry Kissinger.

Was there not an alternative American policy to the one that was actively and successfully pursued against Allende? It takes no great leap of the imagination to suggest that there was.

Allende was freely elected on a public platform that called for collectivization of important segments of the Chilean economy. But his brand of socialism was considerably more restrained than the political and economic structure of the Soviet Union or China, with which the Administration was ardently pursuing detente.

Allende was seeking to operate within a framework of international law and arbitration in negotiating terms of compensation for the copper companies. It might have been wiser for Washington to have encouraged active negotiation rather than to become the state bargaining agent for the companies. It might have been more prudent to have continued Chile's credit lines and development programs as a means of moderating the drift toward alienation and chaos.

The record of the ITT hearings revealed that Chile was still bargaining in good faith with ITT while executives of the multinational company were trying to promote acts and policies of sabotage against Allende's government. One can, perhaps, imagine the consternation of President Nixon if a similar corporate-government scheme to subvert his Administration were discovered in the files of British Petroleum, Royal Dutch Shell, or the Sony Corporation of Japan.

Allende's democratic road to socialism has been permanently detoured by the junta in Santiago and the economic bulldozer in Washington. The only surviving model of government that has determined its own economic course in Latin America—free from U.S. influence—is the one based in Havana.

As one European scholar told *Time* magazine, "The danger now is that people in Latin America will take the fall of Allende as proof that democracy and socialism cannot be combined. To me, this is nonsense, because the so-called 'Allende experiment' had never really begun."

Thanks to the domino mythology in Washington, the Cubans have had to pay a heavy price for their revolution—economic vassalage to the Soviet Union and, perhaps, the surrender of traditional (albeit "bourgeois") freedoms.

Allende, who sought to establish an alternative example, paid a far dearer price, and the people of Chile are likely to keep on paying for a long time to come. And what is it that we might surmise they—and all Latin Americans—will have learned from all this?

#### REQUIEM FOR DON QUIXOTE

(By Murray Kempton)

I had not known until he was extinguished how much I had wanted Salvador Allende somehow to survive as President of Chile. Alive, Allende was easy to make fun of. He was not a practical man. He had two weaknesses: He was an almost fanatical believer in socialism; and by comparison with most politicians, he was an almost fanatical believer in liberty. The conviction that liberty and socialism are incompatible has been proclaimed by pretty much every collective of practical men from the Committee to Re-elect the President to the Central Committee of the Communist Party of the People's Republic of China.

And it has been the policy of every enduring Communist government to preserve its ideals by silencing every voice that may be raised against them. That was not Allende's policy; he scolded his opponents, but it never seems to have occurred to him that it might be more sensible just to try and suppress them and work out his dreams in comfort. He has been thrown down now by men who know better: His successors scold; but they also shoot. His was a life of unlikely dreams, but great honor in their pursuit. He began as a public health doctor. He went on to the Senate, where he seems to have been a moving force behind whatever laws Chile passed for the improvement of the condition of its

poor. He probably thought himself an atheist; yet the only institution in the new Chile that has dared publicly mourn him has been the Catholic Church. But then professions that care more for healing than for dominating may have a fraternity that transcends a lot of quarrels about doctrine.

Allende's government was, I suppose, incoherent. It could have been coherent; he could have put his opponents in jail if he had been tricky enough, and we would have heard no voice from Chile except his own and that of his lackeys. He would have proved that he could rule; and in a few years, since practical men have their fraternity too, he might have been sitting down with some Henry Kissinger or another.

But now he is dead. Last June he was interviewed by John Wallach, an American reporter. He wondered aloud whether, since he still had most of the army, whether it might not be politic to plunge Chile into civil war. He said he thought he might win, but that was not the problem.

"The problem is the country . . . [civil war] would destroy the entire social fabric: there would be fathers on one side and sons against us, or sons with us and their fathers against us."

And now his enemies are assured that they have rescued Chile's tradition of liberty from this man who preferred to risk losing rather than suspend liberty for his own convenience. But then practical men have learned to weep for Don Quixote only at the movies.

#### CONGRESS SHOULD JUDGE IMPEACHMENT ON FACTS

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

Mr. HILLIS. Mr. Speaker, the investigation of those incidents arising out of the Presidential campaign activities of 1972 combined with those incidents leading to the firing of Special Prosecutor Cox and the resignations of Attorney General Richardson and Deputy Attorney General Ruckelshaus, have culminated with intense though varied reactions from the American people. Cries of impeachment can be heard as well as cries of no wrongdoing. The complexity of these events and the reaction to these events underscore the need for caution. It is of the utmost importance at this time that the Members of Congress maintain open minds. The Congress must take a broad look at these incidents in order to properly assess their value. Judgments must be made on facts.

Impeachment is a grave undertaking. The question to be asked is has the President broken any law or taken any illegal action which would justify or call for impeachment proceedings. In my opinion, the answer is "No." There are no facts available at this time upon which to base impeachment proceedings against President Nixon. The President has released the Watergate conversation tapes to Judge John J. Sirica for judicial review. The President and the Department of Justice have, with qualifications, pledged their intent to continue the investigation begun by Cox.

It is my firm belief that this is a matter which should be subject to judicial proceedings. It is also my belief that we owe it to our Nation to get at the facts—to continue investigations which

will sort out the facts and lead to the indictment of parties subject to question. For this reason I have cosponsored legislation which would create a special prosecutor who would be appointed by the President who would be required to select the appointee from among names submitted to him by five national legal associations. The President's appointee would then require approval by the Senate. Under this legislation, the special prosecutor would be given full authority to carry out his duties of investigating those incidents arising out of the Presidential campaign activities pertaining to the election in 1972. This bill further establishes that the special prosecutor could be removed from office by the President only for good cause as established by the Civil Service Commission after extensive hearings have been held.

It is my belief that this legislation addresses itself to those serious constitutional questions which have been raised in response to legislation directing the U.S. district court to appoint a new prosecutor. Furthermore, this legislation will allow the independent prosecutor enough flexibility and strength to carry out his duties properly. Enactment of legislation of this nature will serve to bring out the facts and aid in reestablishing, through thorough investigation, the confidence of the American people in their Government. I urge the Congress to address itself to this legislation without delay.

#### EMIGRATION FROM THE SOVIET UNION

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

Mr. BELL. Mr. Speaker, I deem it important to participate in this on-going vigil on behalf of individuals in the Soviet Union, of whatever nationality and religion, who are not free to emigrate.

Although there has been some relaxation of emigration practices within the last 2 years, emigration from the Soviet Union continues to be a trickle compared with the numbers who want to emigrate but are denied this universal human right.

Thirty-nine-year-old Zinovi Melamed and 26-year-old Aleksander Feldman, both from Kiev, are two of four Jewish activists who, together with Soroko and Tartakovsky, are referred to as the Kiev 4.

They are activists because they refuse to be silent about the lack of freedom for Jewish cultural and religious expression.

They are activists because they have dared to protest against the Soviet Union's repressive emigration policy.

For 2 years Feldman, a bachelor, and the Melamed family of four have been denied emigration permits to Israel.

Both men have lost their jobs: Melamed, a construction engineer, now teaches Hebrew, a marginal occupation.

His wife Raisa, a mathematician, still employed, is now the chief support of this family.

But Feldman, a construction worker, has been caught in a vicious circle of be-

ing fired from a job when his employers are notified that he has applied for an exit visa.

Then, as an unemployed worker, he is liable to be tried as a parasite.

The activities of this pair have been peaceful and law abiding.

They have written letters protesting unfair trials.

Melamed was 1 of 10 Kiev Jews who, in September 1972, signed a letter denouncing the education-emigration tax.

They attended meetings commemorating tragic events in Jewish history.

Yet, in 1973 these sensitive, concerned men were detained in a cell which housed criminal offenders.

It is feared that they are targets for a future trial.

Mr. Speaker, this vigil expresses our concern for Soviet citizens who are not free to emigrate.

Passage of the Mills-Vanik bill will prove our firm commitment to the principle of free emigration for all people.

#### CONFIRMING OF VICE PRESIDENT

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

Mr. RUPPE. Mr. Speaker, the events of the past week have underscored the absolute necessity of confirming the Vice-President-designate, GERALD R. FORD. The Constitution now provides for the selection of a new Vice President in the event of a vacancy. We have a duty to the Constitution and to the people to act promptly on the President's nomination. Any delay in the process of confirmation will, unfortunately, be perceived as serving narrow partisan ends. Clearly, the state of our Nation cries out against even the appearance of such partisanship.

GERALD R. FORD enjoys an outstanding reputation as an individual, as a legislator, and as a political leader. While I am concerned that confirmation hearings are not yet underway, I laud the decision by the Senate Rules Committee to begin hearings later this week, and I urge the House Judiciary Committee to follow suit.

#### PROLIFERATION OF BUREAUCRACY

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

Mr. SKUBITZ. Mr. Speaker, the larger our Government becomes here in Washington, with its constant proliferation of bureaus, and divisions, and sections ad infinitum, always followed by steps to cut back, the more I am reminded of a humorous story that had its origin in Russia, but is universal in its application. The story goes:

A community in the Ukraine had constructed a bridge over a stream that ran through the town. "If there is a bridge, there must be a watchman," reasoned the members of the town council. "But a watchman must have a salary." So the town council decided to get a treasurer



and an accountant to supervise the salary payments. The watchman, the treasurer and the accountant obviously could not function without a supervisor to direct their activities. So the town council appointed an administrator. Now there was an "administration." An order came through to reduce personnel. So the town council discharged the watchman.

#### THE LATE HONORABLE FRANK SMALL, JR.

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Maryland (Mrs. Holt) is recognized for 60 minutes.

Mrs. HOLT. Mr. Speaker, I rise with sincere regret to comment on the death of a former Member of the House of Representatives, the Honorable Frank Small, Jr.

Mr. Small passed away last Thursday at 77 years of age. He served in the House during the 83d Congress, and until his death he was the president of the Equitable Trust Bank in Clinton, Md.

Mr. Small was born on a farm in Temple Hills, Md., and was educated in the Prince Georges County school system. His public career began in 1927 when he served as a member of the Maryland House of Delegates. In addition to serving in Congress and the State legislature, his public service included membership on the county board of commissioners and the Maryland Racing Commission, and a term as Maryland Commissioner of Motor Vehicles.

Frank Small epitomized the traditional American virtues of independence, hard work, and a devotion to individual liberty. Throughout his rise from the farm to high elected office, he never wavered in his commitment to these ideals, nor did he ever lose touch with his humble origins. The magnitude of his generosity is known only by Mr. Small, but there is no doubt that he freely shared with those who were in need.

Mr. Speaker, I had great admiration for Mr. Small. He was my friend and a wise counselor; he will be deeply missed by all who knew him.

#### DR. FRANZ JOSEF STRAUSS WARNS UNITED STATES ON DÉTENTE WITH RUSSIA

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Louisiana (Mr. TREEN) is recognized for 10 minutes.

Mr. TREEN. Mr. Speaker, I recently had the privilege to meet with Dr. Franz Josef Strauss during his visit to the United States. Dr. Strauss is the leader of Germany's political party, the Christian Socialist Union—CSU. He has been a member of the German Bundestag since 1948 and he has held various important posts in the German Government, including Federal Defense Minister and Minister of Finance.

During his recent visit, Dr. Strauss met with congressional leaders and administration officials, including Secretary of State Kissinger. The purpose of this visit was a *tete-a-tete* exchange of ideas, con-

cerning the current problems facing the United States and its Western European allies—particularly Germany—with respect to the Soviet Union and the Warsaw Pact countries.

Mr. Speaker, I found Mr. Strauss' visit most informative because we all tend to forget, in this era of "détente," that the interests of the Soviet Union and the United States vis-a-vis Europe continue to conflict. Whereas it is in our interest to maintain a strong, united, and independent Western Europe, the Soviets would much rather have that area weak and divided. This conflict of interest does not mean that East and West cannot cooperate with each other, when it is in their interest to do so. What this does mean, however, is that the United States must maintain a position of strength from which to negotiate. It also means that the United States and its allies must be capable of meeting any threat of aggression.

Now I know that there are those who argue that such a strategy must lead to confrontation. But I do not believe that the Soviet drive to reach military parity with the United States has inhibited our willingness to negotiate with them. To the contrary, I contend that it has provided us with the incentive to negotiate with them.

Mr. Speaker, I found Dr. Strauss' visit to the United States most informative because he is clearly a man who has a broad grasp of power political relationships and he is aware that we cannot allow wishful thinking and chimerical expectations to cloud our judgment of prevailing realities.

The meeting with Dr. Strauss was not a summit meeting; it was not even an official visit. Nevertheless, it presented us with the opportunity to exchange views with each other on an informal basis. Thus we had the opportunity to provide each other with a better understanding of the national problems confronting our nations.

Two columnists, Mr. Frank Van Der Linden, and Mr. Allan Brownfeld, have written about Dr. Strauss' visit and I would like to take this opportunity to recommend these columns, which I am enclosing for the RECORD, to my colleagues.

#### REMARKS BY FRANK VAN DER LINDEN

WASHINGTON.—The fraternal smiles of Henry Kissinger and Leonid Brezhnev may signal a Middle East cease-fire, détente between Moscow and Washington, and the tempting lure of big profits for American investors in Siberian oil and gas deals, but they spell "DANGER" in capital letters to Franz Josef Strauss, West Germany's former Minister of Defense.

Strauss, the brilliant, stubborn Bavarian who heads the Christian Social Union party, has been in Washington for the past few days, warning high Administration officials and congressional leaders that the Russians are using smiles instead of missiles to pursue their same old goal, a dominant influence over Europe.

He has sounded his warnings to Secretary of State Kissinger, Defense Secretary Schlesinger, Treasury Secretary Shultz, and almost anyone else who will listen to a hard-line anti-Nazi who distrusts the Communists, as well as all shades of Socialists.

Strauss and Kissinger—Bavaria's most successful native son—have a long-standing

agreement to exchange views wherever they are. When Strauss held high rank in the Bonn government, he listened to Kissinger, then a Harvard professor; now the wheel of fortune has put Kissinger at the pinnacle of power and Strauss is a biting critic of West Germany's Chancellor Willy Brandt.

"I do not say Brandt wants Communism for Germany," Strauss told a Washington audience. "I do not say Brandt wants the neutralization of West Germany." Strauss does charge that the left-wing forces, especially among the young people, are pushing West Germany inexorably away from its alliance with the United States and towards a "Socialist Europe," and Brandt "is too weak to resist them."

"We are not afraid of a Communist revolution but of a slow process in which West Germany will shift into the power sphere of the Soviet Union," Strauss said. "The end of the journey would mean the destruction and dissolution of NATO."

Now that Communist East Germany has been admitted into the United Nations, he said, the next step in the plan for superior Soviet influence in Europe calls for the withdrawal of troops on both sides of the Iron Curtain. Strauss conceded that the 300,000 American servicemen in Europe must be reduced, if only by the pressure of public opinion back home.

But he cautioned that a one-for-one pull-back of American and Warsaw Pact troops would not really be a "balanced" reduction because "the Americans would go four thousand miles away," and probably never return to Germany, while the Communists would go only a few hundred miles and could be brought back quickly. "If the nuclear deterrent is withdrawn with the Americans," Strauss added, "we would be helpless."

The final step in the Moscow plan, in his view, would be the dissolution of both the Atlantic Alliance and the Warsaw Pact. But the Communist states would maintain their structure, without a formal pact, and so West Germany, probably followed by France, Italy, the Netherlands, and Scandinavian countries, would gradually slide into Moscow's orbit, just where Finland is, without a shot being fired.

Thus, in Strauss' opinion, the Soviets would gain their goal of preventing a Western European Union, and winning "a neutralized Europe without a military self-defense capability, not by raising their fists in threats but by the smiles of détente."

Brezhnev, he wise-cracked, must have a permanent smile after eight days of smiling in Germany and eight more days of smiling with Nixon last June. "I'll bet his face needed medical treatment," the burly Bavarian quipped.

So, this is Strauss' message to Americans: Don't trust the Soviet boss, the author of the Brezhnev Doctrine of Moscow's right to interfere with any "Socialist" state that gets out of line. "We would be suicidal to think the Soviets have changed their aims," the German student of history said. "They have merely changed their strategy."

#### A WARNING ABOUT THE DANGER TO THE ATLANTIC ALLIANCE

(By Allan C. Brownfeld)

West German leader Franz Josef Strauss, formerly Minister of Finance and Defense and now a key figure in the Christian opposition in the Bundestag, paid a visit to Washington recently and spoke to some of our national legislators and Administration officials. He came at a time when the Soviet presence in the Middle East had, at least for a moment, stilled the more euphoric "détente" rhetoric, and in which a new opportunity for a consideration of the Soviet Union's real goals had, as a result, presented itself. Dr. Strauss noted that, "We are worried."

We think that a process of erosion in the Atlantic Alliance is under way, and will be dangerous to both of us. What worries us within Germany is not the possibility of Communist revolution but, instead, the slow shift of West Germany into the power sphere of the U.S.S.R., brought about by the enticing rhetoric of detente."

The chief adviser to West German Chancellor Willy Brandt, Egon Bahr, has a four part plan for the neutralization of West Germany which was highlighted in a recent article in *Orbis* magazine, relating a conversation Bahr had participated in several years ago.

First, comes the signing of a treaty renouncing the use of force, which also means the recognition of the legitimacy of the division of Germany and the Communist domination of Eastern Europe. Second, is the de jure recognition of East Germany. Third, is the withdrawal of troops from both sides and fourth is the dissolution of both NATO and the Warsaw Pact.

Dr. Strauss noted that the renunciation of force and the recognition of East Germany have already been realized and that talks are now being held concerning mutual force reductions. The talks are labeled "Mutual Balanced Force Reduction" talks—MBFR. What the "B" means, states Strauss, is difficult to tell—"It is often lost in the higher phraseology of the detente spirit." What it may well mean is the withdrawal of American troops thousands of miles across the Atlantic, and the withdrawal of Soviet troops less than a thousand miles to the Russian border. It would not be much of a bargain—for the West.

Does German Chancellor Brandt really seek the neutralization of West Germany? Dr. Strauss notes that, "I don't say that Brandt wants neutralization for I cannot verify that. But elements of his Social Democratic Party are pushing very hard in that direction. What Brandt does want is to stay on top."

Have the Soviets really changed, as many Americans tend to believe, and are such fears on the part of Dr. Strauss really only relics of a Cold War outlook which is now irrelevant? To this common charge, Dr. Strauss has a ready reply: "It would be suicidal to think that the Soviets have changed their aims. They have only changed their strategy. For them, the strategy of conflict is over and the strategy of embracement has begun. Faced with a conflict strategy, we knew better than to fall asleep. Now, with the era of detente, the Communists have a permanent smile. This is very difficult for them, and even more difficult for us to react to. They have, with their policy of rhetorical conciliation, destroyed the moral prerequisites for Western defense."

The Soviet aim, Strauss points out, is to keep Soviet troops in Hungary, Soviet missiles in Europe, and the U.S. on its own side of the Atlantic. "If the Soviets succeed in these goals," he told his audience, "they have achieved their aim: a neutralized Europe without unity or an ability to defend itself."

While the Soviets continue to repress their own citizens, and fuel a new Middle East war, only one country in the world gives us a warning about what the Russians really have in mind. That country, Strauss declared, is China. The Chinese know Russian aims well enough, it seems, for those aims of world revolution and domination are the ones they share as Communists. Their major disagreement is not over ends, or even means, but over which Communist Party will dominate.

The only answer, Dr. Strauss believes, is a united Europe as a part of a firm Atlantic Alliance with the U.S. It is clear that those who urge a hasty withdrawal of American troops from Europe, and a cut in defense spending, together with one-sided concessions at the SALT II and MDFR talks, and

who believe in the detente rhetoric of the Soviets, are being used by the Communists for their own purposes.

It is too bad that there are not more men such as Franz Josef Strauss traveling the world to awaken us to the real dangers we face. His contribution, however, is notable—but it is notable only if we listen and heed his wise words.

#### CONGRESS MUST ENACT BUDGET REFORM AND REVENUE CONTROL PROPOSALS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York (Mr. KEMP) is recognized for 10 minutes.

Mr. KEMP. Mr. Speaker, the time has come for the Congress to match its words with deeds.

When one examines the spiraling rate of increase in the public debt ceiling—and when one further examines the volume of expenditures being authorized by the Congress, which collectively constitute the need for continuing debt-ceiling increases—the need is apparent for this assemblage to come to grips—immediately and effectively—with the causes of our concerns.

If there is any single issue on which the actions of the Congress must be brought into line with its words, it is this subject of virtually uncontrolled Government expenditures in practically every field of human endeavor—sapping the vitality of the free enterprise system, interfering with the mechanisms of the free market economy, and jeopardizing the political freedoms which cannot exist without economic freedom.

We cannot stand in the well of this chamber and urge an end to excessive total Federal spending, yet vote for increases—general or selective—in the levels of authorization or appropriation over and above the capabilities of Federal revenues to meet those levels.

We cannot stand in the well of this Chamber and urge an end to excessive inflation, yet vote for increases in Government expenditures which can be met only through additional borrowing or through additional printing of money—either and both of which add to the causes of inflation.

We cannot stand in the well of this Chamber and urge particular demands of various "fiscal constituencies" be met, yet ignore the conclusion that collectively the meeting of those special constituency demands will result in unlimited Federal spending.

We cannot stand in the well of this Chamber and urge the private and independent—volunteer—sectors of the economy meet their fair share of the burden of helping eradicate social and economic ills, yet enact revenue-raising legislation which takes from them their capabilities of bearing the financial burdens of such assumptions of responsibility.

We cannot stand in the well of this Chamber and urge States, municipalities, and counties assume their full share of governmental responsibility, yet take from them available tax bases from which must come the funds for assuming those full shares of responsibility.

We cannot stand in the well of this Chamber and urge remedial action on this urgent problem without first realizing that its ultimate resolution lies not only in the will of the Congress, as the first branch of Government, to assume its proper and full constitutional roles with respect to the purse, but also in the issue being joined head on through a comprehensive, fully interrelated program effort. Piecemeal efforts to first attack the problem here, then again there, will not resolve this matter. Only through a unified and undirected effort will we be able to adequately meet this problem and resolve it. It will require a great degree of personal courage of convictions among the Members of this branch. But we need keep only one thing in mind to inspire us to rise to meet this challenge: If we fail in it, we invite the collapse of our monetary and economic systems and, ultimately, of the ability of Government to discharge its responsibilities.

#### PREMISES FOR ACTION

The difficulty of the search for a solution to the problem is accentuated by the arduous task of finding mechanisms which will operate to impose self-restraints on the proclivities of many elected officials to propose Government solutions—as the initial solutions—to virtually all problems. One would be telling less than the whole truth if one did not recognize that some political leaders are prone to rush forward with proposed Government solutions without exercising caution and timely restraint by first pursuing alternative problem-solving devices—using Government intervention as the last resort and only for those ills which cannot be otherwise averted. One need not conjure up the imagery of a 19th century Thomas Nast cartoon—that "taxes are politicians' food"—to come to the conclusion that part of the problem does lie inherent in the appeals for popular recognition and acceptance which are believed to come, most easily, through proposing to the voters immediate solutions to immediate problems without regard to the long-range consequences.

Second, we must recognize—and there is good health to be added to the economy by so doing—that Government regulation, no matter how well-intentioned or how well-conceived, inevitably produces more maladjustments within our society and economy that it resolves. Our Nation has had its 40-year experiment with reliance on Government to solve our Nation's problems; that experiment has now begun to produce conclusive proof that a free society—unfettered by Government regulation, restraint, and coercion—is a better, and preferable, problem solver than Government. If there is anything which history in general, and the contemporary affairs of 20th-century America in particular, tells us it is this: That symptom-fighting solutions are inherently self-defeating in a complex, interrelated economic and political structure, for there are unforeseen secondary and tertiary effects from all Government actions. Problems do not disappear through



Government action; they merely become displaced.

Third, Government spending—and the raising of revenue requisite to that spending—must have a ceiling beyond which it invites either or both the collapse of the economic strength of the Nation or freedom. Because Government works with numbers which are beyond normal human comprehension—who can adequately contemplate the size of 1 billion of anything—because it sees a broad scope of issues, because it has not yet reached the breaking point, the Congress finds it hard to impose self-restraints on the levels of its own authorizations and appropriations. Yet everyone, even the most casual observers, knows that Government has a voracious appetite for the people's earnings.

The statistics prove the tendencies of Government to siphon off ever greater shares of the people's income for itself, yet that casual observer to whom I have referred knows that all—I repeat, all—income of Government must ultimately come from the people themselves through personal income taxes, through corporate income taxes passed on to the consumers in the form of higher costs, through excise taxes and user charges, et cetera.

Government must realize that it cannot indefinitely tax the people at constantly increasing levels without destroying the people's ability to support themselves and their families. In the end they will wind up defenseless, at the mercy of a vast special-interest-oriented Government bureaucracy they unwittingly helped to create, a bureaucracy which perpetuates itself through the consumption of the people's livelihood.

As the distinguished Governor of California, Mr. Reagan, stated in a message of March 12, 1973, submitted to the legislature of that State:

If we as Americans allow that trend (government keeping a greater share of people's earnings) to continue, it is only a matter of time before we'll have nothing of our earnings to spend for ourselves. The spectre of such utter dependence on government should be frightening to every citizen who values our traditional values of self-reliance and our productive free enterprise way of life.

We must now exercise an opportunity, as the repository of the faith of the people, to come to grips with this national crisis.

#### CONGRESS AND BUDGET REFORM

The Congress has not done its fair share of the job of maintaining a growing economy, halting inflation, keeping the budget under control, establishing national priorities in a consistent pattern. Why? It could very well be, and I believe that it is, that the Congress does not now have the machinery with which to deal with these problems. Of what do I speak?

Of the four identifiable phases in the budget process, three are presently in need of conscious overhaul—budget execution and control, review and audit, and authorization and appropriation. The Congress has abdicated—and I use that word advisedly—its authority because it has lacked the technical machinery with which to use its constitutional powers of the purse.

The top priority of the Congress, therefore, ought to be to develop the vehicle itself—the vehicle which will allow us to get a handle on the budget, to view it as a totality, to establish a ceiling—which can also be done through a mechanism.

I have introduced legislation, as have others in this body, which will help meet the challenge to the Congress "to reform its own fragmented and piecemeal approach to budgetmaking." The bill, originated in the Senate by Senator WILLIAM E. BROCK III, of Tennessee, would establish this machinery. On February 8 of this year, at the beginning of this Congress, I stressed the need for such action:

Our bill would require not only Congress as a body, but each individual member, to face up to his duty to curb spending and stop the steady erosion of budgetary power to the executive branch.

The bill covers five major points:

First. Designate a joint congressional committee to formulate legislative budget and evaluate the federal budget in terms of priorities.

Second. Require the projection of all major expenditures over a 5-year period.

Third. Require all major spending programs to be evaluated at least once every 3 years.

Fourth. Require consideration of pilot testing of proposed major Federal programs.

Fifth. Require all Federal expenditure programs to be appropriated annually by Congress.

I know that other legislation addressing itself to these same areas of concern will be under consideration during this session. They must be acted upon promptly.

... an equally important area of concern is the establishment of methods and standards by which the costs of new and old Federal programs can be measured against their effectiveness or value to the taxpayers.

Unless we can develop some way to measure effectiveness of Government programs, programs and costs will continue to be determined by special interests, emotions, and ideologies. Congress must make provision to have access to information from the various elements of the executive branch for which Congress is responsible, and unless the legislative branch can effectively oversee and review the results of its own initiatives, it will remain impotent to effectively debate program cutbacks, reorganization, or national priorities with the White House.

I have great faith in this body to improve its capacity to govern. We cannot function in some hoped for euphoria, nor can we disregard the real needs of the people. But a reduction in utopian rhetoric, a new sense of realism and understanding of what our institutions are capable of, real reform of the budget process, and a renewed understanding of the will of the people, should help put Congress back in the prevailing winds of the Nation.

On March 19 of this year, I took a special order, in which I was joined by a number of colleagues, to outline the powers of the Congress, yet the apparent lack of will within its leadership to assume fully our constitutional duties:

Mr. Speaker, I have requested a special order today and have asked several of my colleagues to join me in special orders to dramatize the importance of the primary issue before this Congress: That is control of the Federal budget. No issue affects more Americans than the manner in which the Federal Government spends tax dollars. The onus of responsibility for facing fiscal reality

is upon each of us. I am grateful that my colleagues are willing to participate in this effort to serve notice to other Members of Congress and to the American people, that the dual plagues of higher taxes and inflation are not inevitable.

During recent weeks the furor has mounted over the administration's proposed budget, with its proponents describing it as a responsible and necessary effort to combat higher taxes and inflation and its critics citing it as an abject and callous disregard of Federal responsibility. In Congress the debate has often involved concern over supposed "usurpation" of congressional prerogatives by the executive branch. The fact that the administration has proposed the elimination or substantial modification of a vast number of categorical programs is taken as further evidence of this "usurpation."

The simple truth is that over the years—and especially within the past decade—Congress has failed to exercise the kind of restraint which is necessary if the fiscal integrity of the Federal Government is to be upheld. We have opposed higher taxes, and we have deplored inflation. At the same time we have proceeded to create and enlarge an array of programs which has hugely increased Federal spending. And we have done so knowing full well—although we have seldom admitted it—that all of this increased spending had to result eventually in higher taxes or more inflation.

Despite that reality, the Democratic leadership insists on bringing up legislation precipitously and with great rapidity for no other reason than to frustrate the attempts by those of us on both sides of the aisle and in the administration who believe that Congress should not be considering these bills without first giving consideration to an overall spending ceiling and reform of the congressional budget process. The first 15 bills on which this Congress will be acting, if passed, would result in an estimated 5 percent tax increase to pay for them. And we see no legislation introduced that might provide the needed revenue. The reason is clear. Who here in this Congress, running for election in his home State last year, campaigned on a platform of higher taxes or more inflation? And yet now that the election is over and we are back in Washington, some Members seem determined to push ahead with the same kind of Federal spending which we know will mean higher taxes or more inflation or both.

Is it too much for the public to expect us to abandon our old ways—our assorted allegiances to pet programs and projects? A number of Members—on both sides of the aisle—have shown that we can and must face fiscal reality, that we can and must kick the habit and sacrifice self-interest in behalf of the Nation's good. The freshman Members of this Congress performed a valuable service by speaking, in a special order last week, of their and Congress responsibilities to act with fiscal responsibility. In the weeks and months ahead, in the votes on programs which we will be considering and, should it come to pass, on votes to override Presidential vetoes, let us hope that those advocating fiscal responsibilities will prevail. If we do not prevail, I fear we will witness more erosion of congressional influence. If we do prevail, however, it will be a significant step in returning the Congress in its proper role in the affairs of the Nation and assuring the people of this country that inflation and higher taxes can be avoided.

I urge this body—particularly the leadership of the committees to which have been referred bills to establish this vital machinery, to move to the highest priority the consideration of these measures.

## REVENUE CONTROL AND TAX REDUCTION

Federal, State, and local tax collections have risen markedly, as percentages of national income, during the past half century. In 1929, such tax collections constituted 13 percent of total national income; by 1950, it had risen to 26 percent; by 1972, it had risen to 34 percent. The increase is even more dramatic when compared to total national personal income: 1930, 15 percent; 1950, 30 percent; and 1972, 43 percent. If present trends continue, by 1985, total Government's share of national personal income will have increased to 54 percent—54 cents out of every \$1—more than half the people's earnings.

The question posed by these statistics is twofold: Where will it stop? How can we make it stop?

In my opinion, upon some extensive observations of political and economic history, the answer to the former lies in getting a handle on the latter. In other words, it will not stop, until a mechanism is devised to, first, stabilize, then eventually reduce—systematically—the ratio between Federal spending and gross national income.

No matter how hard this body must "bite the bullet" in determining that the present level of Federal spending must be the maximum at which we must stop, we simply must arrive at agreement on an absolute standard against which priorities for Federal expenditures can be established by this first branch of Government. As long as we adhere to the ever-flexible, no-ceiling way in which the Congress authorizes and appropriates moneys today, we will continue to feed, at the expense of the people, the insatiable appetite of Government for dollars. Theory? Philosophy of Government? Speculation? No. Fact. Federal internal revenue collections have risen in 32 years from \$5.34 billion in 1940 to \$209.8 billion in 1972—a staggering 3,858-percent increase.

The mechanism which has made the most sense to me, and to the eminent economists with whom I consult on these important matters, is the revenue control and tax reduction program first proposed on a State level by Governor Reagan in California. That program's aim is to control the size of Government spending and the tax rates necessary to raise revenues by placing a progressively lower ceiling on tax collections over a fixed period. The program would impose a constitutional limitation on the percentage of total personal income which the State will be permitted to take from the people in the years ahead, gradually reducing the percentage which taxation bears to income by 0.1 percent per annum over the next 15 years. As an illustration of the importance of adopting such an absolute standard, if present trends continued in California during the next 15 years, the rate would rise from its present 8.75 to 12.27 percent—nearly a 33-percent jump. Yet the plan still more than adequately provides for the State's revenue needs, for even while the tax rate is being reduced, gross revenues in the State will climb nearly three times. The plan also provides for emergencies upon a declaration by the State legislature by a two-

thirds vote. In summary, the plan is a method not only to control taxes but to control the amount of money the State can spend as well.

This concept represents an idea whose time has come. It can be, with appropriate amendments to conform it to the Federal process, made applicable to the Federal Government. In close association with noted economists and tax experts I am now working on the preparation of both an amendment to the Constitution and an enabling statute which would carry a closely similar plan into operation on a Federal level. Such a measure will have many advantages.

First, it will mean the recognition, at last, that there is a limit on the level of income which Government can take from the people.

Second, it will mean a recognition by this body that it must assert positive and conscious fiscal leadership for the Nation.

Third, it will enable the Congress to determine how much money can be expended by the Federal Government within a fiscal year, thereby establishing according to meaningful criteria, the priorities among the myriad of spending proposals.

Fourth, it will enable the Congress to exercise more fully its power over the purse.

Fifth, it will enable the Congress to exercise that power of the purse in a manner which will require the executive to come openly to the Congress for the funds for any emergency, particularly in the area of foreign or military policy.

## IN CONCLUSION

Mr. Speaker, budget reform and revenue control are ideas whose times have come. Whether they are enacted this year, or at some subsequent point, they will be enacted; otherwise, we run the risk of destruction of our still free economy, our political system, and our free society. The notions which serve as the premises for these specific actions for budget reform and revenue control are right; they will be proved to be right at the ballot boxes as the American people come to realize fully the extent of Government control of, and intervention in, their individual lives and the concomitant loss of individual liberty and control of their own destiny.

The time is now for this body to exert leadership. It should do so.

## A TRIBUTE TO THE LATE PATRICK JEROME MELLODY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Pennsylvania (Mr. MORGAN) is recognized for 30 minutes.

Mr. MORGAN. Mr. Speaker, the citizens of Pennsylvania, and of the Nation, have lost a champion with the untimely passing of Patrick J. Melody.

A successful businessman who devoted much of his life to public service, Pat Melody was loved and admired by his friends and respected by his political adversaries. Gov. Milton Shapp stated, following Pat's death last July 6 at age 57, that—

Pat served all Pennsylvanians, particularly those of Lackawanna County, with a dedication and conscientiousness appreciated by all of us.

The current Lackawanna County Commissioners, now of Republican majority, proclaimed a 7-day period of mourning for Melody, the former Democratic chairman of the board.

The Scranton Tribune said:

As a former county commissioner, Scranton School Board president, county Democratic chairman, businessman and civic leader, Pat Melody had an impact and influence on our community which was in the main positive and progressive and generated movement which still is coming to fruition and will guarantee benefits in the years ahead.

And the Scranton Times observed:

Mr. Melody compiled an enviable record of public service which does honor to his memory and will continue to be attested to through the stone and mortar of the structures he helped to bring into being at the Courthouse and in communities up and down the valley.

Mr. Speaker, I insert in my remarks at this point the complete texts of these editorials by two newspapers which knew his record well:

[From the Scranton Tribune, July 7, 1973]

PATRICK J. MELLODY

Those who were his friends and political allies, those who knew him through business associations or as a county and school district official and those who were his political rivals and opponents share today a sadness over the death of Patrick J. Melody.

As a former county commissioner, Scranton School Board president, county Democratic chairman, businessman and civic leader, Pat Melody had an impact and influence on our community which was in the main positive and progressive and generated movement which still is coming to fruition and will guarantee benefits in the years ahead.

In the realm of politics, Pat Melody knew glittering successes, satisfactory achievement and keen disappointment. He was known favorably and well by national and state Democratic leaders and in the years he headed a strong county Democratic organization had the respect and regard of Republican leaders and candidates in state, city and county election battles.

Melody succeeded the late Michael Lawler, a legendary political figure, both as county commissioner and the actual chief of the Democratic organization. It was a change which came about as politics itself was changing here and elsewhere. Melody was cast in a role where he often was required to make decisions which could not please everyone and over several years he suffered an attrition and a run of criticism, much of it unfounded and unfair, which contributed to his losing a reelection bid for commissioner two years ago.

But even many of Melody's political foes conceded that he was an able, responsible and concerned administrator whose tenure as a county commissioner marked the involvement of county government in new and diverse fields such as redevelopment, housing and river basin planning.

The county government under Melody was sensitive and responsive to area economic rehabilitation efforts, pushed for expansion of the Scranton-Wilkes-Barre Airport, looked to development of parks and recreation and initiated far-seeing projects, including one for a new facility nearing completion as a replacement for the Blakely Home.

Pat Melody, quiet spoken, reserved in manner, firm once he had chosen a course,



was a "doer" and often drew the darts flung at activists. He was a man of many unpublicized charities and generosity. He has died too soon at 57 and we join in expressing sympathy to Mrs. Melody and the fine family to which he was a devoted husband and father.

[From the *Scranton Times*, July 7, 1973]

#### MELLODY SERVED COUNTY GOVERNMENT WELL

Patrick J. Melody's death at the age of 57 eclipsed a career which brought him to the forefront of virtually every endeavor he took on. He rose from humble beginnings to success in the business world. He entered politics and reached the highest public office county government has to offer. He became a dominant force in Democratic party politics in the state as well as in Lackawanna County.

Reserved and unassuming, Mr. Melody was a fiscal conservative in his public life, first as a school director and then as chairman of the board of county commissioners. In the latter role he proved a most capable administrator, carrying on the "pay-as-you-go" policy of his predecessor as chairman, the late Michael F. Lawler. He also was an innovator in government, providing the leadership which brought about the computerization of tax records, the large scale public housing and urban renewal programs in many boroughs of the county, the modernization and enlargement of Courthouse facilities and the expansion of the social services of the Institution District, among other improvements to his credit.

The citizens of Lackawanna County were always his first concern, evidenced not only by his tireless dedication to his elected position but also through his humanitarian desire to help those less fortunate through participation in countless charitable organizations and drives.

Mr. Melody, as the Democratic party leader, was unable to reverse the resurgence of the Republican party which began just prior to his taking his party's reins. It was ironic that after such valuable governmental service that he was himself to fall victim in the 1971 election to the Republican tide.

Mr. Melody compiled an enviable record of public service which does honor to his memory and will continue to be attested to through the stone and mortar of the structures he helped to bring into being at the Courthouse and in communities up and down the valley. We offer our condolences to his widow, Rita, and to the other members of the Melody family.

Mr. Speaker, it was my privilege to know Pat Melody as a personal friend and as a colleague in State and National Democratic activities. Active in State Democratic committee affairs, he was a member of the policy committee under former Gov. David Lawrence and State Democratic Chairman Joseph Barr. Although he hailed from an area of Pennsylvania at the opposite end from mine, I can attest that the praise for his good deeds in Lackawanna County should also apply to his efforts for the party statewide.

One characteristic of Pat Melody noted by many was his concern for the less fortunate people of our society. Perhaps this awareness derived, at least in part, from his own humble beginnings. His parents emigrated from County Mayo in Ireland to the United States early in the century and became American citizens through naturalization. His father was a coal miner who died when Pat was only 5 years old, and his mother, with the help of the older boys, supported the large family by working as a housekeeper.

While attending elementary and secondary schools, Pat delivered newspapers, shined shoes, and performed various other jobs to add to the meager family income. Family poverty, however, prevented Pat from completing a college education. He had a work scholarship at the University of Scranton but terminated his studies because of the family's need for funds he could not earn while attending school.

In the early 1930's he helped to found the Melody Brothers Coal & Ice Co., later expanding the fuel business and continuing as owner and operator until only a few years ago. Although lesser men would have been satisfied with the success he achieved as a businessman, Pat Melody applied his energies to a host of civic and charitable enterprises. He served in the Air Corps during World War II. In 1957 he entered public office for the first time as a member of the Scranton School Board and became president of the board in 1959, holding this position for the next 3 years. In 1962 Pat was elected chairman of the county's Democratic Committee and also gained a seat as a county commissioner. He served as chairman of the board of commissioners from 1963 until 1971, when he narrowly lost a race for reelection.

Mr. Speaker, Pat Melody's integrity, industriousness, and devotion to his family and country mark him as an extraordinary man. May his life be an inspiration to us all.

#### THE INTERNATIONAL PSYCHIATRIC RESEARCH FOUNDATION

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Pennsylvania (Mr. FLOOD) is recognized for 5 minutes.

Mr. FLOOD. Mr. Speaker, the International Psychiatric Research Foundation, during ceremonies at the Government Aquarium in Bermuda, on Saturday, October 27, 1973, presented primate cages to the Governor of Bermuda, Sir Edwin Leather.

Governor Leather accepted the new primate cages in the name of the "Bermuda friends."

The International Psychiatric Research Foundation of New York, constructed the cages to house gibbons for later use in behavioral and medical observations on Hall's Island, Harrington Sound.

A reception marked the dedication ceremonies at which Mr. Victor Gettner of New York, president of the International Psychiatric Research Foundation, spoke briefly. He thanked the many Bermudians who have made the Hall's Island project possible and said that making the apes available for viewing to the public, at the aquarium, was the foundation's way of showing its gratitude.

Wild gibbons, natives of Thailand, eat fruit, leaves, buds, and flowers. The white-handed gibbon (*Hylobates lar*) has a social structure similar to most humans; adults mate for life and offspring remain with their parents until after adolescence. Each family defends a geographical "territory" from intrusion by other apes. The clear ringing

calls heard in the morning at the aquarium and Hall's Island are a part of this "staking out" of territory.

Bermuda has had a population of apes since 1970 when the Hall's Island research first began. Since then, an international team of scientists has conducted a series of experimental and observational studies with these gibbons.

An international interdisciplinary team of renowned physicians and scientists are conducting investigations in free ranging small apes—gibbons—at the Hall's Island colony, Harrington Sound, Bermuda. The colony, initiated some 4 years ago, is operated and sponsored by the International Psychiatric Research Foundation of New York. The Bermuda facility involved is one of the most unique field laboratories of its kind in the world. Utilizing computers, radiotelemetry, and the latest in bioinstrumentation, the primate colony is being employed in a variety of experiments out on the horizons of research in the neurosciences.

Principal investigators with the Hall's Island research team are: Dr. C. R. Carpenter of the University of Georgia who concentrates on studies of the social and individual actions of gibbons in a semi-free ranging environment; Dr. Jose M. R. Delgado, Universidad Autonoma, Spain, studying the reaction of apes to stimulation of the brain; Dr. Aristide H. Esser, director of research, for International Psychiatric Research Foundation attempts to quantify territorial behavior through radiotelemetry of primate activity; and Dr. Nathan S. Kline, director of psychiatric research, Rockland State Hospital, N.Y., will be conducting psychopharmacological investigations.

The Bermuda Primate Center's research provides a continuing source of basic scientific data about an important group of primates. Since man is also a primate, the information obtained through the project could give important insights into the behavior physiology of humans. Out of this study hopefully will come highly efficient new techniques for the introduction of optimal amounts of psychotropic medications for the treatment of mental illness. Such a system when developed could eliminate undesirable side effects of drugs now experienced in such body organs as heart, liver, and kidneys. The device in this technique, which is called the chemitrode, may make possible a new diagnostic approach as well as provide a new important tool for probing further into the complex mechanics of brain functioning.

The sponsor of the Bermuda Primate Center, the International Psychiatric Research Foundation is a private, nonprofit, tax-exempt foundation with offices located at 40 East 69th Street, New York, N.Y. The overall funding of the foundation derives from Federal grants and private donations.

#### RETAIL CREDIT BOOKLET IN SPANISH

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, I have been advised by the Sears, Roebuck & Co.

that they have published a booklet on retail credit, and not only have they published it in English but they have also published it in Spanish. It is entitled, "Uso Del Crédito," or "Using Retail Credit."

As a member of the Subcommittee on Consumer Finance, and also having been a member of the National Commission on Consumer Finance, I have been following the use of consumer credit for some time and have realized that Spanish-speaking Americans, especially those on the lower end of the economic ladder have not utilized the retail credit available. I had concluded that the reason for this has been the lack of a complete and thorough understanding of the credit system due to the language barrier, and have long advocated this type of book recently published by Sears. I am happy to report that my concern expressed during the Commission hearings has borne fruit.

This booklet brings to the Spanish speaking an understanding of everything from a revolving charge account and how to read monthly statements, to the laws that Congress has passed to protect those who use credit.

This publication will not only be useful for those shopping at Sears, but it will be useful in seeking retail credit from any store.

I am very pleased and happy to know that the Spanish-speaking Americans now have an opportunity to learn and to understand the prudent use of credit since they are great customers; and I want to commend Sears, Roebuck & Co. for their interest and concern in the Spanish-speaking communities across the country.

#### FOCUS ON INTEGRITY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Tennessee (Mr. FULTON) is recognized for 5 minutes.

Mr. FULTON. Mr. Speaker, yesterday morning I was privileged to be a guest at a breakfast in the Capitol sponsored by the Christian Life Commission of the Southern Baptist Convention which, I am proud to note, is headquartered in my district at Nashville, Tenn.

It was an impressive gathering of Baptist churchmen, laymen and Members of Congress. Also present was one solitary Methodist, myself, who, nonetheless, was afforded a full measure of warm fellowship which abounded.

Arrangements for the breakfast were made by our colleague from South Carolina, Mr. DORN, who is Chairman of the House Prayer Group. He took time from his very busy schedule to assure that the gathering was well attended.

The idea for the meeting was conceived by Dr. Foy Valentine, Executive Secretary of the Commission, as a need in the wake of the many disclosures and public shocks which have resulted from the Watergate investigations.

The essence of the concept was capitalized in a portion of a prayer offered

by the Commission's Director of Christian Citizenship Development, C. Welton Gaddy, in which he said:

Lord, our trust has been ruptured by double talk and immoral behavior on the part of persons within high echelons of government.

These words, it should be emphasized, relate only to the idea for the gathering. They do not reflect necessarily an attitude on anyone's part of abject despair. To the contrary, the general tone of the gathering and those present was one of positive determination, individually and collectively, to address ourselves to the repair of this rupture through restoration of the concept of integrity to its rightful and very necessary place in Government.

Mr. Speaker, all the remarks made at the breakfast were worthy and relevant. Unfortunately a transcript of them in entirety is not available. However, copies of some are. These include the "Prayer for Integrity," by C. Welton Gaddy; "Integrity: Challenge to a New Commitment," by the President of the Southern Baptist Convention, Mr. Owen Cooper and "Integrity: Spiritual Dimensions," by the Pastor of the First Baptist Church of Asheville, N.C., and Chairman of the Christian Life Commission, Cecil E. Sherman.

Mr. Speaker, I place these texts in the body of the RECORD and commend them to the attention of my colleagues.

#### PRAYER FOR INTEGRITY

(By C. Welton Gaddy)

Our Father, we are in trouble. We humbly seek your help. We pray that integrity may be established as the characteristic of our words, the mark of our behavior, indeed as the life-style of our nation.

We pray for our nation—

That the erosion of credibility between citizens and governmental officials may be arrested before the gap becomes a canyon;

That the leaders of our country may, by both words and deeds, reestablish the importance of honesty in national affairs and in personal matters;

That the laws of the land and the institutions which implement their intent may be spared manipulation for personal gain and utilized for justice and the public good;

That the trust of our republic may not be limited to that power which is measured in megatons or to that wealth which is reflected in the Gross National Product but that it may rest in You;

That our commitment to honesty, our pursuit of justice, our elimination of discrimination, our support of freedom, our efforts at world peace, may be of such a nature as to assure us a place of moral leadership in the international community.

We pray for the citizens of our nation.

Lord, our trust has been ruptured by double talk and immoral behavior on the part of persons within high echelons of government.

Our minds are troubled by a tumult of crises.

Our wills are frustrated as we vacillate between a sense of importance as citizens and a sense of futility.

We are in desperate need of your help.

Forgive our worship of a civil religion which equates nationalism with Christianity, confuses governmental policy with your will, and interprets patriotism as blind allegiance.

Disturb any apathy concerning the political arena until complacency becomes crea-

tive involvement in politics on behalf of basic morality.

Translate our political cynicism into a responsible citizenship which persistently works at every level of government, supporting that which is right and challenging that which is wrong.

We pray for the leaders who have gathered in this room—

That they may ever be cognizant of your support as of your expectations for them;

That they may be among those in this 93rd Congress who by moral leadership secure once again the shaking foundations of this democracy.

May their faith be a source of courage and their communion with you a source of strength.

Now keep us disciplined in our fellowship of the One who was the incarnation of integrity, the One who thus can make us free. Amen.

#### INTEGRITY: CHALLENGE TO A NEW COMMITMENT

(By Owen Cooper)

As you well know, no one Southern Baptist can, or would even attempt, to speak for any other Southern Baptist much less the Convention as a whole. However, out of my involvement in the structures of this denomination and as a result of the many personal acquaintances which I have made, there are some things which I have come to know about Southern Baptists and thus some things about which I feel comfortable to speak.

In relation to government, the history of Southern Baptists is one marked by unflinching patriotism, sincere prayerful support, and individual political involvement. Members of this denomination have effectively served in the highly esteemed offices of the federal government, even as you are now serving, as well as in the state capitols and county court houses across our land. At present, my home state of Mississippi is governed by a dedicated Christian who is a faithful Southern Baptist church member.

Southern Baptists are deeply concerned with biblical morality and we desire to see this morality embodied in those who lead our nation. The support of the people in the 33,000 churches of our Convention will almost invariably be behind those politicians whose words resonate with honesty and whose lives exhibit integrity. As you know, we are a people who quickly grow impatient with anyone who attempts to use the processes of government for personal gain, deceive the voters, or violate the basic personal rights and liberties given to us by Almighty God and guaranteed for us by the Constitution.

None of this is new. None of this is partisan. The disturbing events of recent weeks have provoked outcries of dismay because of their obviously illegal and unethical nature. Southern Baptists join a plea for recommitment to the basic moral principles upon which our government has traditionally stood. This plea grows out of time-tested convictions which antedated Watergate or any other contemporary event.

We have come here today with at least a partial understanding of the present dilemma of persons like yourselves who seek to serve the nation in government. Because of the recent tragic events, public distrust of governmental leadership and cynicism regarding the political process have increased. These matters are disturbing to us even as they are to you. We still believe in this government's ability to function effectively and justly. We want to encourage the citizens who attend our churches to not withdraw but to involve themselves even more integrally in the political process. You, who serve here day in and day out, can count on our prayerful support, especially in times of crisis but at other times as well.



We believe that whatever measure of greatness America has achieved is in no small way related to dynamic moral leadership and an abiding national commitment to such matters as integrity, personal liberty, justice, and equality. Persons like yourselves help us be assured of the continuation of that leadership and commitment. We take pride in knowing that there are so many Southern Baptist Senators and Congressmen as well as other outstanding Christian leaders serving in the United States government.

Let me thank you for being here this morning that we might share in a time of Christian fellowship and join together in praying for our nation and each other. At the same time, let me encourage you to keep open the lines of communication between yourselves and the spiritual leadership of our Convention. We will seek to be more faithful at this point ourselves. My prayer is that we may all so carry out our responsibilities in relation to government that God may be glorified in our nation strengthened as a guarantor of liberty and justice for all. Count on us to be praying for you and call on us if there are other ways in which we can be of help.

#### INTEGRITY: SPIRITUAL DIMENSIONS

(By Cecil E. Sherman)

My friends, I have waited for this day for all of a lifetime. Finally, the tables are turned. You see, I have listened to Senator Tom Connally address the students of Baylor University. I stood in a Texas "norther" to hear Senator Lyndon B. Johnson speak at the State Fair of Texas. I've heard Congressman Roy Taylor numerous times as he goes about his district in Western North Carolina. But at no time have I ever had a "captive audience" of congressmen and senators listening to me. I don't intend to misuse the moment.

I have pondered long about the words I have chosen. The crisis in confidence that surrounds government has such an obvious spiritual dimension. I am a preacher. Sin, truth, deceit, and integrity: these words are the stuff of my profession. Rather than give you a preachment, I think I shall tell you a personal story.

While I was a seminary student in Fort Worth, Texas, I was also the pastor of a very small open-country church in Fannin County, Texas. Some of you may recall that Fannin County was the home of Sam Rayburn. I would drive back and forth from Fort Worth to that open-country church each weekend. The roundtrip was 300 miles. I did this for four years: 1950 until 1954. I lived in the homes of the farmers. I came to know those people like no other people I have ever pastored. Most of them were trying to stretch the family farm through one more generation. Some were still plowing with mules. Fun was Saturday afternoon in town buying groceries and going to a "shoot-em-up" movie. Saturday night was spent listening to Grand Ole Opry and playing dominoes. I was not reared on the farm, but I came to love those people and their simple kind of life. Religion was big with them. Most of them "got religion" during the summer revivals, and they knew that they were supposed to live with their wife, care for their children, tell the truth, work for their living, and love their country. It was a pretty simple and straight-forward way of living. On the last Sunday in August of 1954 I left those people. I was going to graduate school at Princeton Theological Seminary in Princeton, New Jersey. I was also to be the chaplain to the Baptist students of Princeton University.

I cannot imagine a more severe and total change in congregations. From farmers in a backwater of Northeast Texas to the urbane and very sophisticated students of an old Ivy League university. I had never been to

Princeton. I was afraid and unsure of myself. Surely among all of these very intelligent people I must change my message, I reasoned. And for awhile I did bend. But slowly this truth dawned upon me: the students at Princeton were remarkably like the people in my country church. Farmers are tempted to cheat. Students are tempted to cheat. Farmers have ways they avoid social responsibility. Students can retreat from the hard parts of "loving your brother." People are people and being a Christian is just being a Christian wherever you are.

Some of you people probably came from simple homes and godly people. Somebody has trusted you; that is how you got elected. Now you live in the fast swirl of Washington. The ways to be dishonest are more subtle. The penalties for wrongdoing are not precise. The example of some in high places is not helpful. What is a politician who wants to be honest to do?

I think the answer does not lie in new theories about ethics. Our wisdom comes from the Bible. We are to love God. We are to place our loyalty to him above all other loyalties. We are to live simply, for the clutter of many things will corrupt us. We are to tell the truth. We are to honor our families. We are to live temperate lives. We are to love our neighbors as we love ourselves. We are to "bear one another's burdens." These are the great ideas of any ethic. These are the moral principles which all Americans need to see and a large majority of Americans want to see embodied in their governmental leaders. These great ideas, so frequently acclaimed, must be as frequently practiced. Seldom has there been a more opportune time for Christian statesmen to assert strong moral and spiritual leadership in accord with these principles than the present.

Coming to Washington does not change anything. It does not alter moral demands, though it could increase our tolerance for something less than the ethic of which I have just spoken. When I went from the country to Princeton, I found that really nothing had changed. I hope that you people who have come from the heartland to Washington and that the rest of us who are still trying to be responsible Christian citizens out at the grassroots are being controlled by those great Bible ideas that we learned from our homes and churches when we were children. If we are, I can hope again for my country.

#### THE AX IS FALLING: HEW AND THE SOCIAL SERVICE REGULATIONS

THE SPEAKER pro tempore. Under a previous order of the House, the gentleman from Minnesota (Mr. FRASER) is recognized for 5 minutes.

Mr. FRASER. Mr. Speaker, since last February, many of us in Congress have been involved in a continuous battle with the Department of Health, Education, and Welfare over the social services program. For 8 months HEW has attempted to implement new regulations which seriously cripple this key Federal program aimed at combating welfare dependency. For 8 months we have resisted these efforts.

Now it appears that the new regulations will finally take effect on November 1. More than 200,000 letters of protest plus an act of Congress have not succeeded in persuading Secretary Weinberger that his Department is embarking on a course of action that will only mean additional hardship to mil-

lions of Americans who now receive federally funded social services.

It is difficult to talk about social services in general terms because the program encompasses such a wide range of locally initiated efforts. The following article from the St. Paul Dispatch describes in a more concrete way the disastrous impact that the new regulations will have in at least one State:

FUND CUTS WILL BE DISASTROUS, AGENCY HEADS SAY

(By Ann Baker)

Cuts in federal social service funds, expected to become effective next week, will drastically limit the chances of helping dependent, disabled and poor people becoming productive citizens, in the view of state and local welfare officials in Minnesota.

The new regulations would cut out many people now receiving aid for services like vocational rehabilitation, day care, foster care, alcoholism treatment and counseling.

Cuts were threatened by the U.S. Department of Health, Education, and Welfare (HEW) last February. In June Congress forced a delay.

Now, less harsh than before but still restrictive, the "new regs" are scheduled to go into effect Nov. 1, if a congressional effort to halt them, led by Sens. Walter Mondale, D-Minn., and Jacob Javits, R-N.Y., does not materialize before then.

When federal social service money became available in the late 1960s, many workers began to hope for the first time they could really wipe out many problems, many causes of poverty. Prevention, always the welfare worker's dream, at last began to seem within grasp.

Halfway houses were set up to rehabilitate alcoholics, drug addicts, the mentally ill and help them back into society as taxpayers in productive jobs.

Working mothers received free day care for their children, so they could support their families without need of public assistance; those on welfare were enabled to get off the rolls.

Vocational training was expanded for people with physical and mental disabilities.

Children with emotional problems were aided in comprehensive treatment-residences. Families with financial or marital difficulties were given counseling. Old people were given meals, nursing care and household help so they could stay home instead of being sent to nursing homes. Parents guilty of neglecting their children were persuaded to get help and change their ways before their situation got so bad they had to be taken to court.

"We wanted to break the cycle of dependency on welfare services—we believed we could," recalls Harriett Mhoon, director of social services at Anoka State Hospital and state chairman of the National Association of Social Workers committee on the regulations.

"After 12 years in the business I could say, 'God damn it, parents of handicapped kids aren't getting penalized any longer,'" remembers Harold Kerner, director of St. Paul's United Cerebral Palsy Day Activity Center and legislative chairman of the state DAC Association.

Under the "new regs," most federally supported services will be offered only to families who are on welfare, have incomes near welfare level (\$4,400 for a family of four), who have been on welfare within three months or are apt to go on welfare within six months.

"Coverage for such a brief time period completely works against people maintaining a self-supporting stature." Minnesota Welfare Commissioner Vera Likins wrote to HEW authorities. She estimates that 26,000 of

the 112,500 Minnesotans receiving such services will be barred.

"Paradoxically, the groups that will be hardest hit are the very groups the service programs are intended to help, the working poor and those striving to escape from public dependency," Ms. Likins wrote.

She predicted the results will be: lost jobs, lost taxes, more people on welfare, as well as family breakups, untreated alcoholics and addicts, more expensive institutional care for the elderly and children put in inadequate day care or left home to fend for themselves.

The restrictiveness "makes a mockery of prevention," Ramsey County Welfare Director James Edmunds wrote in his letter to HEW.

Diane Ahrens, executive director of the Minnesota Social Service Association, wrote that the regulations are "an attempt to rip apart a system which was developed to help citizens become productive contributors to society and to care for those who are unable to cope for themselves."

She called the rules "decidedly inconsistent" with the administration's stated intentions to put more power in the hands of local government.

Officials here say the regulations will require them to build another layer of bureaucracy to administer "means tests" for eligibility—"more paperwork to get less money."

Assistant Ramsey County Welfare Director Art Noot says they will serve as a deterrent and will severely affect the chances of doing preventive work.

"And we've just begun to seriously commit ourselves to that beyond any previous efforts." Under the new rules, he said, "We'll just be able to respond to immediate, identifiable crises."

State Director of Social Services Gary Haselhuhn says, "We won't be able to look at the total problem of a person and see it through to the end. Instead, we may have to stop at a crucial point. Because of the severe cutback in eligibility, our ability to use service to prevent serious problems is almost nonexistent."

Haselhuhn adds, "We kind of look at it as though we'll be administering the 19th century English Poor Laws."

Not only will some people be ruled ineligible for aid. So will certain kinds of services. Some examples follow:

Day activity centers for the retarded: "We'll have to curtail the programs, maybe the staff," says Harold Kerner. "Maybe some therapy will be dropped, then quality will go out the window."

He says of the 500 retarded people who leave state institutions each year, about 30 per cent need day activity centers. But few new centers opened in the last year, because hoped-for state appropriations of \$6 million were whittled down to \$3.6 million.

"There are 800 to 1,000 people across the state still needing DACs," he said, "and 17 counties have none."

Higher Education for Low Income People (HELP) at the University of Minnesota furnishes tuition and books to 300 Twin Cities area welfare mothers with social service funds. One of the first St. Paul women to earn a degree under that plan called it "a ticket out of hell."

Director Fred Amram says the students do better than average and that 85 per cent get off public assistance within a year after graduation. The program costs \$270,000 a year. The new regulations would eliminate it.

David Ziegenhagen, Mental Health Association of Minnesota executive director, predicts "a potential crisis" around the state, because community mental health centers would be cut off from federal funds, and so would information and referral services.

Ramsey County's Mental Health Center is not federally supported, but assistant director Frank Zalesky says the halfway houses it

sponsors for the mentally ill and chemically dependent will be badly hurt.

Some residents may continue to live in them with federal support, but only if they apply for Aid to the Disabled, which Zalesky says tends to "put a crutch under them," contravening efforts to make them independent.

More than half the cost of halfway houses covers their programs which help residents get on their feet, find work and learn to cope with themselves and others.

Jacobsen and Hewitt Houses for a mentally ill stand to lose \$144,000. Granville House, 565 Dayton, Shoreview Treatment Center and New Connections, all residences for the chemically dependent, would lose \$575,000.

"We'll be going back again to, say, four years ago," says Zalesky, "a room and board facility."

Another \$404,000 would be lost to emotionally disturbed Ramsey County youngsters in residential facilities where they receive extensive help developing skills, working through emotional problems, building friendships and learning to overcome withdrawal or aggression.

Free day care would be available only to families earning less than \$5,460 (family of four). Aid on a sliding scale would be available to families earning up to \$10,344, but the rates have not been determined.

St. Paul Child Care Council Director Gary Wingel expects a mother of three earning \$9,000 would have to pay from \$1,650 to \$4,000 a child.

With rising costs of care, he believes people will tend to drop out of "the more comprehensive centers" and turn to cheaper, usually less desirable care for which they would pay full fees.

Stella Alvo, organizer of the Minnesota Coalition for Comprehensive Child Care, foresees economic segregation in day care centers, "as children of working people are removed to make way for children of welfare recipients."

She says the rules will "put the squeeze on working and middle-class families." And she predicts that when families have to pay full, or only slightly subsidized, day care fees, many will have to quit their jobs and go on welfare, where they will then have to register for probably lower-paid jobs (under the 1972 work rules) and then place their children back in day care, maybe even at the same center they dropped out of.

Besides causing the families a lot of hardship, Miss Alvo says, that merry-go-round would also lower the tax base.

(Ramsey County's work-incentive program currently has 950 welfare parents in work and training with some 300 children in day care. Some 4,000 welfare clients are registered for work and training, but not all are eligible because of illness or other reasons, and there aren't enough jobs for all who want them.)

Legal Assistance of Minnesota would have to stop providing help with divorces and tenant or consumer problems, according to administrative director Michael Feeney. It has offices in Duluth and Washington, Dakota and Olmsted counties.

Sponsors of the various programs have been seeking other sources of funds, from state and local government and private donors. If the regulations go through Nov. 1 as planned, they will still be subject to federal, regional and state interpretations. Welfare workers say they have no idea what to expect.

Despite the fact that the social service regulations take effect tomorrow, efforts are continuing in Congress to counteract them.

Yesterday, 96 House Members joined in cosponsoring legislation which would

restore to the States the ability to design service programs that best meet their own needs. Under the terms of our bill, HEW could no longer use agency regulations, as it is doing now, to choke off State-operated programs. Rigid income restrictions, which exclude most non-welfare recipients from services, would be lifted so States could continue to aid those people who are tottering on the brink of welfare dependency.

This legislation was originally introduced in the House as H.R. 10920 by JAMES CORMAN and six other members of the Ways and Means Committee; JAMES BURKE, MARTHA GRIFFITHS, DAN ROSTENKOWSKI, WILLIAM GREEN, HUGH CAREY, and JOSEPH KARTH.

The Corman bill deserves the immediate attention of the Ways and Means Committee and the House, as a whole. Action must be taken now before the full impact of these outrageous regulations is felt.

#### CPA AT FDA

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Florida (Mr. FUQUA) is recognized for 5 minutes.

Mr. FUQUA. Mr. Speaker, the Federal Food and Drug Administration is to be a prime target of Consumer Protection Agency advocacy, according to our hearings on the various CPA bills.

There are now three CPA bills before a Government Operations Subcommittee on which I serve: H.R. 14, by Congressman ROSENTHAL; H.R. 21, by Congressmen HOLIFIELD and HORTON, and H.R. 564 by Congressman BROWN of Ohio and myself.

These are bills of very great complexity and not a little controversy. The major difference among the bills is that the Fuqua-Brown bill would not allow the CPA to appeal to the courts the final decisions of other agencies, while the other two bills would allow such appeals.

I should add that, under the two bills allowing CPA court appeals, another agency's refusal to act—inaction—would be appealable by the CPA. For example, if the CPA requested that the FDA seek a criminal prosecution against a certain individual, and FDA refused, that refusal is final appealable action by the CPA under all the CPA bills except the Fuqua-Brown bill.

I am using the FDA as an example here because I wish to share with you some material from this agency as part of my continuing effort to dispel some of the confusion that has surrounded CPA proposals since 1970.

As you know, I have already introduced similar material from nine other agencies the proceedings and activities of which would be subject to CPA advocacy: Cost of Living Council, four banking regulatory agencies, Defense Supply Agency, National Labor Relations Board, Federal Power Commission, and Tennessee Valley Authority.

I have asked these agencies to list their 1972 proceedings and activities, divided into the various categories in which the CPA would have a right to be a party or participant.



It should be noted, in relation to the major difference among the bills, that virtually all FDA final decisions would be appealable by the CPA under all except the Fuqua-Brown bill. This brings our total of CPA appealable decisions to over 1 million annually—for just the 10 agencies already surveyed.

Mr. Speaker, for the important reasons stated, I am inserting in the RECORD a list of the 1972 proceedings and activities of the FDA that would be subject to CPA advocacy under the pending bills. Because of the voluminous nature of the proceedings, I am including only those procedures subject to the notice and comment rulemaking procedures of the Administrative Procedure Act. I will include the other proceedings and activities at a later date.

DEPARTMENT OF HEALTH, EDUCATION,  
AND WELFARE,  
Washington, D.C., Oct. 24, 1973.

HON. DON FUQUA,  
House of Representatives,  
Washington, D.C.

DEAR MR. FUQUA: This is in further reply to your letter of September 7 regarding legislation to establish a Consumer Protection Agency.

The enclosed report provides answers to your questions regarding the types of activities by the Food and Drug Administration which may be subject to consumer advocacy by the proposed Consumer Protection Agency.

I hope this information is helpful in your consideration of this legislation.

Sincerely yours,

CHARLES C. EDWARDS,  
Assistant Secretary for Health.

#### LISTING OF PROPOSALS IN FEDERAL REGISTER

Question 1. What regulations, rules, rates or policy interpretations subject to 5 U.S.C. 553 (the Administrative Procedure Act (APA) notice and comment rulemaking provisions) were proposed by your agency during calendar year 1972?

Answer. Food and Drug Administration (FDA). During calendar year 1972 FDA issued proposed rules on a broad variety of subjects. Attached is a listing of such proposals with Federal Register index headings as well as the page where they may be found. Final orders are also listed. We have made no attempt in the attached list to distinguish between regulations subject only to 5 U.S.C. 553 and those subject to additional requirements (e.g., regulations under the provisions of the Federal Food, Drug, and Cosmetic Act discussed in question 5).

#### ADMINISTRATIVE PROCEDURE

Administrative rulemaking and adjudicatory hearings on record; separation of functions and ex parte communications, proposed rules, 6107.

Proposed Rule Documents, extension of time for filing comments, 27.

Information, Public availability; proposed rules, 9128.

#### ANTIBIOTIC DRUGS AND INSULIN

Antibiotic and sulfonamide drugs in animal feeds, proposed policy statement, 2445.

Combination drugs in animal feeds no longer sanctioned, 21279, 23538.

International standards, proposed rules, 14237.

Fees for certain tests:

Gas chromatography test, 6926.

Thin layer chromatographic identity test, 11675.

Revocations:

Glycylamide, revocation, 5491.

Iodinated casein, revocation, 4712.

Labeling and certification requirements, exemptions, 20525.

Laboratory diagnosis of disease: antibiotic susceptibility discs, 20525.

Packaging and labeling requirements: Proposed rules, 19149.

Potency at time of certification, proposed policy statement, 336, 1477.

Tests and methods of assay:

Alternative methods, including automated procedures, 1116, 7497.

Carbenicillin disc assay, 16077.

Hydroxylamine colorimetric assay, 4906.

Insulin, sterility testing; increase in fee, 11729, 20685.

Iodimetric assay, synthetic penicillins, 4958.

Microbiological turbidimetric assay, proposed rules; correction, 20870.

Ophthalmic preparations, sterility test, 23106.

Sterility tests, 1104, 7497.

Proposed rules, 1116.

#### BIOLOGICAL PRODUCTS

Procedures for review of safety, effectiveness, and labeling; proposed rules, 16679.

Product standards, hepatitis associated antibody (anti-Australian antigen);

Diagnostic substances for laboratory tests, 15157, 17036.

General standards, dating periods for specific products, 15158, 17036.

Safety and efficacy review, inquiry, 16690.

Standards:

Establishment standards, retention samples, 15157.

Transfer of regulations to Title 21, CFR, 15993.

Viral vaccines:

Measles virus vaccine; live, attenuated, 23111.

Mumps virus vaccine, live, 23111.

Rubella virus vaccine, live, 23111.

#### BLOOD AND PRODUCTS, HUMAN; PROPOSED RULES

Registration of blood banks and other firms collecting, manufacturing, preparing, or processing, 17419.

Source plasma (human), licensing requirements, 17419.

#### CHILD PROTECTION PACKAGING STANDARDS<sup>1</sup>

Aspirin-containing preparations, powdered:

Exemption, 18563, 28624.

Extension of effective date, 3427, 22987.

Nonoral dosage, exemption from provisions; proposed rules, 14238.

Economic poisons, proposed rules, 18629.

Ethylene glycol, proposed rules, 28636.

Furniture polish, liquid, 5613.

Methyl alcohol (methanol)-containing household substances in liquid form, 7631, 21632.

Nonprescription drugs for human use, inquiry, 12171.

Packaging requirements, noncomplying, for products used by elderly and handicapped; proposed rules, 22001.

Petroleum distillate-containing liquid kindling and/or illuminating preparations; proposed rules, 7408.

Preparations subject to Comprehensive Drug Abuse Prevention and Control Act of 1970, extension of effective date, 8433, 22987.

Prescription drugs in oral dosage forms, proposed rules, 8461.

Sodium and/or potassium hydroxide, 5047, 21633.

Sulfuric acid-containing household products, proposed rules, 7809.

Testing procedure, informed consent statements; proposed rules, 26833.

Testing procedure, special packaging, 741.

Turpentine-containing household substances, 7407, 21635.

Footnotes at end of article.

Wintergreen oil (methyl salicylate), 6184, 22987.

#### COLOR ADDITIVES

FD&C Red No. 2, ingestion limits; proposed rules, 13181.

Provisional listing, closing dates; postponement, 3896.

Specific additives:

FD&C Green No. 6, 16559.

FD&C Red No. 40, 3177.

1,4-di-p-Toluidinoanthraquinone, 16559.

COSMETICS, INGREDIENTS AND RAW MATERIALS

Antibacterial ingredients, proposed rules, 219, 1116.

Composition statements, voluntary filing, 7151, 17470.

Hexachlorophene components in cosmetic products, labeling requirements, 20160, 21481, 21630, 21991.

Restrictions on use, 23537, 23644.

Manufacturers and distributors, voluntary ingredient labeling, 16208.

Manufacturing establishments, voluntary registration, 7151.

Mercury in cosmetics, use as skin-bleaching agent; proposed rules, 12967.

Product experience, voluntary filing procedure; proposed rules, 23344.

Registration form and effective date, 8673.

#### DEVICES

Devices shipped in interstate commerce for sterilization; label statement, proposed rule, 1115, 23253.

Eye glasses and sunglasses, use of impact-resistant lenses, 2503.

Oxygen and its delivery systems, proposed policy statement, 5504.

Ozone generators and emitting devices, policy statement; proposed rules, 12644.

DIAGNOSTIC PRODUCTS, IN VITRO, FOR HUMAN USE

Policy statements or interpretative regulations, proposed rules, 16613, 20040.

Testing and labeling, policy statement, 819.

#### DRUGS<sup>2</sup>

Drug Listing Act of 1972, implementing regulations; proposed rules, 26431, 28079.

Efficacy study implementation announcements:

Disclosure of evaluations in labeling and advertising, 3176.

Evaluation reports, miscellaneous drugs; release, 18105, 21547.

Drugs previously reviewed, status and need for updating; proposed rules, 7808.

Identical, related, and similar drug products, applicability, 2969, 23185.

Epinephrine and isoproterenol inhalation preparations, prescription dispensing and warnings; proposed rules, 7519.

Exportation of investigational drugs, proposed rules, 18562.

Foreign drug establishments, registration procedures; proposed rules, 10510, 18563.

Habit-forming drugs, exemption from prescription requirements, proposed revocation for codeine, dihydrocodeine, ethylmorphine, and morphine, 18471.

Hallucinogenic drugs, tetrahydrocannabinols, investigational use; revocation, 18525.

Hexachlorophene:

Combinations with phenothiazine in animal drug preparations, 18531, 18575.

Component in drug and cosmetic products for human use, policy statement; prescription, use, and labeling requirements, 20160, 21481, 21630, 21991.

Drug and cosmetic products applied to mucous membranes, restrictions on use, 23537, 23644.

Proposed policy statement, 219.

Long-term studies, records, and reports; continuation on certain approved new drugs, 202, 26806.

Methadone:

Special requirements for use, continuation

of long-term studies, records, and reports, 26790.

Proposed rules, 6940, 7903.

Nitroglycerin for human use, packaging requirements and warnings, 4918, 15858.

Ophthalmic preparations, and dispensers, sterility requirements, 23105, 25023.

Over-the-counter preparations:

Allergy preparations, 13493, 16029.

Analgesic and antipyretic preparations, 7820, 13491, 14633, 26456.

Antacid preparations, 7824.

Safety and efficacy review, 102, 1182.

Antialsthmic preparations, 16029.

Antibacterial ingredients, inquiry, 235, 1182.

Antibiotic preparations, topical, 10526, 11281, 11283, 12170.

Antihistaminic preparations, 10457, 11277.

Antimicrobial ingredients, inquiry, 26842, 6775.

Antitussive preparations, 12166.

Bacitracin ointments, topical, 12170.

Bronchodilator preparations, 13490, 16029.

Cephalin cholesterol mixture, 10465.

Classification procedures, 85, 1175, 9464, 10358.

Cold remedies, 13490, 16029, 16116.

Contraceptives, vaginal, 10525.

Corticosteroid-neomycin sulfate-containing preparations, topical, 11283.

FOOD, GRAS (GENERALLY RECOGNIZED AS SAFE) LIST

Affirmation and determination procedures, proposed rules, 6207.

Amino acids in food for human consumption, deletion from list and conditions of safe use; proposed rules, 6938.

Carrageenan, proposed addition, 15434, 16613.

Saccharin and its salts, transfer to food additive category, 2437, 19122.

Talc, proposed rules, 16408, 16551.

#### FOOD LABELS

Common or usual names of nonstandardized foods; proposed rules:

General principles, 12327.

Seafood Cocktail, 12328.

Hypo allergenic and low-sodium food, label statement; termination of stay of effective date, 9763.

Ingredients, label designation:

Policy statement, 5120.

Denial of petition, 5131.

Proposed rule, 12327.

Nutrition labeling, proposed rules, 6493, 7209.

Salt and iodized salt, label statements; policy statement, 1166.

Soft drink bottles, returnable; use of lithographed bottles bearing label declaration for cyclamates, 13556, 23715.

#### FOOD MANUFACTURE, PACKAGING, ETC., GOOD MANUFACTURING PRACTICE

Cooking bags for oven use, 4712.

Contaminants:

Definitions and interpretations, proposed rules, 5706.

Natural or unavoidable defects that present no health hazard, proposed rule, 6497.

Good manufacturing practice, smoked and smoke-flavored fish; alternative brining procedure, proposed rules, 28426.

Low acid foods in hermetically sealed containers; proposed rules, 24117.

Polychlorinated biphenyls, use in food plants, proposed rules, 5707, 10003.

#### FOOD STANDARDS OF IDENTITY AND QUALITY

Beverages, nonalcoholic:

Soda water; identity standard, optional ingredients, labeling statement, 3644, 16174.

Tea importation standards, 1464, 11464.

Bread and rolls, or buns, identity standard, optional ingredients; label statement, proposed rules, extension of time, 3189.

Catsup, tomato, identity standards, use of acidified break process, effective date, 6733.

Cheese, identity standards:

American, pasteurized process, deviating from identity standard, extension of temporary market testing permit, 20582.

Anhydrous milkfat and dehydrated cream as optional ingredients; label statement, 5489, 10931.

Buttermilk, proposed rules, 869.

Colby, optional use of smoke flavoring, confirmation of effective date, 28620.

Cottage cheese:

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#### FOOTNOTES

<sup>1</sup> Program was transferred to the Consumer Product Safety Commission on May 14, 1973.

<sup>2</sup> See also Antibiotics and Insulin, Biological Products, and Blood and Blood Products.

#### DEFENSE DEPARTMENT EVALUATION BY ORR KELLY

(Mr. PRICE of Illinois asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. PRICE of Illinois. Mr. Speaker, on October 23, Mr. Orr Kelly in an article in the Washington Star-News announced



that, after 6 years of reporting on Defense Department activities, he was transferring to cover the Justice Department. His incisive reporting on important Pentagon and other defense-related activities will be missed. Mr. Kelly in his 6-year tenure as a military reporter had an outstanding opportunity to obtain an understanding of defense activities and to evaluate the performance of agencies of our Government charged with managing our defense programs. Mr. Kelly was thoughtful enough to share his evaluations with us in his article in the Washington Star-News. I commend the article to all of my colleagues.

Mr. Kelly includes in his observations comments on the current Middle East confrontation, the arms budget, foreign deployment of our troops, and some very pertinent comments on Defense Department management in general. After 6 years of study which, as Mr. Kelly observes, "is a long time—substantially longer than most key officials of the Department spend in their jobs there," and on the eve of his departure from the Pentagon beat, he summarizes his evaluation of Defense Department management this way:

Despite its size, the Defense Department probably is the best-managed agency in the government. This is true, also, in spite of all the talk about cost overruns and inefficiency.

I commend to my colleagues' attention Mr. Kelly's complete article wherein he elaborates on his views concerning trends in management and the quality and character of the civilian and military personnel in the military establishment.

I wish Mr. Kelly every success and satisfaction in his new post. I also thank him for his past efforts to better inform the citizens of our Nation concerning its defense and security.

I insert Mr. Orr Kelly's article here for the convenience of all Members.

[From the Washington Star-News,  
Oct. 23, 1973]

LAST PENTAGON REPORT  
(By Orr Kelly)

This is the last column on military affairs that will appear here under this byline.

After more than six years covering the Pentagon, through much of our nation's longest war and through crises and scandals almost too numerous to recall, this reporter is moving across the Potomac to cover the Justice Department.

In the life of a bureaucracy like that of the Pentagon, six years is a long time—substantially longer than most key officials of the department spend in their jobs there. It is a time that affords some perspective on American military policy and the military establishment.

Here are some brief observations based on that perspective:

First, as the current confrontation in the Middle East has reminded us, the major concern of American foreign and military policy is, and will remain, the Soviet Union. Despite all the talk of detente and of the turn from confrontation to negotiation, relationships between the United States and the Soviet Union are supremely important and dangerously uncertain.

This does not mean that war between the two countries is probable. War has been avoided in the difficult years since the end of

World War II on a number of occasions, and there is real hope that war can continue to be avoided. But with two countries armed as no nations ever have been armed before in history, the awfulness of war, if it should come, makes the avoidance of war between the United States and the Soviet Union the single most important objective of American policy.

Since the avoidance of war—deterrence, is the word of our nuclear strategists—depends on a balance of terror, there is very little realistic hope that the U.S. defense budget can be reduced in the foreseeable future. If the relations between the United States and the Russians continue about as they are now, with slow progress toward more comprehensive strategic arms limitations, we probably will be fortunate to keep the arms budget at about its current level in constant dollars. But there is little slack in the budget for emergencies, like the current resupply of Israel, and even brief crises can eat up millions, even billions, of dollars.

There is a broad range of opportunities for improvements in the American military structure. The changes, requiring a certain boldness and a willingness to challenge hoary assumptions, might save some money, but mostly they would provide more effective defense for about the same money.

The irrational deployment of American troops in Europe, for example, has long cried for change. The Titan missile force, already bargained away in exchange for the right to build more submarines, still is kept on alert at an annual cost of \$30 million, as another example.

Spending on defense is declining as a percentage of the gross national product, as a share of the federal budget and, most dramatically, as a percentage of all public spending, both federal and local. There simply is no way that the defense budget can be squeezed to provide the large sums of money that other government programs, already on the books, will require in coming years.

There will, of course, continue to be extremely heavy pressure on the defense budget. It is very difficult to explain, for example, why the government is spending less this year to house a rapidly expanding prison population than it spends for a single fighter plane. This pressure will require great discretion to determine what is really needed and what can be cut without danger to national security.

Despite its size, the Defense Department probably is the best-managed agency in the government. This is true, also, in spite of all the talk about cost overruns and inefficiency.

The fact that most Americans, most congressmen and many Pentagon officials do not believe the department is well-managed is a problem in itself. There is a pervasive—but false—belief that all of the Pentagon's problems would be solved if it were simply managed better.

This is simply not true. The management of the department has been improving gradually over the years and it almost certainly will continue to improve. But there is no reason for hope that there will be some miraculous breakthrough to an era of mistake-proof, error-free management. The best we can hope for is continued gradual, undramatic improvement—and demands for a miracle will simply make that kind of improvement more difficult and unimpressive when it does come.

Finally, it should be said that, despite the recent scandals that have tarnished the image of the military establishment, the nation is indeed fortunate that the quality of those, both military and civilian, who devote their skills to national defense is, on the whole, so very high.

## NATIONAL INTERESTS IN LIGHT OF MIDEAST DEVELOPMENTS

(Mr. PRICE of Illinois asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. PRICE of Illinois. Mr. Speaker, Benjamin Franklin once said, "The things which hurt, instruct." If there is truth in these words, the latest Mideast war should prove to be a powerful learning experience.

Media reports in the past few days provided the text for some lessons.

Perhaps the most painful lesson to be imparted is how much the United States can depend on its "friends" when the chips are down. While this country strained to replace vital Israeli weaponry, our allies made things as difficult as possible, lest their oil supplies be threatened.

The Navy and Air Force had to adopt a roundabout system of supply because key Western European countries—our allies—along the supply route forbade their territory to American aircraft. For example, under a Navy plan for the urgent supply of A-4 Skyhawks, the planes were flown to Israel from the east coast via the carriers *John F. Kennedy* and *Franklin D. Roosevelt* for refueling by tanker aircraft. Meanwhile, Air Force C-5A's headed for Israel only partially loaded so that they could carry sufficient fuel to make the extra long stretches of the flight.

When U.S. NATO representative Donald Rumsfeld attempted to win support for American policy in the Middle East, he was reportedly unable to do so. The oil issue apparently outweighed unity.

About 1 month ago Libya's Muammar Kaddafi told an American newsmen that, in the Middle East, "perhaps the new oil situation will finally convince you that you should think of your own national interest." While the United States may still need some convincing, Kaddafi's words apparently were not wasted on our allies.

Quite obviously as a minimum, a review of our national interests in light of the facts brought out over the past week is required.

## TWO HEROES: ANDREI SAKHAROV AND ALEKSANDR SOLZHENITSYN

(Mr. KOCH asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. KOCH. Mr. Speaker, two men living in a police state—the Soviet Union—deserve for their courage the warm support of free citizens everywhere. The statements of these two men—Andrei Sakharov and Aleksandr Solzhenitsyn—speak eloquently for each of them, and I am including them in the Record for the benefit of my colleagues; [From the New York Times, Oct. 17, 1973]

(NOTE.—This interview with Andrei D. Sakharov on the war in the Mideast was conducted by a Lebanese correspondent. Sakharov is the Soviet physicist and contro-

versial advocate of civil rights in the Soviet Union.)

Moscow.

SAKHAROV. The events in the Near East alarm me greatly. I do not know if words can be important at such a moment but I am ready to answer your questions.

CORRESPONDENT. How do you appraise the events in the Near East?

SAKHAROV. This war, which began with simultaneous large-scale Egyptian and Syrian military operations, is a great tragedy both for Arabs and for Jews. But, for Israel in this war, just as in the wars of 1949, 1956 and 1967, what is at stake is the very existence of the state, the right to life. I believe that for the Arabs this war is basically a result of the play of internal and external political forces, of considerations of prestige, of nationalistic prejudices. I believe that this difference exists and must be taken into account when appraising these events.

CORRESPONDENT. What can the Arabs and Israelis do to end this conflict?

SAKHAROV. Immediately agree to a cease-fire and sit down to negotiations. The Arabs should clearly and unequivocally declare that they recognize Israel's right to existence within borders ensuring its military security, fundamental economic interests and prospective immigration. Israel should give guarantees in return. With these conditions the honorable peace long wished for by both parties is possible.

CORRESPONDENT. What steps can the U.S.A. and Western nations take to terminate the war?

SAKHAROV. Call upon the U.S.S.R. and socialist countries to abandon the policy of one-sided interference in the Arab-Israel conflict, and take retaliatory measures if this policy of interference continues. Use all means, including diplomatic, for an immediate cease-fire and for the initiation of direct peace negotiations between the Arabs and Israel. Make effective use of the United Nations Charter to safeguard peace and security.

CORRESPONDENT. Which is better for socialist countries and countries of the third world, an Israeli victory or an Arab victory?

SAKHAROV. The people of all countries are interested not in military victories but in peace and security, in respect for the rights and hopes of all nationalities, in tolerance and in freedom.

CORRESPONDENT. How can you, as a defender of human rights, help the Arab countries?

SAKHAROV. I speak out for the democratization of life in our country, and this is closely related to our foreign policy and the relaxation of international tensions. The Arab countries, as countries throughout the world, have an interest in this as one of the conditions for development free from external forces.

CORRESPONDENT. At the present time do you intend to criticize the policy of Israel's leaders?

SAKHAROV. No. That country, which is the realization of the Jewish people's right to a state, is today fighting for its existence surrounded by enemies who exceed it in population and material resources many times over. This hostility was stirred up to a considerable extent by the imprudent policies of other states. All mankind has on its conscience the Jewish victims of Nazi genocide during World War II. We cannot permit a repetition of that tragedy today.

[From the New York Times, Oct. 31, 1973]  
Hired Killers

(NOTE.—On Oct. 21, two Arabs who said they were members of the Black September terrorist organization talked their way into the Moscow apartment of dissident Soviet nuclear physicist, Andrei D. Sakharov. They

threatened his life if he ever again made a statement—as he had on Oct. 12—sympathetic to Israel. As a result of Dr. Sakharov's report of the incident, his friend, the Soviet writer Aleksandr I. Solzhenitsyn, wrote him this letter.)

DEAR ANDREI DMITRIEVICH: I was away when the news of the attack on you became known, and so I am writing only now.

Our country has fallen low in the esteem of the Arabs if they have no reason to respect our national honor. Even so we really do not need Arab terrorism to "straighten out" Russian history. But I assert that in our native land under the conditions of continuous surveillance and eavesdropping that exist in your case, such an intrusion is impossible without the knowledge and encouragement of the authorities. If this intrusion had been independent of and unwelcome to the authorities, the numerous members of the security organs would have had no difficulty in stopping it before its inception or in the course of its hour and a half duration or in apprehending the criminals immediately afterward. Would they have dared to act without having received permission? Anyone familiar with our situation would find this absurd.

This is only the latest method. What can answer the free words of a free man? Arguments do not exist. Rockets are irrelevant. Fences harm one's reputation. Only hired killers remain. If they ever strike such a blow against you while I remain alive, I assure you that I shall dedicate what remains of my pen and my life so that the murderers will not triumph but will lose.

With warmest personal regards,  
SOLZHENITSYN.

OCT. 28, 1973.

#### CHARLES HORMAN: AN AMERICAN'S DEATH IN CHILE

(Mr. KOCH asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. KOCH. Mr. Speaker, the sad news confirming the death of Charles Horman, son of constituents in my district, has been amplified by the accompanying letters sent to myself and to Senator Fulbright—a copy of the latter was sent to me by Mr. Horman—by the father, Edmund C. Horman.

I would like again to express my sorrow at Charles Horman's needless death, and to bring to the attention of the Congress, the allegations of Mr. Horman concerning the State Department—in particular, the American Embassy in Santiago's incompetence, or worse, indifference to the plight of the family in the Embassy's investigation of the disappearance and subsequent death of Charles Horman.

The correspondence follows:

NEW YORK, N.Y.,  
October 26, 1973.

Congressman EDWARD KOCH,  
Congress of the United States,  
Washington, D.C.

DEAR MR. KOCH: My wife and I wish to thank you for the efforts which you made in behalf of our son, Charles. Without such efforts I believe that we never might have learned the circumstances of his death.

The copy of a letter to Senator Fulbright is enclosed that it may play a part in making sure that, in the future, some of the many dreadful things which have occurred and still go on in Chile may be forestalled.

Thank you,

EDMUND HORMAN.

NEW YORK, N.Y.,  
October 25, 1973.

HON. J. WILLIAM FULBRIGHT,  
Chairman, Foreign Relations Committee,  
U.S. Senate, Washington, D.C.

DEAR SENATOR FULBRIGHT: I was in Santiago, Chile from October 5th to October 20th, in search of my son, Charles Horman, who was killed by Chilean Military Forces in the National Stadium and who is mentioned in the letter sent to you by Richard P. Fagen of the Institute of Political Studies of Stanford University on October 8th.

My hope is that the telling of what I observed in Santiago and in Washington may lead to better protection of American citizens than was afforded to my son and to others by the Department of State.

Charles was seized in his rented house by Chilean soldiers at 5 p.m. on September 17th. The soldiers placed him in a truck and the truck was seen to enter the National Stadium, where prisoners were being concentrated. These events were witnessed, wholly or in part, by four people. On the following morning Mario Carvajal, a Chilean industrial designer and friend of Charles, was called by a man who identified himself as from Military Intelligence and asked questions about Charles. On the same morning a call was made to Warwick Armstrong, a New Zealander, employed by Cepal Division of United Nations and also a friend of Charles. The caller again identified himself as from Military Intelligence, asked questions about Charles and ordered that Armstrong go to the nearest Carabinero station and make a statement. Armstrong discussed this with his superior at Cepal. They decided that going to the station might be dangerous. They decided that Armstrong should call Robert P. Coe at the American Embassy. Coe told Armstrong to speak to Frederick K. Purdy, which he did. Purdy told me later that he had learned of Charles' seizure, at about the same time, from an Embassy employee who had been called by a friend of Charles.

On October 5th I arrived in Santiago and, with my daughter in law, met with Nathaniel Davis, Purdy and Col. William Hon, Military Attache to the Embassy. Davis said that the Embassy feeling was that Charles probably was in hiding. I said that this seemed implausible; that even if he were afraid to call his wife directly, he easily could have passed a message through one of their many friends. I asked what had been done to follow up the probability that Charles had been seized by Military Intelligence, as indicated by the evidence of neighbors who saw the seizure and friends who had been called by Military Intelligence. Davis looked at Purdy and asked whether he knew anything about the telephone calls. Purdy said "No sir." My daughter in law reminded Purdy that, some days before, he had shown her some of his notes and that the call from Armstrong was on them. Purdy then remembered the calls. Davis wondered whether the telephone calls really were as I had described them. I suggested that he have them checked out immediately and he told Purdy and Col. Hon to do so. On the next day, October 6th, Purdy told me that both people who had been telephoned had been interviewed; that their accounts matched mine; that Col. Hon would ask Chilean Military Intelligence for a report.

October 8th Purdy and Col. Hon came to my hotel. Col. Hon said that the Chilean Military denied all knowledge of Charles. Repetitions of this statement were the only information given to me by the Embassy on this statement until October 18th. I gave them a letter asking that they press on; that they investigate the possibility of other prisoners than the National Stadium; that they check all foreign embassies where Charles



might have gained asylum; that they make a fingerprint check of all unidentified bodies in the morgue; that news releases be given all Chilean newspapers; that reward offers be made in the newspapers. I offered to pay the rewards. All the above were approved for immediate action by Davis. Purdy, however, asked me to check the Swedish Embassy, explaining that their relations with the Swedes were not cordial because of the help given to an American woman who had said that the American Embassy had refused to help her and who had been given shelter by the Swedes. I spoke to the Swedish Ambassador by telephone later.

October 10th Purdy telephoned me, saying that a fingerprint check showed that Charles was not in the morgue. At my request he confirmed this by letter. I then asked for a re-check by a recognized expert and offered to pay any fee. Several days later this was done and the same report received. On October 9th I had sent Purdy a note asking that a check be made on disposition of bodies removed from the morgue.

October 15th, after being told by Purdy that the Chilean Military continued to deny any knowledge of Charles and that our people knew of nothing further that could be done to persuade them, I visited Major Luis Contreras Prieto of the Chilean army. I was put in touch with him by his brother, who is employed by a New York bank. I appealed to the Major on the grounds of humanity, saying that, if Charles were not alive, I hoped that they would not leave me without the truth when I returned to face his mother. Prieto immediately telephoned a Major Hugo Sala of Military Intelligence. After hanging up he told me to wait for a visitor next morning. On October 16 two men from Military Intelligence, Ortiz and Meneses by name, visited me for almost two hours. When they left, they said that I would hear from them promptly. On October 17 they returned and asked many questions about the clothes which Charles wore. They asked whether I could obtain fingerprints. I called Purdy at the Consulate and he sent the prints at once by messenger. The men left with them. On the same afternoon I visited Enrique Bernstein for almost an hour. He is Foreign Minister Huerta's assistant and had been spoken to in New York by my brother in law, the arrangement having been made by Brian Urquhart of the United Nations. Senor Bernstein promised to do everything possible.

On the same day, a man associated with Ford Foundation told me that a close friend of his also is a close friend of a General in the Chilean army; that the General had said that Charles had been shot to death in the National Stadium "on or before September 20th."

On October 18th Inspector Mario Rojas, of Investigaciones, summoned my daughter in law to be interviewed. He showed me a letter from the Minister of the Interior directing him to devote his entire effort to finding the truth about Charles.

In the late afternoon Purdy telephoned me. He said that the Chileans had telephoned the Embassy and said that they had matched Charles' fingerprints to those of the body of a man who had been shot in the National Stadium on September 18th and had been interred in the wall of the National Cemetery on October 3rd. This report was confirmed to me formally in visits by the men from Military Intelligence and by Inspector Rojas of Investigaciones.

So—from September 18th to October 5th, the date of my arrival in Santiago, the American Embassy did nothing to verify the evidence which had been placed in their hands on September 18th and which proved to be the key to the truth. From October 5th to the very end, their "efforts" produced no results beyond their repeated statements that

they had contacted the Chilean government, right up to General Pinochet, and had been told that the Chileans knew nothing about Charles or his whereabouts. And yet, within three days after my talks with Major Prieto and Enrique Bernstein, the truth was made plain.

I do not know the reason underlying the negligence, inaction and failure of the American Embassy. Whether it was incompetence, indifference or something worse, I find it shocking, outrageous and, perhaps, obscene.

My own observations and the experiences related to me by others convince me that the attitudes and behavior of some—not all—American State Department employees fall very short of those of the personnel of certain Foreign Embassies and of workers in the groups who are helping refugees in Chile. As examples I might mention:

On October 8th Ambassador Davis directed that news releases be requested in all Chilean newspapers and that offers of reward be inserted. As of October 11th, despite my daily inquiries, one news release and no reward offers were printed. When I was referred to the Embassy press officer I was told that I should be grateful for the one story I then protested to the Ambassador who put another man on the job. Another story appeared on the following day and the reward notices were prepared for immediate insertion as advertisements.

A friend of my daughter in law asked the wife of an Embassy officer why there was so much delay and difficulty in locating Charles. The response, as quoted directly to my daughter in law, was "He must have been doing something very naughty."

On September 28th I was in the State Department offices in Washington. One of the men let me use his office for four hours while he attended a meeting. During this time, a friend of my son, who has literally devoted all his time to the search, called from the reception desk and asked for me. The man to whom he spoke had talked with me at length and could see me in the office. He told the young man that I was not there and refused to let him come up and wait for me.

The Department issued press releases, and made statements to me and to others, both in Charles' case and in that of Frank Terruggi, quoting the Chilean statements that both had been released from the National Stadium and possibly were in hiding. This seemed completely illogical at the time and was proven false in my son's case. Taking these actions of the Department together with an article printed in the New York Post during this past week and quoting a Department press officer by name as saying that Charles probably was seized by a leftist group, it seems apparent that it is Department policy to clear the Chilean government of responsibility and, at the same time, clear themselves of their obligation to hold a foreign government to account for killing an American citizen. The press release to the Post conflicts directly with the view expressed to me by Purdy. Fearing that the Chileans might disclaim responsibility by blaming Charles' seizure by rightist (the thought of leftists doing this is preposterous) groups, I asked Purdy the Embassy view of the possibility that such groups might have been active. He confirmed what I already believed: that there was so much dissension and possible disloyalty in the Chilean army that special armbands were issued each day and that any irregular groups would have been in great danger.

My daughter in law was treated discourteously by Embassy people. As stated earlier, until October 5th no steps were taken to follow up the evidence which was given to the Embassy on September 18th.

Very truly yours,

EDMUND C. HORMAN.

## SUPERB ADDRESS OF HON. CHET HOLIFIELD

(Mr. DORN asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. DORN. Mr. Speaker, our distinguished and beloved colleague from California, Hon. CHET HOLIFIELD, delivered a superb address recently at the dedication of Duke Power Co.'s Keowee-Toxaway project. We are extremely proud of this project in our congressional district, which won for Duke Power Co. the Edison Award, the highest citation of the electrical industry. Duke was cited for "its outstanding engineering accomplishment in the integrated hydrothermal development of the project and protecting and enhancing the environment of the Keowee Valley."

Mr. Speaker, it was entirely fitting and proper that Congressman HOLIFIELD make the dedication address, as no American has contributed more to the development of the peaceful uses of atomic energy. During this time of energy crisis and international crisis I commend to the Congress and to all Americans Chairman HOLIFIELD's superb address at the dedication of Duke Power Co.'s Keowee-Toxaway project.

The address follows:

REMARKS BY CONGRESSMAN CHET HOLIFIELD  
OCTOBER 20, 1973.

Mr. Chairman, respected guests, my Congressional Colleague, the Honorable Bryan Dorn, and friends.

I would like to take this opportunity to commend the officials of the Duke Power Company for their imagination in the planning of this project and for their fine efforts in bringing these plants on line. The Keowee-Toxaway Project represents an innovative and award-winning combination of hydroelectric and nuclear powered generating plants. Moreover, in addition to providing needed power for this rapidly growing area, these lakes will offer recreational benefits for the members of the public and enhance the general area for residential use. The recent Edison Award to Duke Power summarizes the achievement succinctly. Let me quote:

"For engineering vision in designing the Keowee-Toxaway-Oconee power generating complex, and integrated hydro-thermal development, the hydro-station lake supplying cooling water for thermal plant use and its black start capability providing emergency start-up power; for demonstrating its concern for ecological balance and the well-being of its customers by stressing environmental protection in its design and by providing recreational facilities; and for the technical and managerial accomplishment of design and construction management of the complex using company manpower."

I want to especially thank my friend and colleague in the House of Representatives, the Honorable William Jennings Bryan Dorn, with whom I have served since 1947. He is a great representative of the best interests of the people of his District and our Nation. He is a champion of nuclear energy and has supported our great atomic programs to keep our country safe and strong in a military sense and progressive and prosperous on the economic plane.

The United States of America is approaching a severe energy deficit faster than most people realize.

This great Nation has been built on the fact that within our borders we have always

possessed an abundance of energy sources. Over a century ago, we depended on an abundance of wood from virgin forests to heat our homes, and to fuel our steamships and locomotives. Then, we turned to our rich deposits of coal for use in our homes, factories, ships and trains. At the beginning of this century we turned to oil and gas.

Today our wood is gone and our rich fields of oil and gas are going. We have become more and more dependent on oil and gas for home, factory and transportation. But, as our domestic supplies of oil and gas declined, we have been forced to import from South America, Canada and the Middle East an alarming amount of oil to supplement our domestic petroleum sources.

We imported seven and one-half billion dollars worth of oil in 1972. We on the Joint Committee on Atomic Energy made some estimates earlier this year of our future imports based on \$4 per barrel oil. On this basis, our imports for 1973, were estimated to be \$9 billion and for 1980—seven years from now—\$20 billion. But these estimates are already significantly out-of-date. Based on the recent statement of Libya, the cost is now to be \$8 per barrel and not the \$4 we used in our estimate. This would change the estimate for 1980 from \$20 billion to \$30 billion. Of course, based on the announcement made in Kuwait last Wednesday by the Arab oil states on cut backs in petroleum production for the United States, the up-bidding for oil will be further intensified. We would be incredibly naive if we believed that the price hike also announced last Wednesday is the last one the Middle East sheikhs will impose. Of course, even the present estimate of imports would spell financial chaos for our country. Long before 1980, such import needs would bankrupt America. We must develop alternatives and those alternatives will have to be electricity from coal when we make it environmentally acceptable, and from nuclear power.

We cannot support such a huge outflow of dollars. Why do I use these alarming forecasts of energy facts and figures?

First, because every reputable statistical source verifies these figures and forecasts.

Second, because I want each of you to know the importance of this event today.

I want you to know that we are in the twilight of the fossil fuel age.

We are at the beginning of the nuclear energy age.

Since 1954, your Congress has been working to transform the curse of nuclear destruction into a blessing for mankind. Your Congress has supported the peacetime atomic program which makes this great reactor possible. Your Congress has followed the wise advice of the Joint Committee on Atomic Energy and we have developed more than 1500 peacetime uses of the dread substance that destroyed Hiroshima and Nagasaki, the two great cities in Japan.

Time has proven correct the prediction expressed in the 1963 Joint Committee hearings that we were entering an era of declining supply of fossil fuels. Because of that vision and wisdom and the expenditure of several billion dollars of your tax money, we stand today with the ability to off-set our growing fossil fuel energy deficit with a new supply of energy from the atom.

This replacement of energy will not come into being by the wave of a magic wand. It can only come into existence by building about 1000 nuclear reactors by the year 2000 similar to this great plant we dedicate today.

Strange as it may seem, there exists abroad in our land today people, many of them well-meaning perhaps, who are woefully ignorant of the crisis which is approaching you, me and our children.

These people have listened to charlatans and demagogues who are ill-informed and fearful of progress. Their recent ancestors

opposed the advent of the train, the automobile and the airplane.

They predicted calamity which never occurred. Their ancestors sat in a cave by a wood fire and ate burned meat and scratched their bodies for recreation.

This type of people today claim to worship nature and seek to preserve nature in its most simple aspects. They forget that thorns and thistles and briars infest our fields that grow our food and fiber. They forget that uncontrolled floods drown our crops and denude our precious topsoil. Some of the older citizens can remember this area when Nature held full sway. They have seen this area changed from land worth \$15 to \$25 per acre to today's land of rich farms bounded by modern roads and an influx of electrical energy that makes life worth living and provides industrial employment which was undreamed of forty or fifty years ago.

All this great change came about because of progress from a primitive agricultural society to the advanced society you enjoy today—and that progress came about because men of vision and courage were not afraid to control the natural factors for the benefit of mankind. These men of vision and courage were not fearful men looking backward in nostalgia to the past. They were men who, like their forefathers, were willing to face the challenge of uncontrolled natural forces and guide them into beneficial channels for their present benefits and their children's future benefits.

So, today we are gathered here as friends of progress—friends of people who are entitled to a better life than their forefathers.

We are here today to pay our tribute to the men who plan and operate these great energy factories. We are here to compliment the people of this great and progressive region—people who are alive to modern needs and are supporting the move to channel the forces of nature into the blessings of a better future.

I would like to say again what an honor and pleasure it is to participate in this dedication. I again commend all of you for your vision in making this great contribution, not only to this area, but also to the Nation as a whole. Every person in this Nation should be grateful to you for every kilowatt-hour generated here. Everyone will help this Nation in contending with our growing energy shortage. I wish you every success in your continuing efforts.

Now, may I talk briefly in more technical terms.

Here, we are dedicating a *real* reactor based on proven technology. Not something academic. We are not probing into the theoretical pie-in-the-sky dreams of those who find a new, academic concept more interesting than one based on sound technological development.

What can we look forward to in the next one or two decades to solve our growing energy problem? Practically the only two primary energy sources we have in this country in adequate amounts to do this are coal and nuclear power. And the nuclear power to which I refer are fission reactors such as we have here. We must concentrate our efforts on these two sources.

As to the follow-on new type of nuclear reactor known as the liquid metal fast breeder reactor, it is expected to be making significant contributions in the 1990's. This new type of nuclear reactor will increase the heat we can extract from a gram of uranium a hundredfold.

In all candor, we must admit that its technology has not been completely developed. But we have expended more than a billion dollars on solid research and development work on this concept. We, meaning the Atomic Energy Commission, the Joint Committee on Atomic Energy, the President, the successful reactor manufacturers and the

large majority of the utility customers, have established a priority goal for completion of this new reactor which embodies the largest consensus of support. Other nations are also giving vigorous support to their concepts of an LMFBR. If we are successful, and we believe we will be, we will solve our energy fuel resource problem for thousands of years.

After many years of research and development, Congress has authorized the building of a full scale prototype of this new type of reactor. The site has been chosen in your neighboring state of Tennessee. The contractors have been chosen. The partnership arrangement between private industry and the Federal government has been developed. We are ready to go. The successful development of a breeder reactor is a giant step forward and can and should give us an unlimited supply of energy for the future needs of our people.

There may be other technical paths which are desirable to explore. But at what risk? To what degree do we want to or can we parallel a different technology which may offer a hoped-for better solution? Where is the money coming from to pursue a parallel source?

Do we want to confuse the Congress and the industry by abandonment of all we have learned at such great expense and go down the glory road? Are we really justified in playing the game of "leap frog" over the advanced LMFBR technology? And if we leap, where do we land?

Can I go on the floor of the Congress and tell the Congress that the Commission, the Committee, the industry and the President were wrong for the past ten years in proceeding, step by step, building our breeder technology on proven successes in the light water field? Will they listen? What justification can I give for such a drastic step of abandonment and embarkation on a new venture—a new venture with relatively little research and development base and with great skepticism from the powerful entities that now support the LMFBR approach.

Have the new technological problems which beset every turn in the path of any new technology been adequately explored? What about safety? What about fuel technology? What about long-term material behavior? And, finally, what about the economics?

We are standing on solid ground today in the shadow of this great and expensive reactor. I wonder if any of the persons in this audience can realize the feeling of pride which I have within me today. This great nuclear reactor represents the peak of reactor accomplishment to date. It represents in its technology the results of 27 years of effort of not only myself and Congressman Price, but of a long line of members of the Joint Committee, the Atomic Energy Commission and the thousands of scientists, engineers, contractors and construction people that have brought into being this great atomic electric generating reactor. It represents far more. It represents the wisdom and courage of the great utility industry, because they provided the base of venture capital that built this reactor and most of the other licensed reactors in the commercial field. There is enough credit to go a long way, but today I wish to specially commend and compliment the management of the Duke Power Company for their years of support in the pioneering field of electric generation from the energy of the split atom.

I also wish to thank your Congressman and my friend Brian Dorn for his consistent support of the atomic program for more than twenty-five years.

As we move forward to meet the increasingly difficult problems which will beset us in the closing years of this century, I can assure you that the United States Con-



gress will, with the solid support of the people, furnish the vigor and the vision which will safeguard and preserve the blessings of our form of government for all of us and for our descendants.

### COMMUNIST PROPAGANDA

(Mr. PEPPER asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. PEPPER. Mr. Speaker, we are all deeply concerned about Communist propaganda which is being infiltrated into the United States and Latin America by Castro and his Communist regime. We are also deeply concerned about the Russian military buildup in Cuba and in the Caribbean. One of the most knowledgeable men in the United States in respect to both of these subjects is Dr. Manolo Reyes, distinguished news commentator for the CBS outlet in Miami, channel 4. Dr. Reyes, formerly a distinguished lawyer and television personality in Cuba has been since about the beginning of Castro's regime a resident of Miami. Several times Dr. Reyes has given invaluable information about the dissemination of Cuban propaganda and about military activities in Cuba and in the Caribbean by Russia. We in the Congress and our fellow countrymen need to listen to men like Dr. Reyes who are warning us about Russian buildup so close to our shores which is constantly increasing.

So I was very much pleased as chairman of a subcommittee on the Theory and Practice of Communism of the House Internal Security Committee to chair a hearing of our subcommittee recently when Dr. Manolo Reyes gave us invaluable, if disturbing, information about these two subjects:

#### SUMMARY OF DR. MANOLO REYES' TESTIMONY

A subcommittee of the Committee on Internal Security has received testimony and fresh evidence to show that Communist Cuba is still exporting Fidel Castro's brand of revolutionary violence and subversion to Cuba's neighbors in the Western Hemisphere.

The very distinguished Latin American news editor of Station W-T-V-J, Miami, Dr. Manolo Reyes, told a subcommittee on Communist Theory and Practice which I had the honor to chair that Cuba played a major role in supporting the deposed and now dead Marxist President of Chile, Salvador Allende.

Dr. Reyes said he obtained a great deal of first-hand information from a delegation of 16 Chilean newsmen who recently arrived in Miami and one he interviewed had been the first newsmen to enter the palace in Santiago, Chile, after Allende committed suicide.

Dr. Reyes said the newsmen provided a vivid description of the scene and gave details of just how Allende placed the end of a gun barrel under his jaw and blew out his brains moments before police and soldiers stormed into the palace. The gun Allende used was a gift from Castro.

Dr. Reyes spoke of clandestine arms shipments from Cuba to Chile for Allende's followers, of the discovery on September 9, 1973, by the Chilean military of plans for a leftist coup designed to place the country entirely in the hands of Allende's revolutionary, communist followers, and of a July 29, 1973 letter from Castro to Allende advising that two of Castro's right-hand men, Carlos Rafael Rodriguez (Deputy Foreign Minister of Cuba) and Major Carlos Pineiro (Cuba's

Chief of Intelligence and Security) were going to Chile to help Allende stave off the opposition until leftists could prevail.

At this point in the Record, Mr. Speaker, I would like to submit an English translation of Castro's hand-written letter to Allende (written, incidentally, on the Cuban dictator's official stationery) because it even contains a hint that Castro may have given Allende the idea of committing suicide if Allende's strength and honor were threatened:

HAVANA,  
July 29, 1973.

#### PRIME MINISTER.

DEAR SALVADOR: Under the pretext of discussing questions concerning the meeting of unaligned countries with you, Carlos and Pineiro are making a trip to your country. The real purpose is to confer with you about the situation and to offer you, as always, our willingness to cooperate in the fact of the difficulties and perils which hinder and threaten the process. Their stay will be very short inasmuch as they have many pending obligations here and notwithstanding the sacrifice of their duties, we decided that they would make the trip.

I see that you are now in the delicate question of the dialogue with the D.C. in the midst of serious events such as the brutal assassination of your naval adjutant and the new truck-owners' strike. I can imagine the great tension existing because of this and your desires to gain time, to improve the correlation of forces in case the struggle breaks out and, if possible, to find a channel to permit going ahead with the revolutionary process without civil strife while at the same time [excusing —?] your historical responsibility for what may occur. There are laudable goals. But in case the other party, whose real intentions we are not in a position to evaluate from here, persists in a treacherous and irresponsible policy by demanding a price impossible for the Popular Unity and the Revolution to pay, which is, even, likely, don't forget for a second about the formidable strength of the Chilean working class and the vigorous support it has given you in all the difficult times; it can, upon your call to the endangered Revolution, paralyze the coupists, maintain the concurrence of the wavering ones, impose your conditions and decide, if need be, Chile's destiny at the same time. The enemy must learn that it is in readiness and ready to go into action. Its strength and its combativeness can shift the balance in the capital in your favor even if other circumstances may be unfavorable.

Your decision to defend the process with steadfastness and honor, even at the cost of your own life; for they all are aware that you are apt to comply, will draw all the capable fighting forces and all Chile's worthy men and women to your side. Your valor, your serenity and your fearlessness at this historic hour of your country and, above all, your steadfast, determined and heroically exercised leadership constitute the key to the situation.

Let Carlos and Manuel know in what way we, your loyal Cuban friends, can cooperate.

I reiterate the affection and unlimited confidence of our people.

Fraternally,

(s) FIDEL CASTRO R.

Dr. Reyes also spoke of the efforts by Cuban communists to bring propaganda to the American people in an effort to soften the U.S. position with respect to Castro and Cuba.

And he showed our subcommittee a film clip of a Soviet naval squadron, including a nuclear-equipped submarine, moving through Caribbean waters near the Florida Keys.

Dr. Reyes reported that thousands of Russian technicians, instructors and military personnel are stationed in Cuba and have

the air and naval strength there now in such quantity that Moscow might not back down if faced with a new missile crisis as was the case in 1962.

Other witnesses joined Dr. Reyes in exploring the fact that a project to promote the image of Castro and Cuban communism—a project known as EXPO-CU3A had been permitted to be launched in New York this past summer and was scheduled to be exhibited throughout the U.S. in months to come.

Dr. Reyes' testimony, as well as supporting testimony from other witnesses, was a sharp reminder that a major threat to our nation's security lies just 90 miles off our southeastern coast. We cannot afford to ignore it.

### AMBASSADOR JOSEPH JOHN JOVA SPEAKS

(Mr. PEPPER asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. PEPPER. Mr. Speaker, on October 20 in Miami, Fla., the distinguished U.S. Ambassador to the Organization of American States spoke to the Inter-American Businessmen's Association. In an able and outstanding address Ambassador Joseph John Jova gave a learned review of the development of the Western Hemisphere. With emphasis upon Latin America he showed how the streams of life and development in the northern and southern part of the hemisphere had become intertwined and how interdependent all parts of the hemisphere are. Ambassador Jova emphasized that today Latin America is alive:

Today Latin America is alive—actively and assiduously seeking the economic wherewithal to make up lost time.

Mr. Speaker, my colleagues and fellow citizens who read this able address will be informed and delighted. I, accordingly, ask that Ambassador Jova's address appear in the RECORD following my remarks:

REMARKS BY AMBASSADOR JOSEPH JOHN JOVA TO THE INTER-AMERICAN BUSINESSMEN'S ASSOCIATION

MIAMI, FLA.,  
October 20, 1973.

In the course of my life this part of the United States has changed from a real frontier—a simple mix of vacationland and farm country—to a cosmopolitan gateway for the entire world. There were first the days of boom-and-bust speculation in South Florida swampland in the twenties, followed by a far more substantial boom in the next generation, when Miami and its environs became America's playground. And now in the past decade or so it has blossomed into a bilingual city, fast developing into an extremely busy center of inter-American business, banking, education, culture, medicine and society. True, Miami has about it little of that wonderful Latin culture exemplified in, say, Cuzco or Old Mexico. And it is not perhaps an industrial dynamo like a Pittsburgh or a Sao Paulo. I think it is rather uniquely the inter-American city of the future. For that reason it seems an ideal place for me as the United States Ambassador to the Organization of American States to meet with the Asociacion Interamericana de Hombres de Empresa. This dynamic organization is bringing together the real "fuerzas vivas" of some of the most active cities on the Gulf of Mexico and the Caribbean. As a resident of Washington I am particularly pleased at the establishment of a chapter in the Nation's

capital. A city that, like Miami, is undergoing its own metamorphosis, in its case from a purely government city to a modern metropolis.

I trust that you are aware of the importance of private business at this point in the history of Latin America, when development is the main pre-occupation in every country. As businessmen, in your industrial, commercial and financial activities in Latin America you are, of course, concerned with making a profit. It is only right—indeed in our economic system it is indispensable—that you do so. But I hope too that you are conscious of your profound responsibility in the ongoing economic and social development of the hemisphere. Without such development, the outlook for business itself is dim indeed.

The United States and the industrial revolution were born at about the same time, twins out of the same mother. It should not be surprising then that the British colonies should be in the forefront of economic development. Latin America likewise grew up in the wake of a glorious tradition—the Spain of Columbus, Diego de Velasquez, Cortez, Cervantes; the Portugal of Henry the Navigator, of Camoes; of the bandeirantes; not to mention the Indian and African infusions which make our hemisphere so uniquely rich. But neither the Iberian tradition nor the Afro-Indian tradition sufficiently prepared Latin America for economic development in the twentieth century. I need not belabor the point: for complex reasons, the entrepreneurial spirit pervaded North America; and it was later in coming in most of the countries which developed south of the Rio Grande and the Straits of Florida. Those days are passed, however, and expanding economies in Latin America and your own presence here today is testimony of this fact. This little historical capsule is, I hope, sufficient to point up your importance as businessmen in the hemisphere's future. Latin America is no longer far from the center of the world's stage; no longer are there banana republics; no longer are large parts of America doomed to economic and social stagnation. No longer are its managerial and business talents confined to running haciendas or collecting urban rents.

Today Latin America is alive—actively and assiduously seeking the economic wherewithal to make up lost time. Most of the hemisphere must rely on the private sector to be the true motor of development. It must look to the membership of this association (for example) for trade, for capital, for technological expertise—whether you are nationals of the United States, of the host country or of a third country. Yet the climate for the private sector—and particularly for foreign investment—often seems gloomy. We have seen expropriations, nationalizations and the intention of some governments to control the activities of foreign companies. I think we—and by that I mean both the potential investor and the U.S. Government—should keep in mind that reasonable controls on investment are a fact of modern life and need not be against our long term interests. Host governments have a right to insure that investments are in the general welfare. But it is important for both government and investor to know what the rules of the game will be. By the same token, private investors have a right to stay away if the rules are too tough or their application too uncertain. I believe that most of the governments of Latin America recognize the importance of foreign investment to their economies, and I also believe most of them are increasingly aware that it is unwise to take actions which would discourage potential investors. In today's world capital is scarce and it flows only to those places where it is welcome. This fact should become increasingly clear during a period when development, with its never ending requirement for

inflows of capital and technology, is the prime goal of every country of the hemisphere.

This very drive for development is opening vistas as well as creating problems for both business and government and has helped to create the present state of U.S.-Latin American relations. For those of you who are U.S. citizens especially, but for all of you, I think, the state of those relations is very important. I, therefore, propose to review briefly the picture as seen from my particular arena—the Organization of American States.

From the perspective of history, inter-American relations show a central and recurring theme, the effort of Latin American nations to place restraints upon the behavior of its giant neighbor to the north. I don't use restraint in any pejorative sense. Nations, like human beings, do themselves no good when they behave in an unrestrained fashion. So it is good for us and it is good for every nation to agree to the placing of reasonable restraints, and I emphasize reasonable, upon its own behavior.

For many years the principal thrust of this effort lay in the field of political behavior as Latin America sought to restrain us from intervening, militarily or otherwise. The good neighbor policy was a recognition of the validity of the principle of non-intervention and (in 1947-48) it was made a treaty obligation in the Charter of the OAS and in the Rio Treaty.

When the nations of the hemisphere agreed, not without difficulty, to institutionalize the Inter-American System through the Charter of the OAS and the Rio Treaty, these steps were based on the existence of at least a rough consensus on hemispheric goals and principles. I would summarize this consensus in terms of four elements (a) non-intervention (b) the deterrence of extraterritorial aggression (c) the maintenance of peace among the nations of the hemisphere themselves and (d) the acceptance of a system of cooperation among us all.

This consensus was later inadequate to deal with the drive toward economic and social development, which became increasingly important to the Latin Americans in the fifties and suffered a partial breakdown which threatened the edifice of inter-American cooperation. This new concern led to Operacion Panamerica and the creation of the I.D.B., and, sharpened by the advent of the Castro regime, led directly to the Alliance for Progress during the administration of President Kennedy.

The accomplishments of the Alliance for Progress were many. But it has now been largely overtaken by events and by changes in attitudes both north and south. We have seen an erosion of the consensus that bound us together, an erosion that has been accelerated by the lessening of the threats of the Cold War era. In Latin America we have seen grow a nationalism that has become increasingly assertive in its concentration on development goals. For our part, we in the United States have become increasingly cognizant of the finite nature of our resources and our need to balance international responsibility with our duty to our own people.

The Nixon Doctrine was a direct response to these realities. Its concept of a mature relationship, without the paternalism of the past, of a realization that our capabilities are—and must of necessity be—directed to helping others to help themselves and its offer to respond to Latin initiatives in both trade and aid, was well received in both Latin America and at home.

Unfortunately, the war in Vietnam, our obligations at home, and a deteriorating balance of payments combined to make it difficult for us to be as responsive as we had hoped.

It is this complex of changed realities, then, that is reflected in Latin America's dissatisfaction with the existing system for development cooperation. It is precisely this

dissatisfaction that underlies the complaints about the OAS and the Inter-American System as a whole and which led to the creation of a Special Committee of the OAS to reform the Inter-American System. This Committee has been meeting since June, first in Lima and now in Washington. The thrust of the Latin Americans is not so much for changes in the structure or organs of the OAS as for a change in the very relationship between the U.S. and Latin America.

In drawing up a new framework of relationships, some of the Latin American countries seek to obtain from the U.S. a commitment for additional legally binding obligations and restraints. For example, a system of collective economic security—complete with both obligations to provide assistance and with definitions of economic aggression—has been proposed. While the U.S. has no intention of committing economic aggression against any country, in an interdependent world, such as we have today, nearly anything one government does will have some impact on another. Sugar quotas in the U.S. affect world prices. An export embargo on a commodity affects the world supply situation. Moreover, it is easy to forget that this should apply to actions by Latin American governments against U.S. interests as well as vice versa. Therefore, I do not believe that such a wide-ranging system of collective economic security is acceptable to the U.S. at this time.

This is merely an example of the type of issue which faces us in the OAS now. There are many differences of opinion among OAS members, but we are working overtime in an effort to find formulas which will protect the interests of all parties.

I should make clear that our joint efforts in the Inter-American system run parallel to efforts on the world scene to order the relationships between the developed and the developing, an undertaking in which President Echeverria of Mexico has taken a leading role. In this connection, speaking of the development effort, Secretary of State Kissinger stated to the United Nations General Assembly:

"We will participate without conditions, with a conciliatory attitude and with a cooperative commitment. We ask only that others adopt the same approach. . . . We are willing . . . to examine seriously the proposal by the distinguished President of Mexico for a Charter of Economic Rights and Duties of States. Such a document, will make a significant and historic contribution if it reflects the true aspirations of all nations; if it is turned into an indictment of one group of countries by another it will accomplish nothing. To command general support—and to be implemented—the proposed rights and duties must be defined equitably and take into account the concerns of industrialized as well as of developing countries. The U.S. stands ready to define its responsibilities in a humane and cooperative spirit."

In short, the U.S. agrees that we need in the hemisphere an effective and active Inter-American System, but one based on reciprocity. We think it important to seek a new consensus, suitable to the times in which we live, but one that is realistic, which aims at enhancing "convergent interests" and at resolving the differences among us. We must approach this in a spirit of accommodation and realism and so must our neighbors. As the Foreign Minister of Colombia, Alfredo Vazquez Carrizosa, pointed out recently in the OAS Special Committee, Latin votes of twenty-two against one American are worth nothing in themselves. If decisions are to be meaningful, Dr. Vazquez said, a consensus must be worked out in which the United States can participate. Good faith—a will of all nations to work together for peace and development—these are the essentials of a workable Inter-American System



for the years ahead. In order to develop such a political will, Dr. Vazquez called for a conference of the hemisphere's foreign ministers. From the perspective of a diplomat and of someone whose vocation and personal commitment has been to the inter-American relationship, I would like to point out some of the ground rules and conditions which determine how the game will be played.

First, countries make their own decisions on what reforms are needed; development is largely an internal question. Self-help is the most essential ingredient for development, and outside assistance—while important—is secondary. A set of rules and sanctions with respect to U.S. economic behavior will not substitute for the internal development process.

Secondly, we are dealing with sovereign states, including the U.S. Where there is conflict between U.S. interests and those of other sovereign states, one must recognize the legitimacy of interests on both sides and seek mutual advantage through a process of accommodation.

Thirdly, this is a richly diverse hemisphere, with differing views on many matters. At the last OAS General Assembly we joined together to recognize under the rubric of "plurality of ideologies" the diversity of political, social, economic systems. But at the same time a historic commonality of ideals and interests has joined the Americas into a living relationship which has endured since the days of our Independence. This vitality of the Inter-American System has often been overlooked.

My fourth and last point concerns a matter I touched on briefly before—the knotty issue of the behavior of private foreign investment. There simply is not enough public capital available overseas to fund the needs for capital in the developing countries. President Nixon, in his major Latin American policy speech in October 1969, emphasized the importance of foreign investment: "For a developing country," he said, "constructive foreign private investment has the special advantage of being a prime vehicle for the transfer of technology. And certainly, from no other source is so much investment capital available, because capital, from government to government on that basis, is not expandable. In fact it tends to be more restricted, whereas, private capital can be greatly expanded." The experience of Cuba in pre-Castro days and of Brazil today could hardly be more eloquent as examples of the truth of that statement.

At the same time, developing nations fear that foreign business may contravene national development policies or interests. All, of course, reserve to themselves the sovereign right to determine the conditions under which foreign investment operates. The issue involves strong emotions and real interests. It would be in everyone's interest to work out some means of resolving disputes in this area that would protect the legitimate interests of all concerned.

It is now part of our conventional wisdom that the U.S. has, for a number of years, been walking a valley of shadows. Our traditional optimism has been frustrated by the unsuspected stubbornness and complexity of problems both domestic and foreign. We have come to an equivocal tangle of complexities, new responsibilities and even setbacks in a world which is changing vertiginously. The United States has learned more of pain. And, if I may say so, I think we have learned also of humility.

Much of the thrust of this Administration's foreign policy reflects a realistic appreciation of these events. Thus we have the Nixon Doctrine, detente, a determination not to be the policeman of the world, and particularly in Latin America, a more modest perception of our true role. We also recognize the new Latin nationalism as a fact of life.

For several years we have been trying to mold our Latin American policy to these realities. We have consciously channeled a majority of our economic assistance through multilateral institutions such as the IDB and the World Bank. We have diminished the number of U.S. Government officials in Latin America. We have accepted the existence of a "plurality of ideologies" in the hemisphere. There is a realization that development is a complex matter indeed and most of the impulse must come from within.

While we are still as committed as we ever were to the desirability of economic and social development in Latin America, we want to do more listening and less talking. Because of the importance to us (and indeed to Latin America as well) of our own economic health, we have given priority to this issue. The U.S. and Latin America are traditional trading partners; we are mightily interested in the promotion of American exports, and the United States Government has given this new emphasis. And we are attempting, with due respect for the sovereignty of others, to protect what we have seen as legitimate interests of U.S. investors in Latin America and elsewhere abroad.

I need not emphasize that our efforts so far have not met with uniform success. At times we have lacked the style, the panache to project the seriousness of our intention to continue cooperating with Latin America while shedding the accoutrements of paternalism. And we have run into conflicts between how we see our economic interest and how several Latin American countries view their interests.

Despite this I am persuaded there is reason for optimism that U.S. relations with the other countries of the hemisphere can be improved in the years ahead. As Secretary Kissinger recently pointed out, we and the Latin Americans—despite our differences—have much the same principles based on freedom and human dignity. Despite differing levels of development within Latin America as well as between Latin America and the U.S., we share a tradition in which the private individual, the private entrepreneur, the private business organization have key roles in determining how society will develop.

I hope that each of us here will go forth with a deeply felt determination to help in the continuing construction of this hemisphere which we still know proudly as the New World. More and more, business is being called on to consider whether its activities are in the interest of those ideals about which we in the OAS speak—and I hope, think—a great deal. Namely, prosperity for the many, peace among the peoples of the world, the fulfillment of the individual man. Creation of healthy societies also is good business.

Through the Inter-American System the United States has a covenant to work together to improve the quality of the life for all people in the hemisphere. I feel confident that the private businessman can be counted on to do his part in the fulfillment of that covenant.

#### WORLD FOOD SITUATION CHRONICLED IN MINNEAPOLIS TRIBUNE

(Mr. FRENZEL asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. FRENZEL. Mr. Speaker, in recent months, it has become increasingly apparent to us in the Congress that the world's food supply is lagging woefully behind demand. We have heard Secretary of State Henry Kissinger urge the United Nations to step up its activities

in the form of a world food conference, and pledge the U.S. support for U.N. food programs. In addition, recognized food experts, like Dr. Norman Borlaug, winner of the Nobel Prize, have urged that new emphasis be placed on world food sharing programs and grain reserves. And now, the Senate Committee on Agriculture has begun hearings on the subject.

In spite of this growing awareness in the Congress, this problem is obviously not a new one. People have been starving for centuries, and the world's food experts have always known about it. Unfortunately, it has often been said that little or nothing can be done. However, the "green revolution," spurred by Dr. Borlaug's super high yield grains, has begun. In addition, this country has for the first time in years, passed a production-oriented farm bill, which will certainly help to fill up America's breadbasket, and will help other nations, too, until they can produce as we do.

To provide some additional information on these problems and potential solutions, I am today inserting in the RECORD the first of a series of four articles by Minneapolis Tribune staff writer, Al McConagha, dealing with world food supply. The series contains vital information for all who want to know more about food supply and demand. The article by Mr. McConagha follows:

[From the Minneapolis Tribune, Oct. 28, 1973]

#### FOOD SUPPLY BECOMES WORLD CONCERN (By Al McConagha)

WASHINGTON, D.C.—Last summer when we needed a banker to finance a slice of U.S. Choice, we also began hearing about starving Africans and soybeans so precious we couldn't sell them to foreigners.

When crop reports turned up on television news, it was clear that something was wrong with something the nation long had taken for granted—an ample supply of relatively low-cost food.

In his first speech as secretary of state, Henry A. Kissinger made it a global issue. He urged the United Nations on Sept. 24 to call a world food conference to deal with the "growing threat."

"Since 1969 global consumption of cereals has risen more rapidly than production," said Kissinger, outlining the difficulty. "Stocks are at their lowest levels in years."

"We now face the prospect that—even with bumper crops—the world may not rebuild its seriously depleted reserves in this decade," Kissinger told the General Assembly.

Argument rages over how depressed we should be at this news. But one point is as unmistakable as horseradish: When it comes to food, the world is a smaller place than we are accustomed to thinking of it.

The anchovy catch declines off the coasts of Peru, trimming an important source of animal protein, and the result is that the price of soybeans soars in New Ulm, Minn. And, as the cost of beans to the livestock producers takes off, the price of pork chops leaps in Paris.

The Soviet Union buys American wheat, and the world market goes up. As a result a hungry Pakistani can't afford his usual chapatti, a cereal staple, and is less likely to get it on relief.

This oversimplifies, perhaps, but does not distort. It is clearer than ever that food—like energy and environment—involves manifold interconnection of men and conditions.

Food is a uniquely American asset. North

America has become the world's dominant source of grain, largely because of superior soil, climate and technology.

With stocks at a 20-year low, the world depends each year on a good harvest on the prairies of the United States and Canada. That harvest, of course, depends on the weather.

To some American farmers, however, current fears are as recurrent as the weather. They see themselves in yet another cycle of the boom and bust that has characterized the nation's farm history.

The last food "crisis" occurred in 1965-1966. Two successive monsoon rain failures devastated Indian harvests and a U.S. grain armada saved perhaps 60 million people.

At that time there also was "new-era" talk. Then Agriculture Secretary Orville Freeman, former Minnesota governor, in 1966 relaxed wheat restrictions and some 30 percent more acres went into production.

To be ready for the anticipated wave of high prices, farmers went further into debt equipping themselves. Farm-related industries, such as fertilizer, expanded to get in on the boom.

During that summer's harvest, however, wheat prices plunged and surpluses again headed into government storage. These stocks continued to build until the controversial wheat sale to the Soviet Union.

#### CROPS FAIL IN PHILIPPINES, INDIA

At the same time the prophecies of disaster that had accompanied the hardships in India gave way to euphoria over the seemingly boundless promise of the "Green Revolution."

These new rice and wheat varieties offered hope at the end of the 1960s that food production would keep up with population growth. They now appear merely to have postponed the hour of crisis.

The high-yield wheat and rice did, however, provide some significant successes and India, for instance, became self-sufficient in wheat before it was set back by drought in 1972.

That was the year of reversal on many food production fronts. Besides subnormal rain in India, drought and typhoons damaged the Philippine rice and corn crops. Peru's anchovy harvest failed, cutting fishmeal supplies. Six African nations below the Sahara suffered their fifth consecutive year of drought. Poor conditions also cut deeply into harvests of major grain exporters, giving Australia its poorest wheat crop in 13 years and forcing Argentina to suspend exports of durum, bread wheats and flour.

That year, too, winter kill and a dry summer reduced the Soviet wheat crop. And it was at this point that the decisions of governments also began to have an impact.

Instead of asking its people to go without as it had in the past, the Kremlin bought 28 million tons of grain overseas to spare its livestock herds and continue its protein development program.

At the same time the United States decided to meet escalating world demand and (with the exception of the soybean embargo) opened its bins and sold off all of its government-owned stocks.

Another governmental decision also raised world demand. Two formal and one unofficial dollar devaluations had the effect of lowering U.S. export prices and spurring foreign buying.

Willingness to spend money on farm products also was fueled by generally expanding economies in the industrial nations that bid up the prices of grain and protein used to feed livestock for the production of meat.

The impact of all this on American food prices at home is well known. It also led to a trade boom overseas. U.S. food exports increased from \$8.1 billion in 1972 to \$12.9 billion this year.

Implications for the future are uncertain. Some economists see the convulsions of the

past 18 months as a peculiar combination of bad luck and poor weather not likely to be repeated.

The United States is expected to have a record crop this year and next. The global food production outlook is favorable although there is drought in West Africa, North Africa and the Mideast.

Don Paarlberg, Agriculture Department director of economics, says supplies are likely to remain quite tight this marketing year but crop failure on last year's scale are "unlikely on a continuing basis."

Generally speaking, the department thinks food supply and demand will be in a "reasonably good" equilibrium in the next decade or so but that prices will be "substantially" higher than in the 1960s.

#### PESSIMISTS SEE GROWING FOOD SHORTAGE

Obviously prediction is hazardous. "The problem is we don't know what is going to happen next January let alone what is going to happen next year," says D. Gale Johnson of the University of Chicago.

Nevertheless, he predicts that the present tight supply situation will ease in one or two years and continued high prices will depend largely on expanded trade through negotiation.

More pessimistic observers, while not ruling out possible relaxation of supply problems for a few years, believe the current trend is toward increasingly chronic food scarcity.

Not even the most optimistic Agriculture Department analyst contends that agriculture can meet the demands of population growth indefinitely. So the cosmic question becomes not if, but when, we won't have enough.

Sen. Hubert Humphrey, D-Minn., a close student of the issue, talks of some starvation within five years. Agriculture Secretary Earl Butz says we have a couple of decades to get population under control.

Population causes the historic demand for more food. The number of people on earth has been rising by about 2 percent (75 to 80 million) each year and has for the past 40 years.

This requires food production also to double in little more than a generation to meet minimal food requirements to prevent starvation—and this begs the monumental issue of the malnutrition that affects millions of people who have enough food to stay alive but not to stay healthy.

Moreover, there is lately a new appreciation of the impact of affluence on food supply. As incomes go up, so does the demand in all industrial countries for red meat.

And it takes anywhere from 3 to 8 pounds of grain to produce a pound of poultry, pork or beef.

Lester R. Brown, senior fellow of the Overseas Development Council, is particularly active in stressing the effect of this hunger for livestock products on the world grain supply.

As he calculates it, grain consumed directly represents 52 percent of man's food supply. In poor countries the annual availability of grain for each person averages some 400 pounds each year.

In the United States and Canada each person uses about one ton of grain a year. Only about 150 pounds are eaten directly. The balance is passed through animals and consumed as meat, milk and eggs.

Also, the per capita consumption of beef rose in the United States from 55 pounds in 1940 to 117 pounds in 1972. During the same period poultry consumption increased from 18 to 51 pounds.

At the same time there are serious restraints on production. The best land is already cultivated. Poor practices are eroding other soils. Soybeans resist laboratory efforts to improve their yields.

Weather, on which all crops depend, remains uncertain. Brown contends that

drought has visited the United States in 20-year cycles since the Civil War—and another one is on the way.

Although this thesis has not found wide acceptance, weather does seem to come in cycles and some experts are disturbed by persistent rainfall deficiencies in the Dakotas and western Minnesota.

Reid A. Bryson, University of Wisconsin meteorologist, says the earth's climate is now changing in a way that poses a staggering threat of drought and famine for the Indian subcontinent.

"I would say the food problem has never been so serious in the history of the world," William Paddock, Washington food consultant and author, observes.

"For people to live on the brink of starvation is not unusual. But for so many to live on the brink is unusual," he adds. "For the first time in my memory there is no food reserve to help them."

A. H. Boerma, director-general of the U.N. Food and Agriculture Organization, adds the lament that "enough decent food for millions of human beings may simply depend on the whims of one year's weather. Is this," he asks, "a tolerable human condition?"

#### LEAVE OF ABSENCE

By unanimous consent leave of absence was granted to:

Mr. POBELL (at the request of Mr. O'NEILL), for today, on account of illness in the family.

#### SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. SHUSTER) to revise and extend their remarks and include extraneous matter:)

Mr. TREEN, for 10 minutes, today.  
Mr. TALCOTT, for 10 minutes, today.  
Mr. KEMP, for 10 minutes, today.

(The following Members (at the request of Mrs. SCHROEDER) to revise and extend their remarks and include extraneous matter:)

Mr. MORGAN, for 30 minutes, today.  
Mr. FLOOD, for 5 minutes, today.  
Mr. GONZALEZ, for 5 minutes, today.  
Mr. REUSS, for 10 minutes, today.  
Mr. FULTON, for 5 minutes, today.  
Mr. FRAZER, for 5 minutes, today.  
Mr. FUQUA, for 5 minutes, today.

#### EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

(The following Members (at the request of Mr. SHUSTER) and to include extraneous matter:)

Mr. BLACKBURN in two instances.  
Mr. TREEN in two instances.  
Mr. ESCH.  
Mr. SHUSTER.  
Mr. ROBISON of New York.  
Mr. BRAY in three instances.  
Mr. ERLBORN.

Mr. ARCHER in two instances.  
Mr. LANDGREBE in 10 instances.  
Mr. HANRAHAN.

Mr. STEIGER of Wisconsin in two instances.

Mr. CLEVELAND in two instances.



Mr. WIDNALL.  
Mr. HOSMER in three instances.  
Mr. SHRIVER.  
Mr. ZWACH in six instances.  
Mr. RONCALLO of New York in two instances.

Mr. COLLINS of Texas in three instances.

Mr. WYMAN in two instances.  
Mr. KEMP in two instances.  
Mr. TOWELL of Nevada.  
Mr. MIZELL in five instances.

(The following Members (at the request of Mrs. SCHROEDER) and to include extraneous matter:)

Mr. TIERNAN.  
Mr. GONZALEZ in three instances.  
Mr. RARICK in three instances.  
Mr. DRINAN in five instances.  
Mr. OWENS in 10 instances.  
Mr. CULVER in six instances.  
Mr. McCORMACK.  
Mr. HARRINGTON in five instances.  
Mr. MOORHEAD of Pennsylvania in 10 instances.

Mr. KASTENMEIER.  
Mr. TEAGUE of Texas in six instances.  
Mr. REID.  
Mrs. SCHROEDER in 10 instances.  
Mr. CHARLES H. WILSON of California.  
Mr. MILFORD in two instances.  
Mr. MOSS.  
Mr. MOAKLEY in 10 instances.  
Mr. NEDZI in four instances.  
Mr. VANIK in three instances.  
Mr. CAREY of New York.  
Mr. STOKES.  
Mr. FLOWERS.  
Mr. BYRON in 10 instances.  
Mr. ROGERS in five instances.  
Mr. HAMILTON in two instances.

#### SENATE BILL REFERRED

A bill of the Senate of the following title was taken from the Speaker's table and, under the rule, referred as follows:

S. 702. An act to designate the Flat Tops Wilderness, Routt and White River National Forests, in the State of Colorado; to the Committee on Interior and Insular Affairs.

#### SENATE ENROLLED BILL SIGNED

The SPEAKER announced his signature to an enrolled bill of the Senate of the following title:

S. 11. An act to grant the consent of the United States to the Arkansas River Basin compact, Arkansas-Oklahoma.

#### ADJOURNMENT

Mrs. SCHROEDER. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 1 o'clock and 37 minutes p.m.), the House adjourned until tomorrow, Thursday, November 1, 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:

1492. A letter from the Secretary of the Army, transmitting a report on the number of officers on duty with Headquarters, Department of the Army and detailed to the Army General Staff on September 30, 1973,

pursuant to 10 U.S.C. 3031(c); to the Committee on Armed Services.

1493. A letter from the Assistant Secretary of the Interior, transmitting a report on donations received and allocations made from the fund "14X8563 Funds Contributed for Advancement of Indian Race, Bureau of Indian Affairs" during fiscal year 1973, pursuant to 25 U.S.C. 451; to the Committee on Interior and Insular Affairs.

1494. A letter from the Deputy Assistant Secretary of the Interior, transmitting a copy of a proposed concession contract for the continued operation of a mountain handicraft center for the public in the Cone Manor House at Moses H. Cone Memorial Park on the Blue Ridge Parkway, N.C., through December 31, 1978, pursuant to 67 Stat. 271 and 70 Stat. 543; to the Committee on Interior and Insular Affairs.

1495. A letter from the Chairman, U.S. Atomic Energy Commission, transmitting a draft of proposed legislation to amend the Atomic Energy Act of 1954, as amended, to delete the requirement that Congress authorize amounts of special nuclear material which may be distributed to a group of nations; to the Joint Committee on Atomic Energy.

#### 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. MELCHER: Committee of conference. Conference report on S. 1081 (Rept. No. 93-617). Ordered to be printed.

Mr. PRICE of Illinois: Committee on Standards of Official Conduct. House Resolution 128. Resolution expressing the sense of the House of Representatives with respect to actions which should be taken by Members of the House upon being convicted of certain crimes, and for other purposes (Rept. No. 93-616). Referred to the House Calendar.

#### PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. BIESTER:

H.R. 11200. A bill to amend title 5, United States Code, to correct certain inequities in the crediting of National Guard technician service in connection with civil service retirement, and for other purposes; to the Committee on Post Office and Civil Service.

By Mr. BIESTER (for himself, Mr. COUGHLIN, Mr. McDade, Mr. HEINZ, Mr. ANDREWS of North Dakota, Mr. ESHLEMAN, Mr. FRELINGHUYSEN, Mr. HILLIS, Mr. JOHNSON of Pennsylvania, Mr. McKINNEY, Mr. RUPPE, and Mr. WINN):

H.R. 11201. A bill to provide for the appointment of a Special Prosecutor to investigate and prosecute any offense arising out of campaign activities with respect to the election in 1972 for the Office of President; to the Committee on the Judiciary.

By Mr. BOLAND:

H.R. 11202. A bill to authorize and direct the President and State and local governments to develop contingency plans for reducing petroleum consumption, and assuring the continuation of vital public services in the event of emergency fuel shortages or severe dislocations in the Nation's fuel distribution system, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. BROTZMAN:

H.R. 11203. A bill to amend the Federal Food, Drug, and Cosmetic Act to include the definition of food supplements, and for other

purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. CAMP:

H.R. 11204. A bill to provide for the establishment of an American Folk Life Center in the Library of Congress, and for other purposes; to the Committee on House Administration.

By Mr. CORMAN (for himself and Mr. McCloskey):

H.R. 11205. A bill to amend the Social Security Act to provide the States with maximum flexibility in their programs of social services under the public assistance titles of the act; to the Committee on Ways and Means.

By Mr. EVANS of Colorado (for himself, Mr. BROWN of California, Mrs. CHISHOLM, Mr. DANIELSON, Mr. WILLIAM D. FORD, Mr. HECHLER of West Virginia, Mr. LEHMAN, Mr. LONG of Maryland, Mr. MOAKLEY, Mr. PODELL, Mr. RIEGLE, Mr. ROYBAL, Mrs. SCHROEDER, Mr. CHARLES H. WILSON of California, Mr. WOLFF, and Mr. WON PAT):

H.R. 11206. A bill to prohibit payment of salaries of heads of departments, agencies, and other organizational units of the executive branch which do not comply with requests of committees of Congress for certain information, and for other purposes; to the Committee on Rules.

By Mr. FLOOD (for himself, Mr. KYROS, Mr. MANN, Mr. CARTER, Mr. PARRIS, Mr. CONTE, Mr. SHRIVER and Mr. HASTINGS):

H.R. 11207. A bill to extend for 3 years the District of Columbia Medical and Dental Manpower Act of 1970; to the Committee on the District of Columbia.

By Mr. HARSHA:

H.R. 11208. A bill to amend chapter 29 of title 18, United States Code, to prohibit certain election campaign practices, and for other purposes; to the Committee on House Administration.

By Mr. HILLIS:

H.R. 11209. A bill to provide for the appointment of a Special Prosecutor to investigate and prosecute any offense arising out of campaign activities with respect to the election in 1972 for the Office of President; to the Committee on the Judiciary.

By Mr. KOCH (for himself, Mr. McCloskey, and Mr. NIX):

H.R. 11210. A bill to amend certain provisions of the Controlled Substances Act relating to marihuana; to the Committee on Interstate and Foreign Commerce.

By Mr. LENT (for himself, Mr. WYDLER, and Mr. RONCALLO of New York):

H.R. 11211. A bill to provide for the appointment of a Special Prosecutor to investigate and prosecute any offense arising out of campaign activities with respect to the election in 1972 for the Office of President; to the Committee on the Judiciary.

By Mr. McCORMACK (for himself, Mr. TEAGUE of Texas, Mr. MOSHER, Mr. GOLDWATER, Mr. HECHLER of West Virginia, Mr. SYMINGTON, Mr. THORNTON, Mr. ROE, Mr. BROWN of California, Mr. WINN, Mr. BELL, Mr. PICKLE, Mr. PARRIS, Mr. GUNTER, Mr. ESCH, Mr. MARTIN of North Carolina, Mr. FUQUA, Mr. CRONIN, Mr. BERGLAND, Mr. DOWNING, Mr. COTTER, Mr. CONLAN, Mr. HANNA, Mr. FREY, and Mr. MILFORD):

H.R. 11212. A bill to further the conduct of research, development, and commercial demonstrations in geothermal energy technologies, to direct the National Science Foundation to fund basic and applied research relating to geothermal energy, and to direct the National Aeronautics and Space Administration to carry out a program of demonstrations in technologies for commercial uti-

lization of geothermal resources including hot dry rock and geopressed fields; to the Committee on Science and Astronautics.

By Mr. MCKINNEY (for himself, Mr. CONTE, Mr. FAUNTROY, Mr. FRENZEL, Mr. JOHNSON of Colorado, Mr. MITCHELL of Maryland, Mr. MOSHER, and Mr. STARK):

H.R. 11213. A bill to amend the Federal Food, Drug, and Cosmetic Act with respect to dietary supplements, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. MOAKLEY:

H.R. 11214. A bill to amend title 3 of the United States Code to provide for the order of succession in the case of a vacancy both in the Office of President and Office of the Vice President, to provide for a special election procedure in the case of such vacancy, and for other purposes; to the Committee on the Judiciary.

By Mr. PEPPER (for himself, Mrs. BOGGS, and Mr. CONYERS):

H.R. 11215. A bill to amend title VII of the Older Americans Act relating to the nutrition program for the elderly to provide authorization of appropriations, and for other purposes; to the Committee on Education and Labor.

By Mr. PRICE of Illinois (by request):

H.R. 11216. A bill to amend Public Law 93-60 to increase the authorization for appropriations to the Atomic Energy Commission in accordance with section 261 of the Atomic Energy Act of 1954, as amended, and for other purposes; to the Joint Committee on Atomic Energy.

By Mr. ROE:

H.R. 11217. A bill to establish a National Environmental Bank, to authorize the issuance of U.S. environmental savings bonds, and to establish an environmental trust fund; to the Committee on Banking and Currency.

H.R. 11218. A bill to amend the Small Business Act; to the Committee on Banking and Currency.

H.R. 11219. A bill to amend the Public Health Service Act to provide for programs for the diagnosis and treatment of hemophilia; to the Committee on Interstate and Foreign Commerce.

H.R. 11220. A bill authorizing the Secretary of the Interior to issue certain obligations and to utilize the revenues therefrom to acquire additional wetlands; to the Committee on Merchant Marine and Fisheries.

By Mr. ST GERMAIN (for himself, Mr. ANNUNZIO, Mr. BARRETT, Mr. MOORHEAD of Pennsylvania, Mr. BRASCO, Mr. COTTER, Mr. HANLEY, Mr. JOHNSON of Pennsylvania, Mr. MOAKLEY, and Mr. RONCALLO of New York):

H.R. 11221. A bill to provide full deposit insurance for public units and to increase deposit insurance from \$20,000 to \$50,000; to the Committee on Banking and Currency.

By Mr. SCHERLE:

H.R. 11222. A bill to authorize the establishment and maintenance of reserve supplies of soybeans, corn, grain, sorghum, barley, oats, and wheat for national security and to protect domestic consumers against an inadequate supply of such commodities; to maintain and promote foreign trade; to protect producers of such commodities against an unfair loss of income resulting from the establishment of a reserve supply; to assist in marketing such commodities; to assure the availability of commodities to promote world peace and understanding; and for other purposes; to the Committee on Agriculture.

By Mrs. SULLIVAN (for herself, Mr. CLARK, Mr. DOWNING, Mr. GROVER, and Mr. MAILLIARD):

H.R. 11223. A bill to authorize amendment of contracts relating to the exchange of certain vessels for conversion and operation in unsubsidized service between the west coast of the United States and the territory of Guam; to the Committee on Merchant Marine and Fisheries.

By Mr. TEAGUE of Texas (by request):

H.R. 11224. A bill to amend the District of Columbia Sales Tax Act to exempt certain food programs from the imposition of the sales tax; to the Committee on the District of Columbia.

By Mr. WHITE (for himself and Mr. HANLEY):

H.R. 11225. A bill to amend title 13, United States Code, to prohibit delaying or postponing the preparation, the taking or the publishing of any of the statistical compilations or periodic censuses required by said title, and for other purposes, to the Committee on Post Office and Civil Service.

By Mr. BOB WILSON:

H.R. 11226. A bill to amend section 911 (a)(2) of the Internal Revenue Code of 1954 to permit alien residents to exclude from gross income certain income earned abroad in the same manner as U.S. citizens; to the Committee on Ways and Means.

By Mr. CHARLES WILSON of Texas (for himself and Mr. ECKHARDT):

H.R. 11227. A bill to amend title 1 of the Marine Protection, Research, and Sanctuaries Act of 1972 in order to facilitate the enforcement of the ocean dumping laws by requiring that dye or other effective visual marking be used to identify where wastes are dumped; to the Committee on Merchant Marine and Fisheries.

By Mr. CAREY of New York:

H. J. Res. 803. Joint resolution to provide for the appointment of a Special Prosecutor, and for other purposes; to the Committee on the Judiciary.

By Mr. CASEY of Texas:

H.J. Res. 804. Joint resolution authorizing the President to proclaim the week beginning on the second Monday in November each year as Youth Appreciation Week; to the Committee on the Judiciary.

By Mr. HUBER (for himself and Mr. SEBELIUS):

H. Con. Res. 374. Concurrent resolution expressing the sense of the Congress with respect to the missing in action in Southeast Asia; to the Committee on Foreign Affairs.

By Mr. BEVILL:

H. Res. 674. Resolution to seek peace in the Middle East and to continue to support Israel's deterrent strength through transfer of Phantom aircraft and other military supplies; to the Committee on Foreign Affairs.

By Mr. KUYKENDALL:

H. Res. 675. Resolution to seek peace in the Middle East and to continue to support Israel's deterrent strength through transfer of Phantom aircraft and other military supplies; to the Committee on Foreign Affairs.

By Mr. O'NEILL (for himself, Mr. COHEN, Mr. COLLINS of Texas, Mr. DOWNING, Mr. ESHLEMAN, Mr. JONES of Oklahoma, Mr. MOSS, Mr. SHRIVER, Mr. TAYLOR of North Carolina, and Mr. WIDNALL):

H. Res. 676. Resolution to seek peace in the Middle East and to continue to support Israel's deterrent strength through transfer of Phantom aircraft and other military supplies; to the Committee on Foreign Affairs.

By Mr. SHUSTER:

H. Res. 677. Resolution to investigate Archibald Cox and his task force; to the Committee on the Judiciary.

## PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. BOLAND:

H.R. 11228. A bill for the relief of Sunshine Art Studios, Inc.; to the Committee on the Judiciary.

By Mr. BOB WILSON:

H.R. 11229. A bill for the relief of Mrs. Harry F. Armstrong; to the Committee on the Judiciary.

## MEMORIALS

Under clause 4 of rule XXII,

323. The SPEAKER presented a memorial of the Senate of the Commonwealth of Massachusetts, relative to support of the State of Israel; to the Committee on Foreign Affairs.

## PETITIONS, ETC.

Under clause 1 of rule XXII,

346. The SPEAKER presented a petition of Renato Luppi, Ferrara, Italy, relative to economic aid to the Soviet Union; to the Committee on Foreign Affairs.

## EXTENSIONS OF REMARKS

### TREASURY STUDY SUPPORTS THE VANIK-MOSS APPROACH TO GASOLINE CONSERVATION—IV

HON. CHARLES A. VANIK

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 30, 1973

Mr. VANIK. Mr. Speaker, the Treasury Department has recently completed a staff study which explores the potential for gasoline conservation through the in-

stitution of an excise tax on new automobiles. The level of the tax would vary with the efficiency of the vehicle—those which are the most inefficient pay the highest tax. Senator Moss and I have been joined by 39 of my colleagues in sponsoring legislation—H.R. 9859—to accomplish this task. The Treasury study was conducted with assumptions which are aligned closely with the Vanik-Moss bill.

I would like to outline briefly some of its major points:

First. The American auto industry can

produce large cars which yield close to 20 miles per gallon using existing technology without sacrificing comfort, styling, or exhaust emission standards.

Second. Through such a tax gasoline savings could reach 1 million barrels a day by 1980.

Third. The proposed tax will not adversely affect the competitive position of American autos with regard to foreign imports.

Mr. Speaker, I believe that the conclusions of this study are so important to our energy future that I am enclosing