way that the Middle East now is, but there, nevertheless.

On world matters, we are not dealing with children, but with skilled negotiators, eager to press every advantage. If anyone doubts that, he or she should take another look at the wheat deal.

No one who has stepped inside a food market recently or applied at a bank for a home mortgage would quarrel with the fact that economy is a number one issue. But it is just as disquieting to consider that the same folks who brought us this economic mess are also managing our international relations.

A LETTER FROM A FARMER'S DAUGHTER

HON. WILLIAM J. SCHERLE

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 15, 1973

Mr. SCHERLE. Mr. Speaker, I have received the following letter from my constituent, Teri Benson of Jefferson, Iowa. As a farmer, I know that few people realize what our life and profession is like. Teri has asked me "to set the people of this country straight." I can think of no better way than by sharing her letter with my colleagues:

JEFFERSON, IOWA,
November 6, 1973.

Hon. WILLIAM SCHERLE,
House of Representatives,
Washington, D.C.

DEAR CONGRESSMAN SCHERLE: For many years there has been great dissension toward farmers. For some reason, people in this country are quite narrow minded. They seem to think that farmers are rich and have it easy. I'm the only daughter of a farmer here in Jefferson, Iowa, and I know from experience that it is not true. Of course, there are always some in every profession that this might apply to, but if you took a survey of all of Iowa farmers, you would find that a large percentage are having quite a few struggles to make ends meet or to compete with modern big farmers.

Take the price of cattle and hogs. First, the farmer must buy replacements for his herds, then buy feed and modern equipment to get the biggest gain on his animals. This amounts to a lot of money! Then, when prices are frozen, the poor, small farmer can't get much profit, if any, from his cattle or hogs.

Then consider the risks a small farmer, or any farmer, takes with his crops, such as corn and beans, which are the major crops raised here in Iowa. First, in the spring, my father has to worry about getting the crops in and making a decent seedbed. Of course, he also has to worry about getting fertilizers, chemicals, and the brand and hybrid of seeds he needs. Considering the very wet and disagreeable weather we've had the last few years its been a hectic and often discouraging race against time and fate.

In the fall he has to worry about whether or not he'll get his crops out. Sometimes, like last year, he was still working clear up till after Thanksgiving. What a headache!

I think something should be done about this. People blame the farmer for food inflation. That's not right! If it weren't for the farmer in this country, there would be no country! I think we should set the people of this country straight! Let them know of the plight of the small farmer, and do something about it before its too late and there are no more small farmers!

Sincerely,

TERI BENSON.

HOUSE OF REPRESENTATIVES—*Monday, November 26, 1973*

The House met at 12 o'clock noon.

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

Watch ye, stand firm in your faith, be courageous, be strong. Let all that you do be done in love.—I Corinthians 16: 13, 14.

Almighty God, again we assemble in this Chamber after a brief recess and first of all we lift our hearts unto Thee in prayer. Facing the days of this week and the tasks of these hours, grant unto us a vivid sense of Thy presence that in our minds there may be understanding, in our hearts peace, and in all relationships—good will.

Keep us unwavering in our loyalty to the best interests of our country, unfaltering in our courage as we seek solutions to the perplexing problems which confront us, and unalterably just and kind in all our dealings with one another.

Kindle in our hearts and in the hearts of all people a desire to cultivate the fine art of living together in good will, with justice and for peace in our world.

In the spirit of Christ we offer this our morning prayer. 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 SENATE

A message from the Senate by Mr. Arrington, one of its clerks, announced that the Senate had passed without amendment a bill of the House of the following title:

H.R. 9575. An act to provide for the enlistment and commissioning of women in the Coast Guard Reserve, and for other purposes.

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

H.R. 1284. An act to amend title 5, United States Code, to improve the administration of the leave system for Federal employees;

H.R. 2533. An act for the relief of Raphael Johnson;

H.R. 3334. An act for the relief of Maria Lourdes Rios;

H.R. 3758. An act for the relief of Isabel Eugenia Serrane Macias Ferrier;

H.R. 8528. An act to provide for increasing the amount of interest paid on the permanent fund of the U.S. Soldiers' and Airmen's Home;

H.R. 9256. An act to increase the contribution of the Government to the costs of health benefits for Federal employees, and for other purposes;

H.R. 10511. An act to amend section 164 of the Federal-Aid Highway Act of 1973 relating to financial assistance agreements; and

H.R. 11459. An act making appropriations for military construction for the Department of Defense for the fiscal year ending June 30, 1974, and for other purposes.

The message also announced that the Senate insists upon its amendments to the bill (H.R. 11459) entitled "An act making appropriations for military construction for the Department of Defense for the fiscal year ending June 30, 1974, and for other purposes," requests a conference with the House on the disagreeing votes of the two Houses thereon, and appoints Mr. MANSFIELD, Mr. PROXMIRE, Mr. MONTOYA, Mr. HOLLINGS, Mr. MCCLELLAN, Mr. SYMINGTON, Mr. CANNON, Mr. SCHWEIKER, Mr. MATHIAS, Mr. BELLMON, Mr. YOUNG, and Mr. TOWER to be the conferees on the part of the Senate.

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

S. 97. An act for the relief of Jose A. Seradilla;

S. 663. An act to improve judicial machinery by amending title 28, United States Code, with respect to judicial review of decisions of the Interstate Commerce Commission, and for other purposes;

S. 928. An act to create a catalog of Federal assistance programs, and for other purposes;

S. 1038. An act to amend title 37, United States Code, to authorize travel and transportation allowances to certain members of the uniformed services in connection with leave;

S. 1206. An act for the relief of Concepcion Velasquez Rivas;

S. 1398. An act to authorize the Secretary of the Treasury to transfer to the Government of the Republic of the Philippines funds for making payments on certain pre-1934 bonds of the Philippines, and for other purposes;

S. 1418. An act to recognize the 50 years of extraordinary and selfless public service of Herbert Hoover, including his many great humanitarian endeavors, his chairmanship of two Commissions on the Organization of the Executive Branch, and his service as 31st President of the United States, and in commemoration of the 100th anniversary of his birth on August 10, 1974, by providing grants to the Hoover Institution on War, Revolution, and Peace;

S. 1673. An act for the relief of Mrs. Zosima Telebanco Van Zanten;

S. 2112. An act for the relief of Vo Thi Suong (Nini Anne Hoyt);

S. 2267. An act to amend section 303(b) of the Interstate Commerce Act to remove certain restrictions upon the application and scope of the exemption provided therein, and for other purposes;

S. 2299. An act to provide authority to expedite procedures for consideration and approval of projects drawing upon more than one Federal assistance program, to simplify requirements for operation of those projects, and for other purposes;

S. 2551. An act to authorize the disposal of molybdenum from the national stockpile, and for other purposes;

S. 2589. An act to declare by congressional action a nationwide energy emergency; to authorize the President to immediately undertake specific actions to conserve scarce fuels and increase supply; to invite the de-

AUTHENTICATED U.S. GOVERNMENT INFORMATION GPO

velopment of local, State, National, and international contingency plans; to assure the continuation of vital public services; and for other purposes;

S. 2714. An act to amend section 291(b) of the Central Intelligence Agency Retirement Act of 1964 for Certain Employees, relating to cost-of-living increases, and to increase the pay and allowances of certain officers of the Armed Forces whose pay and allowances are not subject to adjustment to reflect changes in the Consumer Price Index;

S.J. Res. 40. Joint resolution to authorize and request the President to call a White House Conference on Library and Information Services in 1976;

S.J. Res. 126. Joint resolution to authorize and request the President to issue annually a proclamation designating the fourth Sunday in May of each year as "Grandparents Day";

S.J. Res. 168. Joint resolution to authorize the President to designate the period from February 10, 1974, through February 16, 1974, as "National Nurse Week"; and

S. Con. Res. 57. Concurrent resolution expressing the sense of the Congress that housing, housing assistance, and community development programs authorized by Congress should be carried out at levels at least equal to the levels prevailing in calendar year 1972, until such time as funds appropriated for such programs are exhausted or the Congress enacts legislation terminating or replacing such programs.

COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER laid before the House the following communication from the Clerk of the House of Representatives:

WASHINGTON, D.C.,
November 16, 1973.

Hon. CARL ALBERT,
The Speaker, House of Representatives.

DEAR MR. SPEAKER: Pursuant to the permission granted on November 15, 1973, the Clerk has received from the Secretary of the Senate the following messages:

That the Senate agreed to the conference report on S. 2408, An Act to authorize certain construction at military installations, and for other purposes;

That the Senate agreed to the House amendment to S. 2681, An Act to authorize appropriations for the United States Information Agency; and

That the Senate agreed to the House amendments to the Senate amendments to H.R. 9474, An Act to amend title 38 of the United States Code to increase the monthly rates of disability and death pensions, and dependency and indemnity compensation, and for other purposes.

With kind regards, I am,

Sincerely,

W. PAT JENNINGS,
Clerk, House of Representatives.
By BENJAMIN J. GUTHRIE.

COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER laid before the House the following communication from the Clerk of the House of Representatives:

WASHINGTON, D.C.,
November 19, 1973.

Hon. CARL ALBERT,
The Speaker,
House of Representatives.

DEAR MR. SPEAKER: Pursuant to the permission granted on November 15, 1973, the Clerk has received from the Secretary of the Senate the following messages:

That the Senate passed without amendment the following bills:

H.R. 1353. An act for the relief of Toy Louie Lin Heong;

H.R. 1356. An act for the relief of Ann E. Shepherd;

H.R. 1367. An act for the relief of Bertha Alicia Sierra;

H.R. 1463. An act for the relief of Emilia Majowicz;

H.R. 1696. An act for the relief of Sun Hwa Koo Kim;

H.R. 1955 An act for the relief of Rosa Ines D'Elia;

H.R. 2513. An act for the relief of Jose Carlos Recalde Martorella;

H.R. 2628. An act for the relief of Anka Kosanovic;

H.R. 3207. An act for the relief of Mrs. Enid R. Pope;

H.R. 3754. An act for the relief of Mrs. Bruna Turni, Graziella Turni, and Antonello Turni;

H.R. 6828. An act for the relief of Edith E. Carrera;

H.R. 6829. An act for the relief of Mrs. Jose Antonio Trias;

H.R. 7582. An act to amend title 10, United States Code, to entitle the Delegates in Congress from Guam and the Virgin Islands to make appointments to the Service academies;

H.R. 8187. An act to amend section 2031(b)(1) of title 10, United States Code, to remove the requirement that a junior Reserve Officer Training Corps unit at any institution must have a minimum number of physically fit male students;

H.R. 10366. An act to amend title 10, United States Code, to remove the four-year limitation on additional active duty that a nonregular officer of the Army or Air Force may be required to perform on completion of training at an educational institution;

H.R. 10369. An act to amend title 37, United States Code, to provide entitlement to round trip transportation to the home port for a member of the uniformed services on permanent duty aboard a ship being inactivated away from home port whose dependents are residing at the home port;

H.R. 10840. An act to amend the act of August 4, 1950 (64 Stat. 411), to provide salary increases for members of the police force of the Library of Congress;

H.R. 10937. An act to extend the life of the June 5, 1972, grand jury of the United States District Court for the District of Columbia; and

H.J. Res. 735. A joint resolution authorizing the Secretary of the Navy to receive for instruction at the United States Naval Academy two citizens and subjects of the Empire of Iran.

That the Senate recedes from amendments to H.R. 5777, an act to require that reproductions and imitations of coins and political items be marked as copies or with the date of manufacture.

With kind regards, I am

Sincerely,

W. PAT JENNINGS,
By BENJAMIN J. GUTHRIE,
Clerk, House of Representatives.

COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER laid before the House the following communication from the Clerk of the House of Representatives:

WASHINGTON, D.C.,
November 21, 1973.

Hon. CARL ALBERT,
The Speaker, House of Representatives.

DEAR MR. SPEAKER: Pursuant to the permission granted on November 15, 1973, the Clerk has received from the Secretary of the Senate the following message:

That the Senate passed without amendment the following bill:

H.R. 6334. An Act to provide for the uniform application of the position classification and General Schedule pay rate provisions of title 5, United States Code, to certain employees of the Selective Service System.

With kind regards, I am,

Sincerely,

W. PAT JENNINGS.
By W. RAYMOND COLLEY,
Clerk, House of Representatives.

ENROLLED BILLS AND JOINT RESOLUTION OF THE HOUSE AND ENROLLED BILLS OF SENATE SIGNED

The SPEAKER. The Chair desires to announce that pursuant to the authority granted him on Thursday, November 15, 1973, he did, on November 19, 1973, sign sundry enrolled bills and joint resolution of the House and enrolled bills of the Senate, as follows:

H.R. 5777. An act to require that reproductions and imitations of coins and political items be marked as copies or with the date of manufacture;

H.R. 7582. An act to amend title 10, United States Code, to entitle the Delegates in Congress from Guam and the Virgin Islands to make appointments to the service academies;

H.R. 8187. An act to amend section 2031 (b)(1) of title 10, United States Code, to remove the requirement that a Junior Reserve Officer Training Corps unit at any institution must have a minimum number of physically fit male students;

H.R. 10366. An act to amend title 10, United States Code, to remove the 4-year limitation on additional active duty that a nonregular officer of the Army or Air Force may be required to perform on completion of training at an educational institution;

H.R. 10369. An act to amend title 37, United States Code, to provide entitlement to round trip transportation to the home port for a member of the uniformed services on permanent duty aboard a ship being inactivated away from home port whose dependents are residing at the home port;

H.J. Res. 735. Joint resolution authorizing the Secretary of the Navy to receive for instruction at the United States Naval Academy two citizens and subjects of the Empire of Iran;

S. 2408. An act to authorize certain construction at military installations, and for other purposes; and

S. 2681. An act to authorize appropriations for the U.S. Information Agency.

And on November 21, 1973, sign sundry enrolled bills of the House as follows:

H.R. 1353. An act for the relief of Toy Louie Lin Heong;

H.R. 1356. An act for the relief of Anne E. Shepherd;

H.R. 1367. An act for the relief of Bertha Alicia Sierra;

H.R. 1463. An act for the relief of Amilia Majowicz;

H.R. 1696. An act for the relief of Sun Hwa Koo Kim;

H.R. 1955. An act for the relief of Rosa Ines D'Elia;

H.R. 2513. An act for the relief of Jose Carlos Recalde Martorella;

H.R. 2628. An act for the relief of Anka Kosanovic;

H.R. 3207. An act for the relief of Mrs. Enid R. Pope;

H.R. 3754. An act for the relief of Mrs. Bruna Turni, Graziella Turni, and Antonello Turni;

H.R. 6334. An act to provide for the uniform application of the position classification and General Schedule pay rate provisions of title 5, United States Code, to cer-

tain employees of the Selective Service System;

H.R. 6828. An act for the relief of Edith E. Carrera;

H.R. 6829. An act for the relief of Mr. Jose Antonio Trias;

H.R. 9474. An act to amend title 38, United States Code, to increase the monthly rates of disability and death pensions and dependency and indemnity compensation, and for other purposes;

H.R. 10840. An act to amend the act of August 5, 1950 (6 Stat. 411), to provide salary increases for members of the police force of the Library of Congress; and

H.R. 10937. An act to extend the life of the June 5, 1972, grand jury of the U.S. District Court for the District of Columbia.

PERMISSION FOR COMMITTEE ON APPROPRIATIONS TO FILE PRIVILEGED REPORT ON BILL MAKING APPROPRIATIONS FOR DEPARTMENT OF DEFENSE, 1974

Mr. MAHON. Mr. Speaker, I ask unanimous consent that the Committee on Appropriations may have until midnight tonight to file a privileged report on a bill making appropriations for the Department of Defense for the fiscal year ending June 30, 1974, and for other purposes.

Mr. CEDERBERG reserved all points of order on the bill.

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

There was no objection.

PERMISSION FOR COMMITTEE ON APPROPRIATIONS TO FILE PRIVILEGED REPORT ON SUPPLEMENTAL APPROPRIATIONS BILL, 1974

Mr. MAHON. Mr. Speaker, I ask unanimous consent that the Committee on Appropriations may have until midnight tonight to file a privileged report on a bill making supplemental appropriations for the fiscal year ending June 30, 1974, and for other purposes.

Mr. CEDERBERG reserved all points of order on the bill.

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

There was no objection.

CALL OF THE HOUSE

Mr. TEAGUE of California. 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. 593]

Abzug	Blackburn	Collins, Ill.
Anderson, Calif.	Bolling	Collins, Tex.
Anderson, Ill.	Brademas	Coughlin
Andrews, N.C.	Brinkley	Davis, Wis.
Annunzio	Brooks	Dellenback
Armstrong	Brown, Mich.	Dellums
Ashley	Brown, Ohio	Dent
Badillo	Burke, Calif.	Diggs
Beard	Chisholm	Dingell
Bell	Clancy	Dorn
Biaggi	Clark	Downing
	Collier	Dulski
Eckhardt	Macdonald	Roybal
Edwards, Ala.	Martin, Nebr.	Satterfield
Esch	Mathias, Calif.	Shipley
Eshleman	Melcher	Skubitz
Ford, William D.	Mills, Ark.	Snyder
	Minish	Spence
Fraser	Mink	Staggers
Goldwater	Mitchell, Md.	Steele
Grasso	Mitchell, N.Y.	Steiger, Wis.
Gray	Moakley	Stephens
Green, Pa.	Mollohan	Stokes
Grover	Montgomery	Stubblefield
Gubser	Moss	Tiernan
Gunter	Nelsen	Udall
Hansen, Wash.	Nix	Van Deerlin
Harrington	O'Hara	Veysey
Hébert	Patman	Walsh
Hungate	Pepper	Whitehurst
Ichord	Pickle	Widnall
Jarman	Pike	Wilson, Charles, Tex.
Johnson, Pa.	Podell	
Keating	Powell, Ohio	Wolff
Koch	Reid	Wydler
Kuykendall	Roe	Young, Alaska
Kyros	Roncallo, N.Y.	Young, Ga.
Landrum	Rooney, N.Y.	Young, S.C.
McEwen	Rose	Zwach
McKinney	Rostenkowski	

The SPEAKER. On this rollcall 317 Members have recorded their presence by electronic device, a quorum.

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

DEATH OF FORMER CONGRESSMAN TOM PELLY

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

Mr. TEAGUE of California. Mr. Speaker, I have the very sad personal duty to announce to the House the death of former Congressman Tom Pelly, who died very suddenly last week while on vacation in my district. He served for 20 years. He was a magnificent legislator, a perfect gentleman.

I doubt very much if anyone had more friends in this body than he did. I know all Members want to join me in expressing our sorrow about his departure and our sympathy to his family.

I am sure that the gentleman from Washington (Mr. PRITCHARD) is going to later ask for a special order so that we may all pay tribute to a great gentleman, Mr. Pelly.

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

Mr. TEAGUE of California. I yield to the gentleman from Illinois.

Mr. ARENDS. Mr. Speaker, I, too, was saddened by the note that my friend, former Congressman Tom Pelly, had passed away. As the gentleman from California mentioned, he was, indeed, a gentleman, one of the finest men I ever had the privilege of serving with in all the years he was a Member of this great body. He was distinguished in his field and in many fields. He particularly loved politics and enjoyed being in the House as much as any man I ever knew. He was diligent in his attention to his work. He wanted to do his job well, the job the people sent him here to do, and he diligently worked at it.

His loss was felt by many of us when he decided to retire from Congress. We have missed him here during this last year.

As the Republican whip I often conferred with him on many important upcoming votes. He had a mind of his own and voted his convictions. I admired him for the firm positions he held.

I extend my sincere sympathy to the family.

Mrs. SULLIVAN. Mr. Speaker, will the gentleman yield?

Mr. TEAGUE of California. I yield to the gentlewoman from Missouri.

Mrs. SULLIVAN. Mr. Speaker, I would like to join my colleagues in expressing my deep regrets at learning of the death of Tom Pelly.

We came to the Congress in the same year and served together on the Merchant Marine and Fisheries Committee during his entire period of service in the House. Tom did an excellent job in representing his district in the committee, and when he retired at the end of the last Congress, it was a great loss to the committee as well as his district. He was a wonderful gentleman, a good friend, and a great legislator.

I extend my deepest sympathy to Mrs. Pelly and to the members of his family.

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

Mr. TEAGUE of California. I yield to the gentleman from Washington.

Mr. PRITCHARD. Mr. Speaker, I ask unanimous consent that we have a half hour of special orders on Thursday so that Members may have an opportunity to express their feelings about Tom Pelly.

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

There was no objection.

Mr. PRITCHARD. Mr. Speaker, Tom Pelly was a dear friend of mine even before he came to Congress. He was in the same business as my father, and his family and our family have been very friendly for years. He was a great public servant and one of our distinguished citizens from our State.

Mr. Speaker, I am sure many Members will want to join with me on Thursday when we make some appropriate remarks.

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

Mr. TEAGUE of California. I yield to the gentleman from Washington.

Mr. ADAMS. Mr. Speaker, I would just like to join with my colleague from Seattle and with the gentleman in the well in saying how much we will miss Tom.

I am looking forward to participating in the special order on Thursday so that we may express to his family our deep sympathy.

THE ENERGY SHORTAGE

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

Mr. SIKES. Mr. Speaker, it is essential that the Government move without further delay to cope with the growing threat of serious energy shortages. Already the hour is late. Necessary programs, some of which have just been advanced, should have been authorized and implemented well before the onset of winter. The administration is late in providing leadership in this field. It should

be noted again that Congress already has approved some legislation to enable the President to cope with the problem.

Plans now have been advanced by the President and generally I support them. He did not recommend rationing of gasoline and I agree this should be avoided if possible. However, there are indications it is inevitable and standby plans should be prepared in the event rationing must be resorted to.

I question that the proposed restrictions on Sunday driving are necessary or wise. There are many people who have legitimate reasons for travel on Sunday for church or business or other matters. They should not be precluded from obtaining gasoline.

The use of car pools and the elimination of unnecessary driving could be effective in savings of gasoline. We have reached the point where nearly every teenager above the age of 16 has an auto, and most people feel they must drive to get across the street. Effective savings in this area would entail voluntary rather than mandatory programs but the effort should be made.

There should be a very early meeting of the minds between Congress and the administration on the steps to be taken for energy savings, and emergency powers should be granted to the President to insure there are no additional, unnecessary delays.

EPA AND CONGRESSIONAL PARKING

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

Mr. HAYS. Mr. Speaker, if reports that I heard this morning are true, then the arrogance of the bureaucrats down at the Environmental Protection Agency is only exceeded by that of the oil sheiks in the Arab world, about which I will have more to say later.

However, I hear the EPA is now saying that they are going to tax Members and Members' staffs for parking in the Rayburn and other garages and parking lots here.

Mr. Speaker, I do not know how my friends on the parking committee will feel—I see one of them sitting here, Mr. GROSS—but as for me, I can only say that it will be a cold day in hell when they get away with that.

PERSONAL EXPLANATION

Mr. DANIELSON. Mr. Speaker, I did not vote on two rollcalls on Tuesday, November 13, 1973, because I was doing Judiciary Committee work in connection with the forthcoming confirmation hearings re GERALD FORD, nominee for Vice President. If I had been present for those votes, I would have voted as follows:

Roll No. 579. Motion to recommit the conference report on H.R. 8877, making appropriations for the Departments of Labor, and Health, Education, and Welfare, and related agencies. I would have voted "yea."

Roll No. 581. Agreement to the conference report on S. 1570, Emergency Petroleum Allocation Act of 1973. I would have voted "yea."

LIMITING COAL EXPORTS

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

Mr. HECHLER of West Virginia. Mr. Speaker, I am today introducing legislation to limit the exports of coal.

In 1972, 56 million tons of coal produced in this Nation were exported. That is almost 10 percent of our total production. If we have such an energy crisis that we are forced to resort to strip mining and ripping up the land, then it does not make any sense to export this tremendous amount of our domestic coal production. My legislation would provide an exception to allow the export of coal to Canada, because we import oil from Canada.

In addition to that, it would allow an exemption from the export ban for the export of coal to serve our Armed Forces in foreign nations.

About 85 percent of our coal exports are low-sulfur coal, and the proportion shipped to other countries in 1972 was derived 86 percent from underground mines and 14 percent from strip mines. About 72 percent of our exports are high-grade, metallurgical coal which is used in the manufacture of steel, with the balance being used for steam electric generation.

The coal industry contends that the metallurgical coal is too high priced to be used in this country. I find it hard to believe that any American industrialist would contend that an American product is "too good for Americans." If the quality is too high, it could be blended with lower quality coal and utilized to meet the energy crisis and to stave off the destruction of our land through strip mining.

All of the high-quality export coal could be burned immediately to generate electricity. Because of its low-sulfur content, it would have the added advantage of being a relatively "clean" fuel.

The comparable Btu content of the 56 million tons of exported domestic coal is 613,700 barrels of oil per day. Should we not take advantage of this obvious source of supply and keep it right here at home where it is desperately needed?

The text of my bill, which is geared to H.R. 11450, the bill introduced by my colleague, Representative HARLEY STAGGERS, chairman of the House Interstate and Foreign Commerce Committee, follows:

H.R. —

A bill to amend the Clean Air Act, as amended, and for other purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 110 of the Clean Air Act, as amended (84 Stat. 1683), is amended by adding the following new subsection:

"(h) During any period when the Administrator is authorized to temporarily suspend any provision of this Act or any regulation, limitation, schedule, timetable, or requirement adopted under this Act, all domestically mined coal, as that term is defined in the Federal Coal Mine Health and Safety Act of 1969, except such coal of similar quantity and quality which for purposes of increased efficiency of transportation is either exchanged with persons or the government of an adjacent foreign state, or temporarily exported across parts of an adjacent foreign state and reenters the United States, shall be subject to all of the limitations and licensing requirements of the Export Administration Act of 1969 (50 U.S.C., App. 2401 et. seq.). In addition, before any coal subject to this subsection may be exported during such period under the limitations and licensing requirements and penalty and enforcement provisions of said Export and Administration Act of 1969, the President shall (1) make and publish in the Federal Register an express finding that any such export (A) will not diminish the total quantity or quality of mined coal available and needed for domestic uses in the United States during the next succeeding 180 calendar days, and (B) is in the national interest and in accord with the provisions of the Export Administration Act of 1969, and (2) submit a report to the Congress containing such finding. If either House of Congress, after receiving such reports, adopts a resolution disagreeing with such finding within 60 calendar days during which both Houses of Congress have been in session for at least 30 of such days, such export shall be prohibited by the President: *Provided,* That the President may permit such export, without filing such report, if he affirmatively finds, and publishes his finding in the Federal Register, that the export of such coal to any specific foreign state is necessary to insure that the importation of other fossil fuels into the United States from such state is not interrupted. The President, or his delegate, shall, after the enactment of this subsection, promptly issue regulations to implement this subsection and to insure that any person who plans to export such coal after the date of enactment of this subsection will notify the President or his delegate and specify the quantity and quality of the coal to be exported, the port from which it will be exported, the destination of such coal, the name and address of the person or persons mining such coal, and such other information as the regulations may require. The provisions of this subsection shall not apply to coal exports for use by the Defense Department in any foreign state."

DISTRICT OF COLUMBIA BUSINESS

The SPEAKER. This is District of Columbia Day. The Chair recognizes the gentleman from Georgia (Mr. STUCKEY), a member of the Committee on the District of Columbia.

TAXABILITY OF INSURANCE COMPANY DIVIDENDS

Mr. STUCKEY. Mr. Speaker, by direction of the Committee on the District of Columbia, I call up the bill (H.R. 6186) to amend the District of Columbia Revenue Act of 1947 regarding taxability of dividends received by a corporation from insurance companies, and ask unanimous consent that the bill be considered in the House as in Committee of the Whole.

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

There was no objection.

The Clerk read the bill, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the first proviso of section 1 of title X of the District of Columbia Revenue Act of 1947 (D.C. Code, sec. 47–1580) is amended to read as follows: ": *Provided, however,* That, in the case of any corporation, the amount received

as dividends from a corporation which is subject to taxation under this subchapter or under title II of the Act entitled "An Act to provide additional revenue for the District of Columbia, and for other purposes", approved August 17, 1937 (D.C. Code, secs. 47-1801—1808), and in the case of a corporation not engaged in carrying on any trade or business within the District, interest received by it from a corporation which is subject to taxation under this subchapter or under such title II of such Act shall not be considered as income, from sources within the District for purposes of this subchapter."

SEC. 2. The amendment made by the first section of this Act shall apply with respect to all taxable years ending after December 31, 1969.

With the following committee amendment:

On page 2, line 13, strike "December 31, 1969" and insert in lieu thereof "December 31, 1973".

The committee amendment was agreed to.

Mr. STUCKEY. Mr. Speaker, I move to strike the last word.

GENERAL LEAVE

Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the District bills to be considered today.

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

There was no objection.

Mr. STUCKEY. Mr. Speaker, the purpose of H.R. 6186, as provided in H. Rept. 93-654, is to amend the existing District of Columbia tax laws to provide that dividends and interest received by a corporation from an insurance company subject to the 2% net premium tax imposed by Section 6 of Title II of the District of Columbia Revenue Act of 1947 (D.C. Code, Tit. 47, Sec. 1806), shall not, when paid to the parent corporation, be considered as income from sources within the District, and thus shall not be subject to District of Columbia income tax.

The Committee believes that this legislation would eliminate the unintended discrimination against holding companies receiving dividends from District of Columbia life insurance companies and would thereby encourage holding companies controlling life insurance companies to continue to incorporate and locate the home offices of those life insurance companies in the District of Columbia.

NEED FOR LEGISLATION

During the past ten to fifteen years, the trend within the life insurance industry has been to conduct business within a holding company structure, thereby giving management greater flexibility and increasing substantially the financial strength and operating efficiency of the organization involved. More than 50 holding companies, representing a major part of the life insurance industry, have been formed during the past several decades.

The holding company generally provides its life insurance affiliates with management assistance and a variety of technical services, including investment counseling, actuarial, and data processing services. Through the centralization of investment advisory and other securities operations, and product research and development by its actuarial staff, the holding company is able to improve investment results and promote more effective and efficient operations.

The regulatory climate in the District of Columbia has been favorable to the formation and operation of life insurance companies in the District of Columbia. Furthermore, Congress has never intended to discourage insurance company operations within the District of Columbia when conducted within a holding company structure. The District of Columbia tax laws, however, as construed by the District of Columbia Department of Finance and Revenue, inadvertently discourage the formation of holding companies with life insurance company affiliates located in the District of Columbia and, more importantly, encourage holding companies controlling District of Columbia-based life insurance companies to cause those companies to change their domicile and move their operations outside the District of Columbia.

Present law (D.C. Code, Tit. 47, Sec. 1571(a)) imposes an income tax upon every corporation "for the privilege of carrying on or engaging in any trade or business within the District and of receiving income from sources within the District". Although the D.C. Code (Tit. 47, Sec. 1580) provides that dividends paid by a corporation which is subject to the income tax shall not constitute, in the hands of a receiving corporate stockholder, income from sources within the District, this provision has been construed to be inapplicable to a corporation receiving dividends from a District of Columbia life insurance company, because the exemption for intercorporate dividends is stated to be applicable only when the distributing corporation is subject to the income tax. Insurance companies, because of difficulties encountered in determining their net income, are not subject to the normal District of Columbia corporate income tax, but instead are subject to a net premiums tax imposed "in lieu of" other taxes (D.C. Code, Tit. 47, Sec. 1806).

The purpose of District of Columbia Code (Tit. 47, Sec. 1580) is to insure that at the corporate level income is taxed only once and not a second time when distributed as dividends to a corporate shareholder. This treatment is generally consistent with the Federal income tax law. (Of course, dividend income is taxed a second time when eventually distributed to individual shareholders.)

Since the net premiums tax on life insurance companies is designed to be a complete substitute for the corporate income tax, there is no reason for treating the dividends a holding company receives from a District of Columbia insurance company differently from the dividends it receives from other corporations.

Enactment of this provision of the District of Columbia Code, which has been construed to impose a double tax on the earnings of certain life insurance companies, appears to have been inadvertent and to have occurred when there were no District of Columbia life insurance companies operating as a part of a holding-company structure, before commencement of the current trend to operate life insurance companies within a holding company structure. No other jurisdiction construes its income tax laws to penalize, or has a tax structure which penalizes, as does the District of Columbia, the operation of life insurance companies within a holding company structure.

PROVISIONS OF THE BILL

The bill amends Section 1580 of Title 47 of the District of Columbia Code to provide that, for purposes of the corporate income tax, dividends received by a corporation from any corporation subject to the District of Columbia net premiums tax shall not be considered as income from sources within the District and to provide that interest received by a corporation not engaged in carrying on any trade or business within the District from any corporation subject to the District of Columbia income tax or to the District of Columbia net premiums tax shall likewise not be sonsidered as income from sources within the District.

HISTORY

A public hearing on H.R. 6186 was held by the Subcommittee on Business, Commerce and Taxation on July 16, 1973. Witnesses heard in support of the legislation included the Superintendent of Insurance and the Deputy Superintendent of the District of Columbia Government, and representatives of life insurance companies located in the District of Columbia and environs. There was no testimony opposing the legislation, as amended, and no expression of opposition thereto has been received by the Committee. The Subcommittee, in executive session on November 2, 1973, amended Section 2 of the bill, which had made repeal of the tax retroactive.

H.R. 6186, as amended, was ordered favorably reported by a voice vote of the full Committee on November 5, 1973.

CONCLUSION

The best interests of the District of Columbia will be served by encouraging the continued formation and operation of life insurance companies within the District. H.R. 6186 will remove an unintended obstacle to the formation and operation of such life insurance companies in the District when controlled by a holding company. For this reason, and those reasons indicated above, the Committee recommends enactment of H.R. 6186.

COST

Peoples Life Insurance Company, the principal company affected by the adverse taxation, was acquired by Capital Holding Company, Louisville, Kentucky, in 1969. No dividends were paid in 1969 by Peoples, the first year that the second tax became applicable. In 1970, $69,071 and in 1971, $84,308 were paid to the District as taxes on dividends the holding company received from the D.C. insurance company. No dividends were paid in 1972 to avoid the second tax. It is estimated that taxes in the amount of $100,000 would have been paid in 1972. These tax figures represent the estimated loss of direct revenue to the District of Columbia by this legislation.

AMENDMENT OFFERED BY MR. BROYHILL OF VIRGINIA

Mr. BROYHILL of Virginia. Mr. Speaker, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. BROYHILL of Virginia: Page 2, line 7, immediately after "subchapter" insert the following: "; and in the case of any corporation organized as a bank holding company under the provisions of the Bank Holding Company Act of 1956 and the Bank Holding Company Act Amendments of 1970, the amount received as dividends from a corporation which is subject to taxation under this article or under the provisions of paragraph (5) or paragraph (7) of section 6 of the Act entitled "An Act making appropriations to provide for the expenses of the government of the District of Columbia for the fiscal year ending June thirtieth, nineteen hundred and three, and for other purposes", approved July 1, 1902 (D.C. Code, secs. 47–1701 and 47–1703), and in the case of any such bank holding company not engaged in carrying on any trade or business within the District, interest received by it from a corporation which is subject to taxation under such paragraphs, shall not be considered as income from sources within the District for purposes of this subchapter".

The SPEAKER. The gentleman from Virginia is recognized for 5 minutes in support of his amendment.

Mr. BROYHILL of Virginia. Mr. Speaker, as pointed out by the gentleman from Georgia (Mr. STUCKEY), the main purpose of the pending legislation is to eliminate what was apparently an unintended discrimination against holding companies receiving dividends from District of Columbia life insurance companies. As a result of this existing inequity, such holding companies are being subjected to double taxation by the District of Columbia, even though they may be located outside of the District and do not engage in any business within the District.

Like most jurisdictions, the District of Columbia imposes a tax upon all general business corporations on the basis of their net income. Also like other jurisdictions, the District of Columbia exempts dividends paid by a general business corporation from taxation as income when these dividends are paid to and received by a corporate shareholder. This exemption is based, of course, upon the fact that the corporation paying the dividend has already been taxed, and thus the clear purpose is to avoid double taxation. In this respect, the District of Columbia tax treatment of dividends paid by a general business corporation conforms to the treatment of such dividends under the U.S. Internal Revenue Code.

Again in conformity with the practice prevailing in most jurisdictions, life insurance companies in the District of Columbia are not subject to the District of Columbia corporate income tax, but instead are taxed on the basis of their net premiums receipts, because it is very difficult to determine the actual net income of an insurance company.

It would be reasonable to expect that when an insurance company in the District of Columbia pays dividends to a corporate shareholder, or a holding company, the same exemption would apply to such dividends with respect to District taxation as in the case of dividends paid by general business corporations, referred to above, in order to avoid double taxation. And indeed such exemption does apply to insurance company dividends in all other jurisdictions, as well as under the provisions of the U.S. Internal Revenue Code—but not in the District of Columbia.

Undoubtedly because of an oversight, section 47–1580 of the District of Columbia Code does not provide specific language exempting dividends paid to holding companies by life insurance companies in the District from such taxation. As a consequence, the District of Columbia has taken the position that intercorporate dividends paid by a District of Columbia insurance company to a corporate shareholder are taxable, on the grounds that the exemption for such dividends is stated to be applicable only when the distributing corporation "is subject to income tax."

The fact is that the net premiums receipts tax on insurance companies in the District of Columbia is entirely a substitute for the normal corporate income tax, and for this reason I regard this distinction as very far-fetched indeed, as I can see no valid reason for treating the dividends a holding company receives from a District of Columbia insurance company differently from the dividends it receives from other corporations. The result is a double tax burden that is not imposed in any other jurisdiction in this country, nor by the Federal Government.

Inasmuch as the District of Columbia has taken this position, however, it is incumbent upon the Congress to correct this inequity, the results of which can be very damaging to the city itself.

During the past 15 years, there has been a significant trend within the life insurance industry to conduct business within a holding company structure. This concept affords greater flexibility for management, and increases substantially the financial strength and operating efficiency of the organizations involved. Today there are more than 50 such holding companies operating in the United States.

One example of these holding companies is the Capital Holding Corp., which was formed in 1969 by the Commonwealth Life Insurance Co., an operating company located in Louisville, Ky. When Capital Holding Corp. was organized only 4 years ago, Commonwealth Life was its only subsidiary. Today, Capital owns a casualty insurance company, a real estate holding company, a finance company, and eight life insurance companies which do business in 43 States and the District of Columbia.

Capital provides its affiliates with management assistance and a variety of services such as investment counselling, actuarial services, and data processing services. Investment results have improved as a result, and a greater variety of better insurance policies are being offered to customers than ever before. In many ways, the competitive ability of the various members of the Capital group has been substantially improved.

One of the members of this group is the Peoples Life Insurance Co. here in the District of Columbia, which joined the Capital Holding Corp. family in December of 1969. Peoples is one of the more important members of the Capital group, as a well managed, profitable life insurance company which does business in 14 States and the District of Columbia.

At present, Peoples employs more than 300 persons in the District of Columbia. Peoples pays annual real property taxes to the District in excess of $100,000, and it also pays the District net premiums taxes, withholding, sales, and unemployment compensation taxes in excess of $60,000 each year.

The net premiums tax, imposed in lieu of the District's corporate income tax, is paid only on Peoples' earnings from District of Columbia sources. Its earnings from the 14 other States in which it does business are taxed by those jurisdictions, of course, in a similar manner. I am advised that if Peoples' earnings, regardless of sources, are again subjected to District of Columbia tax at the corporate level, that is when they reach Capital Holding Corp., then this added tax burden on these earnings will be increased each year by more than $100,000. This is a tax burden which Capital simply cannot afford to bear—and as I have pointed out, since general business corporate earnings in the District are taxed only once at the corporate level, and further since no other jurisdiction imposes such a tax on life insurance company operations at the holding company level—then they should not be expected to.

As a result of this situation, Peoples has paid no dividends since 1972, and will pay none so long as this inequity of double taxation is imposed on such dividends. Even more serious is the fact that consideration is being given to moving Peoples out of the District of Columbia.

The District cannot afford, in its present financial position, to lose such a company as Peoples Life Insurance Co. Nor does Peoples want to move. They regard their location in this city as an asset in most respects. Recently, the company expanded its operations by acquiring licenses to do business in three additional States. Their management wants to keep the company in the District and to use it as a vehicle for building an even more substantial business enterprise; but they cannot do so unless they can have the benefit of an equitable tax structure in the District, one which places the District on a par with competing jurisdictions and does not penalize life insurance companies for conducting their operations within a holding company structure.

I am advised that there is presently one other life insurance company in the District operating as a part of a holding company and which therefore is affected by this problem. In view of the trend toward such operating structure within the life insurance business, however, there would normally be others in future years. As I have pointed out, this structure has been proved to offer many real benefits to the policyholders of such companies, and thus this trend should be encouraged in the District of Columbia, rather than being forced out of the city by an unfair tax structure.

H.R. 6186 will resolve this problem, by providing that dividends received from a corporation which is subject to taxation

under District of Columbia law and, in the case of a corporation not engaged in carrying on a trade or business within the District, interest received by it from a corporation which is subject to taxation under District of Columbia law, shall not be considered as income from sources within the District.

I understand that the District of Columbia government has no objection to this bill, which will provide justice by eliminating the difference in treatment of dividends paid by corporations paying the regular corporate income tax and by life insurance companies paying the net premiums tax, and will conform the District's tax laws applicable to life insurance company operations with those applicable to such operations in all other jurisdictions.

The amendment I am offering will make the same provisions apply to bank holding companies. Banks in the District of Columbia do not pay income tax, but rather, pay a tax on the net interest that they receive, which is the total interest less the interest they pay on savings accounts. Therefore they are not classified as corporations paying income tax. My amendment would permit the bank holding company to be exempt from paying corporate taxes on the dividends they receive from banks the same as other corporations are exempted from income taxes on interest they receive as dividends from business corporations operating in the District of Columbia.

I have in my hand a letter from the D.C. Commissioner, supporting this amendment. I have discussed this matter with the chairman of the subcommittee of the Committee on the District of Columbia, and I understand he has no objection to it. I also discussed it in the full committee at the time this bill was being considered, but at that time the District government had not had a chance to review the provisions of this amendment. Subsequent to the time the bill was reported out, they had an opportunity to review it, and the following letter expresses the District's approval of this amendment:

THE DISTRICT OF COLUMBIA,
Washington, D.C., November 26, 1973.

Hon. JOEL T. BROYHILL,
Member of Congress,
House of Representatives,
Washington, D.C.

DEAR CONGRESSMAN BROYHILL: This is in response to your letter of November 12, 1973, in which you requested my views on an amendment to H.R. 6186 to extend such relief to banks domiciled in the District of Columbia.

The District Government indicated in its report to Chairman Diggs dated July 16, 1973, that it had no objection to the enactment of Section 1 of the bill. The District did object to Section 2 of H.R. 6186 which would make the bill retroactive to 1970 and thus would have resulted in substantial refunds of taxes already paid by the affected corporations.

The District Government would offer no objection to an amendment to H.R. 6186 to extend relief to banks and savings institutions. We assume that inclusion of such an amendment will in no way jeopardize the provisions of the bill relating to insurance companies in view of the more immediate problems facing the insurance companies. We continue, however, to oppose the retroactive provisions of Section 2.

Because of technical errors in the language of H.R. 6186, we are enclosing an amended version of the bill which we believe will better accomplish the desired purposes.

Sincerely yours,
WALTER E. WASHINGTON,
Mayor-Commissioner.

Mr. Speaker, I urge the adoption of this amendment and the approval of the bill.

Mr. STUCKEY. Mr. Speaker, I rise in support of the amendment.

I think the gentleman from Virginia has stated the case quite well.

There is no objection from the District of Columbia government with regard to his amendment.

As I stated earlier, there are only three kinds of corporations subject to this tax liability at the present time—banks, life insurance companies, and utilities. These corporations all have this double taxation when in a holding company situation. To make it fair to all concerned, I urge the adoption of the gentleman's amendment at this time and urge the adoption of the bill.

The SPEAKER. The question is on the amendment offered by the gentleman from Virginia (Mr. BROYHILL).

The amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

The title was amended so as to read: "A bill to amend the District of Columbia Revenue Act of 1947 regarding taxability of dividends received by a corporation from insurance companies, banks, and other savings institutions."

A motion to reconsider was laid on the table.

HOLDING COMPANY SYSTEM REGULATORY ACT

Mr. STUCKEY. Mr. Speaker, by direction of the Committee on the District of Columbia, I call up the bill (H.R. 7218) to improve the laws relating to the regulation of insurance companies in the District of Columbia, and ask unanimous consent that the bill be considered in the House as in Committee of the Whole.

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

There was no objection.

The Clerk read the bill as follows:

H.R. 7218

A bill to improve the laws relating to the regulation of insurance companies in the District of Columbia

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Holding Company System Regulatory Act".

SEC. 2. DEFINITIONS.—As used in this Act, unless the context otherwise requires—

(a) "affiliate" (an "affiliate" of, or person "affiliated" with a specific person), means a person that directly, or indirectly through one or more intermediaries, controls, or is controlled by or is under common control with, the person specified;

(b) "commissioner" means the Commissioner of the District of Columbia or his designated agent;

(c) "control" (including the terms "controlling", "controlled by" and "under common control with") means the possession, direct or indirect, of the power to direct or cause the direction of the management and policies of a person, whether through the ownership of voting securities, by contract other than a commercial contract for goods or nonmanagement services, or otherwise, unless the power is the result of an official position with or corporate office held by the person. Control shall be presumed to exist if any person, directly or indirectly, owns, controls, holds with the power to vote, or holds proxies representing 10 per centum or more of the voting securities of any other person;

(d) "District" means the District of Columbia;

(e) "insurance holding company system" consists of two or more affiliated persons, one or more of which is an insurer;

(f) "insurer" includes any company defined by section 2, chapter I, of the Life Insurance Act (D.C. Code, sec. 35–302) and by section 3, chapter I, of the Fire and Casualty Act (D.C. Code, sec. 35–1303), authorized to do the business of insurance in the District, except that it shall not include agencies, authorities, or instrumentalities of the United States, its possessions and territories, the Commonwealth of Puerto Rico, the District of Columbia, or a State or political subdivision of a State;

(g) "person" is an individual, a corporation, a partnership, an association, a joint stock company, a trust, an unincorporated organization, any similar entity, or any combination of the foregoing acting in concert, but shall not include any securities broker performing no more than the usual and customary broker's function;

(h) "securityholder" of a specified person is one who owns any security of such person, including common stock, preferred stock, debt obligations, and any other security convertible into or evidencing the right to acquire any of the foregoing;

(i) "subsidiary" of a specified person is an affiliate controlled by such person directly, or indirectly through one or more intermediaries; and

(j) "voting security" includes any security convertible into or evidencing a right to acquire a voting security.

SUBSIDIARIES OF INSURERS

SEC. 3. (a) AUTHORIZATION.—Any domestic insurer, either by itself or in cooperation with one or more persons, may, subject to the limitation stated in subsection (b) of this section, organize or acquire one or more subsidiaries. Such subsidiaries may conduct any kind of business or businesses and their authority to do so shall not be limited by reason of the fact that they are subsidiaries of a domestic insurer.

(b) LIMITED ADDITIONAL INVESTMENT AUTHORITY.—(1) The total amont which a domestic insurer may invest in the common stock, preferred stock, debt obligations, and other securities of the subsidiaries referred to in subsection (a) of this section shall not exceed the lesser of (A) 5 per centum of such insurer's assets, or (B) in the case of a capital stock company, 50 per centum of the excess of its capital, surplus, and contingency reserves over the then required statutory minimum capital and surplus, or, in the case of a mutual company, 50 per centum of the excess of its surplus and contingency reserves over the then required statutory minimum surplus.

(2) In calculating the amount of such investments, there shall be included (A) total net moneys or other consideration expended and obligations assumed in the acquisition or formation of a subsidiary, including all organizational expenses and contributions to capital and surplus of such subsidiary, whether or not represented by the purchase of capital stock or issuance of other securities, and (B) all amounts expended in acquiring additional common stock, preferred stock, debt obligations, and other securities, and all contributions to the capital or sur-

plus of a subsidiary subsequent to its acquisition or formation.

(c) EXEMPTIONS FROM INVESTMENT RESTRICTIONS.—The investments permitted under this section shall be in addition to the inevstments in common stock, preferred stock, debt obligations, and other securities permitted under sections 35 and 41 of chapter III of the Life Insurance Act (D.C. Code, secs. 35–535 and 35–541) and section 18, chapter II, of the Fire and Casualty Act (D.C. Code, sec. 35–1321), and the investments under this section shall not be subject to any of the otherwise applicable restrictions or prohibitions contained in the aforesaid sections of law applicable to such investments of insurers.

(d) QUALIFICATIONS OF INVESTMENT: WHEN DETERMINED.—Whether any investment pursuant to this section meets the applicable requirements thereof is to be determined immediately after such investment is made, taking into account the then outstanding principal balance of all previous investments and debt obligations and the value of all previous investments in equity securities as of the date of the new investment.

(e) CESSATION OF CONTROL.—If an insurer ceases to control a subsidiary, it shall dispose of any investment therein made pursuant to this section within three years from the time of the cessation of control or within such further time as the Commissioner may prescribe, unless at any time after such investment was made, such investment meets the requirements for investment under sections 35 and 41, chapter III, of the Life Insurance Act (D.C. Code, secs. 35–535 and 35–541) and section 18, chapter II, of the Fire and Casualty Act (D.C. Code, sec. 35–1521), and the insurer has notified the Commissioner thereof.

ACQUISITION OF CONTROL OF OR MERGER WITH DOMESTIC INSURER

SEC. 4. (a) FILING REQUIREMENTS.—No person other than the issuer shall make a tender offer for or a request or invitation for tenders of, or enter into any agreement to exchange securities for, seek to acquire, or acquire, in the open market or otherwise, any voting security of a domestic insurer if, after the consummation thereof, such person would directly or indirectly (or by conversion or by exercise of any right to acquire) be in control of such insurer, and no person shall enter into an agreement to merge with or otherwise to acquire control of a domestic insurer, unless, at the time any such offer, request, or invitation is made or any such agreement is entered into, or prior to the acquisition of such securities if no offer or agreement is involved, such person has filed with the Commissioner and has sent to such insurer, and such insurer has sent to its shareholders, a statement containing the information required by this section and such offer, request, invitation, agreement, or acquisition has been approved by the Commissioner in the manner hereinafter prescribed. For purposes of this section a domestic insurer shall include any other person controlling a domestic insurer unless such other person is either directly or through its affiliates primarily engaged in business other than the business of insurance.

(b) CONTENT OF STATEMENT.—The statement to be filed with the Commissioner hereunder shall be made under oath or affirmation and shall contain the following information:

(1) The name and address of each person by whom or on whose behalf the merger or other acquisition of control referred to in subsection (a) is to be effected (hereinafter called "acquiring party"), and

(A) If such person is an individual, his principal occupation and all offices and positions held during the past five years, and any conviction of crimes other than minor traffic violations during the past ten years;

(B) If such person is not an individual, a report of the nature of its business operations during the past five years or for such lesser period as such person and any predecessors thereof shall have been in existence; an informative description of the business intended to be done by such person and such person's subsidiaries; and a list of all individuals who are or who have been selected to become directors or executive officers of such person, or who perform or will perform functions appropriate to such positions. Such list shall include for each such individual the information required by subparagraph (A) of this subsection.

(2) The source, nature, and amount of the consideration used or to be used in effecting the merger or other acquisition of control, a description of any transaction wherein funds were or are to be obtained for any such purpose, and the identity of persons furnishing such consideration: *Provided,* That where a source of such consideration is a loan made in the lender's ordinary course of business, the identity of the lender shall remain confidential, if the person filing such statement so requests.

(3) Fully audited financial information as to the earnings and financial condition of each acquiring party for the preceding five fiscal years of each such acquiring party (or for such lesser period as such acquiring party and any predecessors thereof shall have been in existence), and similar unaudited information as of a date not earlier than ninety days prior to the filing of the statement.

(4) Any plans or proposals which each acquiring party may have to liquidate such insurer, to sell its assets or merge or consolidate it with any person, or to make any other material change in its business or corporate structure or management.

(5) The number of shares of any security referred to in subsection (a) which each acquiring party proposes to acquire, and the terms of the offer, request, invitation, agreement, or acquisition referred to in subsection (a), and a statement as to the method by which the fairness of the proposal was arrived at.

(6) The amount of each class of any security referred to in subsection (a) which is beneficially owned or concerning which there is a right to acquire beneficial ownership by each acquiring party.

(7) A full description of any contracts, arrangements, or understandings with respect to any security referred to in subsection (a) in which any acquiring party is involved, including but not limited to transfer of any of the securities, joint ventures, loan or option arrangements, puts or calls, guarantees of loans, guarantees against loss or guarantees of profits, division of losses or profits, or the giving or withholding of proxies. Such description shall identify the persons with whom such contracts, arrangements, or understandings have been entered into.

(8) A description of the purchase of any security referred to in subsection (a) during the twelve calendar months preceding the filing of the statement, by any acquiring party, including the dates of purchase, names of the purchasers, and consideration paid or agreed to be paid therefor.

(9) A description of any recommendations to purchase any security referred to in subsection (a) made during the twelve calendar months preceding the filing of the statement, by any acquiring party, or by anyone based upon interviews or at the suggestion of such acquiring party.

(10) Copies of all tender offers for, requests or invitations for tenders of exchange offers for, and agreements to acquire or exchange any securities referred to in subsection (a), and (if distributed) of additional soliciting material relating thereto.

(11) The terms of any agreement, contract, or understanding made with any broker-dealer as to solicitation of securities referred to in subsection (a) for tender, and the amount of any fees, commissions, or other compensation to be paid to broker-dealers with regard thereto.

(12) Such additional information as the Commissioner may by rule or regulation prescribe as necessary or appropriate for the protection of policyholders and securityholders of the insurer or in the public interest. If the person required to file the statement referred to in subsection (a) is a partnership, limited partnership, syndicate, or other group, the Commissioner may require that the information called for by paragraphs (1) through (12) shall be given with respect to each partner of such partnership or limited partnership, each member of such syndicate or group, and each person who controls such partner or member. If any such partner, member, or person is a corporation or the person required to file the statement referred to in subsection (a) is a corporation, the Commissioner may require that the information called for by paragraphs (1) through (12) shall be given with respect to such corporation, each officer and director of such corporation, and each person who is directly or indirectly the beneficial owner of more than 10 per centum of the outstanding voting securities of such corporation. If any material change occurs in the facts set forth in the statement filed with the Commissioner and sent to such insurer pursuant to this section, an amendment setting forth such change, together with copies of all documents and other material relevant to such change, shall be filed with the Commissioner and sent to such insurer within two business days after the person learns of such change. Such insurer shall send such amendment to its shareholders.

(c) ALTERNATIVE FILING MATERIALS.—If any offer, request, invitation, agreement, or acquisition referred to in subsection (a) is proposed to be made by means of a registration statement under the Securities Act of 1933 or in circumstances requiring the disclosure of similar information under the Securities Exchange Act of 1934, or under a State law requiring similar registration or disclosure, the person required to file the statement referred to in subsection (a) may utilize such documents in furnishing the information called for by that statement.

(d) APPROVAL BY COMMISSIONER; HEARINGS.—

(1) The Commissioner shall approve any merger or other acquisition of control referred to in subsection (a) unless, after a public hearing thereon, he finds that:

(A) After the change of control the domestic insurer referred to in subsection (a) would not be able to satisfy the requirements for the issuance of a license to write the line or lines of insurance for which it is presently licensed;

(B) The effect of the merger or other acquisition of control would be substantially to lessen competition in insurance in the District or tend to create a monopoly therein;

(C) The financial condition of any acquiring party is such as might jeopardize the financial stability of the insurer, or prejudice the interest of its policyholders or the interests of any remaining securityholders who are unaffiliated with such acquiring party;

(D) The terms of the offer, request, invitation, agreement, or acquisition referred to in subsection (a) are unfair and unreasonable to the securityholders of the insurer;

(E) The plans or proposals which the acquiring party has to liquidate the insurer, sell its assets or consolidate or merge it with any person, or to make any other material change in its business or corporate structure or management, are unfair and unreasonable to policyholders of the insurer and not in the public interest; or

(F) The competence, experience, and integrity of those persons who would control the operation of the insurer are such that

it would not be in the interest of policyholders of the insurer or of the public to permit the merger or other acquisition of control.

(2) The public hearing referred to in paragraph (1) shall be held within thirty days after the statement required by subsection (a) is filed, and at least twenty days' notice thereof shall be given by the Commissioner to the person filing the statement. Not less than seven days' notice of such public hearing shall be given by the person filing the statement to the insurer and to such other person as may be designated by the Commissioner. The insurer shall give such notice to its securityholders. The commissioner shall make a determination within thirty days after the conclusion of such hearing. At such hearing, the person filing the statement, the insurer, any person to whom notice of hearing was sent, and any other person whose interests may be affected thereby shall have the right to present evidence, examine and cross-examine witnesses, and offer oral and written arguments, and in connection therewith shall be entitled to conduct discovery proceedings in the same manner as is presently allowed in the Superior Court of the District of Columbia. All discovery proceedings shall be concluded not later than three days prior to the commencement of the public hearing.

(e) MAILINGS TO SHAREHOLDERS; PAYMENT OF EXPENSES.—All statements, amendments, or other material filed pursuant to subsection (a) or (b), and all notices of public hearings held pursuant to subsection (d), shall be mailed by the insurer to its shareholders within five business days after the insurer has received such statements, amendments, other material, or notices. The expenses of mailings shall be borne by the person making the filing. As security for the payment of such expenses, such person shall file with the Commissioner an acceptable bond or other deposit in an amount to be determined by the Commissioner.

(f) EXEMPTIONS.—The provisions of this section shall not apply to—

(1) any offers, requests, invitations, agreements, or acquisitions by the person referred to in subsection (a) of any voting security referred to in subsection (a) which, immediately prior to the consummation of such offer, request, invitation, agreement, or acquisition, was not issued and outstanding;

(2) any offer, request, invitation, agreement, or acquisition if, under the terms thereof, the consummation of the transaction contemplated thereunder would result in the ownership by security holders of the domestic insurer of stock possessing at least 80 per centum of the total combined voting power of all classes of stock of the acquiring party entitled to vote; and

(3) any offer, request, invitation, agreement, or acquisition which the Commissioner by order shall exempt therefrom as (A) not having been made or entered into for the purpose and not having the effect of changing or influencing the control of a domestic insurer, or (B) as otherwise not comprehended within the purposes of this section.

(g) VIOLATIONS.—The following shall be violations of this section:

(1) The failure to file any statement, amendment, or other material required to be filed pursuant to subsection (a) or (b); or

(2) The effectuation or any attempt to effectuate an acquisition of control of, or merger with, a domestic insurer unless the Commissioner has given his approval thereto.

(h) JURISDICTION; CONSENT TO SERVICE OF PROCESS.—The Superior Court of the District of Columbia is hereby vested with jurisdiction over every person not resident, domiciled, or authorized to do business in the District who files a statement with the Commissioner under this section, and over all actions involving such person arising out of violations of this section, and each such person shall be deemed to have performed acts equivalent to and constituting an appointment by such a person of the Commissioner to be his true and lawful attorney upon whom may be served all lawful process in any action, suit, or proceeding arising out of violations of this section. Copies of all such lawful process shall be served on the Commissioner and transmitted by registered or certified mail by the Commissioner to such person at his last known address.

REGISTRATION OF INSURERS

SEC. 5. (a) REGISTRATION.—Every insurer which is authorized to do business in the District and which is a member of an insurance holding company system shall register with the Commissioner, except a foreign insurer subject to disclosure requirements and standards adopted by statute or regulation in the jurisdiction of its domicile which are substantially similar to those contained in this Act. Any insurer which is subject to registration under this section shall register within sixty days after the effective date of this Act or fifteen days after it becomes subject to registration, whichever is later, unless the Commissioner for good cause shown extends the time for registration, and then within such extended time. The Commissioner may require any authorized insurer which is a member of a holding company system which is not subject to registration under this section to furnish a copy of the registration statement or other information filed by such insurance company with the insurance regulatory authority of its domiciliary jurisdiction.

(b) INFORMATION AND FORM REQUIRED.—Every insurer subject to registration shall file a registration statement on a form provided by the Commissioner, which shall contain current information about—

(1) the capital structure, general financial condition, ownership, and management of the insurer and any person controlling the insurer;

(2) the identity of every member of the insurance holding company system;

(3) the following agreements in force, relationships subsisting, and transactions currently outstanding between such insurer and its affiliates:

(A) loans, other investments, or purchases, sales or exchanges of securities of the affiliates by the insurer or of the insurer by its affiliates;

(B) purchases, sales, or exchanges of assets;

(C) transactions not in the ordinary course of business;

(D) guarantees or undertakings for the benefit of an affiliate which result in an actual contingent exposure of the insurer's assets to liability, other than insurance contracts entered into in the ordinary course of the insurer's business;

(E) all management and service contracts and all cost-sharing arrangements, other than cost allocation arrangements based upon generally accepted accounting principles; and

(F) reinsurance agreements covering all or substantially all of one or more lines of insurance of the ceding company.

(4) other matters concerning transactions between registered insurers and any affiliates as may be included from time to time in any registration forms adopted or approved by the Commissioner.

(c) MATERIALITY.—No information need be disclosed on the registration statement filed pursuant to subsection (b) if such information is not material for the purposes of this section. Unless the Commissioner by rule, regulation, or order provides otherwise, sales, purchases, exchanges, loans, or extensions of credit, or investments, involving one-half of 1 per centum or less of an insurer's admitted assets as of the thirty-first day of December next preceding shall not be deemed material for purposes of this section.

(d) AMENDMENTS TO REGISTRATION STATEMENTS.—Each registered insurer shall keep current the information required to be disclosed in its registration statement by reporting all material changes or additions on amendment forms provided by the Commissioner within fifteen days after the end of the month in which it learns of each such change or addition: *Provided*, That subject to subsection (c) of section 6, each registered insurer shall so report all dividends and other distributions to shareholders within two business days following the declaration thereof.

(e) TERMINATION OF REGISTRATION.—The Commissioner shall terminate the registration of any insurer which demonstrates that it no longer is a member of an insurance holding company system.

(f) CONSOLIDATED FILING.—The Commissioner may require or allow two or more affiliated insurers subject to registration hereunder to file a consolidated registration statement or consolidated reports amending their consolidated registration statement or their individual registration statements.

(g) ALTERNATIVE REGISTRATION.—The Commissioner may allow an insurer which is authorized to do business in the District and which is part of an insurance holding company system to register on behalf of any affiliated insurer which is required to register under subsection (a) and to file all information and material required to be filed under this section.

(h) EXEMPTIONS.—The provisions of this section shall not apply to any insurer, information, or transaction if and to the extent that the Commissioner by rule, regulation, or order shall exempt the same from the provisions of this section.

(i) DISCLAIMER.—The presumption of control as defined by section 2(c), may be rebutted by a showing made in the manner herein provided that control does not exist in fact. The Commissioner may determine, after furnishing all persons in interest notice and an opportunity to be heard and making specific findings of fact to support such determination, that control exists in fact, notwithstanding the absence of a presumption to that effect. Any person may file with the Commissioner a disclaimer of affiliation with any authorized insurer or such a disclaimer may be filed by such insurer or any member of an insurance holding company system. The disclaimer shall fully disclose all material relationships and bases for affiliation between such person and such insurer as well as the basis for disclaiming such affiliation. After a disclaimer has been filed, the insurer shall be relieved of any duty to register or report under this section which may arise out of the insurer's relationship with such person unless and until the Commissioner disallows the disclaimer. The Commissioner shall disallow such a disclaimer only after furnishing all parties in interest with notice and opportunity to be heard and after making specific findings of fact to support such disallowance.

(j) VIOLATIONS.—The failure to file a registration statement or any amendment thereto required by this section within the time specified for such filing shall be a violation of this section.

STANDARDS

SEC. 6. (a) TRANSACTIONS WITH AFFILIATES.—Material transactions by registered insurers with their affiliates shall be subject to the following standards:

(1) the terms shall be fair and reasonable;

(2) the books, accounts, and records of each party shall be so maintained as to clearly and accurately disclose the precise nature and details of the transactions; and

(3) the insurer's surplus as regards policy-

holders following any dividends or distributions to shareholder affiliates shall be reasonable in relation to the insurer's outstanding liabilities and adequate to its financial needs.

(b) ADEQUACY OF SURPLUS.—For the purposes of this section in determining whether an insurer's surplus as regards policyholders is reasonable in relation to the insurer's outstanding liabilities and adequate to its financial needs, the following factors, among others, shall be considered:

(1) the size of the insurer as measured by its assets, capital and surplus, reserves, premium writings, insurance in force, and other appropriate criteria;

(2) the extent to which the insurer's business is diversified among the several lines of insurance;

(3) the number and size of risks insured in each line of business;

(4) the extent of the geographical dispersion of the insurer's risks;

(5) the nature and extent of the insurer's reinsurance program;

(6) the quality, diversification, and liquidity of the insurer's investment portfolio;

(7) the recent past and projected future trend in the size of the insurer's surplus as regards policyholders;

(8) the surplus as regards policyholders maintained by other comparable insurers;

(9) the adequacy of the insurer's reserves; and

(10) the quality and liquidity of investments in subsidiaries made pursuant to section 3. The Commissioner may treat any such investment as a disallowed asset for purposes of determining the adequacy of surplus as regards policyholders whenever in his judgment such investment so warrants.

(c) DIVIDENDS AND OTHER DISTRIBUTIONS.—(1) No insurer subject to registration under section 5 shall pay any extraordinary dividend or make any other extraordinary distribution to its shareholders until (A) thirty days after the Commissioner has received notice of the declaration thereof and has not within such period disapproved such payment, or (B) the Commissioner shall have approved such payment within such thirty-day period.

(2) For purposes of this section, an extraordinary dividend or distribution includes any dividend or distribution of cash or other property, whose fair market value together with that of other dividends or distributions made within the preceding twelve months exceeds the greater of (A) 10 per centum of such insurer's surplus as regards policyholders as of the thirty-first day of December next preceding or (B) the net gain from operations of such insurer, if such insurer is a life insurer, or the net investment income, if such insurer is not a life insurer, for the twelve-month period ending the thirty-first day of December next preceding, but shall not include pro rata distributions of any class of the insurer's own securities.

(3) Notwithstanding any other provision of law, an insurer may declare an extraordinary dividend or distribution which is conditional upon the Commission's approval thereof, and such a declaration shall confer no rights upon shareholders until (A) the Commissioner has approved the payment of such dividend or distribution or (B) the Commissioner has not disapproved such payment within the thirty-day period referred to above.

EXAMINATION

SEC. 7. (a) POWER OF COMMISSIONER.—Subject to the limitation contained in this section and in addition to the powers which the Commissioner has under the insurance laws of the District relating to the examination of insurers, the Commissioner shall also have the power to order any insurer registered under section 5 to produce such records, books, papers, or other information in the possession of the insurer or its affiliates as shall be necessary to ascertain the financial condition or legality of conduct of such insurer. In the event such insurer fails to comply with such order, the Commissioner shall have the power to examine such affiliates to obtain such information.

(b) PURPOSE AND LIMITATION OF EXAMINATION.—The Commissioner shall exercise his power under subsection (a) only if the examination of the insurer under and as is provided for by the insurance laws of the District is inadequate or the interests of the policyholders of such insurer may be adversely affected.

(c) USE OF CONSULTANTS.—The Commissioner may retain at the registered insurer's expense such attorneys, actuaries, accountants, and other experts not otherwise a part of the Commissioner's staff as shall be reasonably necessary to assist in the conduct of the examination under subsection (a). Any persons so retained shall be under the direction and control of the Commissioner and shall act in a purely advisory capacity.

(d) EXPENSES.—Each registered insurer producing for examination records, books, and papers pursuant to subsection (a) shall be liable for and shall pay the expense of such examination in accordance with the provisions of section 19, chapter II, of the Life Insurance Act (D.C. Code, sec. 35–418) and section 10, chapter II, of the Fire and Casualty Act (D.C. Code, sec. 35–1313), pertaining to examination expense.

SEC. 8. CONFIDENTIAL TREATMENT.—All information, documents, and copies thereof obtained by or disclosed to the Commissioner or any other person in the course of an examination or investigation made pursuant to section 7 and all information reported pursuant to section 5, shall be given confidential treatment and shall not be subject to subpena and shall not be made public by the Commissioner or any other person, except to insurance departments of other States, without the prior written consent of the insurer to which it pertains unless the Commissioner, after giving the insurer and its affiliates who would be affected thereby, notice and opportunity to be heard, determines that the interests of policyholders, shareholders, or the public will be served by the publication thereof, in which event he may publish all or any part thereof in such manner as he may deem appropriate.

SEC. 9. RULES AND REGULATIONS.—The Commissioner may, upon notice and opportunity of all interested persons to be heard, issue such rules, regulations, and orders as shall be necessary to carry out the provisions of this Act.

INJUNCTIONS; PROHIBITIONS AGAINST VOTING SECURITIES; SEQUESTRATION OF VOTING SECURITIES

SEC. 10. (a) INJUNCTIONS.—Whenever it appears to the Commissioner that any insurer or any director, officer, employee or agent thereof has committed or is about to commit a violation of this Act or of any rule, regulation, or order issued by the Commissioner hereunder, the Commissioner may apply to the Superior Court of the District of Columbia for an order enjoining such insurer of such director, officer, employee, or agent thereof from violating or continuing to violate this Act or any such rule, regulation, or order, and for such other equitable relief as the failure of the case and the interests of the insurer's policyholders, creditors, shareholders, or the public may require.

(b) VOTING OF SECURITIES; WHEN PROHIBITED.—No security which is the subject of any agreement or arrangement regarding acquisition, or which is acquired or to be acquired, in contravention of the provisions of this Act or of any rule, regulation, or order issued by the Commissioner hereunder may be voted at any shareholders' meeting, or may be counted for quorum purposes, and any action of shareholders requiring the affirmative vote of a percentage of shares may be taken as though such securities were not issued and outstanding; but no action taken at any such meeting shall be invalidated by the voting of such securities, unless the action would materially affect control of the insurer or unless the Superior Court of the District of Columbia has so ordered. If an insurer or the Commissioner has reason to believe that any security of the insurer has been or is about to be acquired in contravention of the provisions of this Act or of any rule, regulation, or order issued by the Commissioner hereunder the insurer or the Commissioner may apply to the Superior Court of the District of Columbia to enjoin any offer, request, invitation, agreement, or acquisition made in contravention of section 4 or any rule, regulation, or order issued by the Commissioner thereunder, to enjoin the voting of any security so acquired, to void any vote of such security already cast at any meeting of shareholders, and for such other equitable relief as the nature of the case and the interests of the insurer's policyholders, creditors, shareholders, or the public may require.

(c) SEQUESTRATION OF VOTING SECURITIES.—In any case where a person has or is proposing to acquire any voting securities in volation of this Act or any rule, regulation, or order issued by the Commissioner hereunder, the Superior Court of the District of Columbia may, on such notice as the court deems appropriate, upon the application of the insurer or the Commissioner seize or sequester any voting securities of the insurer owned directly or indirectly by such person, and issue such orders with respect thereto as may be appropriate to effectuate the provisions of this Act. Notwithstanding any other provisions of law, for the purposes of this Act the situs of the ownership of the securities of domestic insurers shall be deemed to be in the District.

SEC. 11. CRIMINAL PROCEEDINGS.—Whenever it appears to the Commissioner that any insurer or any director, officer, employee, or agent thereof has committed a willful violation of this Act, the Commissioner may cause criminal proceedings to be instituted in the District against such insurer or the responsible director, officer, employee, or agent thereof. Any insurer which willfully violates this Act may be fined not more than $1,000. Any individual who willfully violates this Act may be fined not more than $1,000 or, if such willful violation involves the deliberate perpetration of a fraud upon the Commissioner, imprisoned not more than two years or both.

SEC. 12. RECEIVERSHIP.—Whenever it appears to the Commissioner that any person has committed a violation of this Act which so impairs the financial condition of a domestic insurer as to threaten insolvency or make the further transaction of business by it hazardous to its policyholders, creditors, shareholders, or the public, the Commissioner may proceed as provided under the insurance laws of the District to take possession of the property of such domestic insurer and to conduct the business thereof.

SEC. 13. REVOCATION, SUSPENSION, OR NON-RENEWAL OF INSURER'S LICENSE.—Whenever it appears to the Commissioner that any person has committed a violation of this Act which makes the continued operation of an insurer contrary to the interests of policyholders or the public, the Commissioner may, after giving notice and an opportunity to be heard, suspend, revoke, or refuse to renew such insurer's license or authority to do business in the District for such period as he finds is required for the protection of policyholders or the public. Any such determination shall be accompanied by specific findings of fact and conclusions of law.

SEC. 14. JUDICIAL REVIEW; MANDAMUS.—(a) Any person aggrieved by any act, deter-

mination, rule, regulation, or order or any other action of the Commissioner pursuant to this Act may appeal therefrom to the District of Columbia Court of Appeals, in accordance with the District of Columbia Administrative Procedure Act.

(b) Any person aggrieved by any failure of the Commissioner to act or make a determination required by this Act may petition the Superior Court of the District of Columbia for a writ in the nature of a mandamus or a peremptory mandamus directing the Commissioner to act or make such determination forthwith.

SEC. 15. CONFLICT WITH OTHER LAWS.—All laws and parts of laws of the District inconsistent with this Act are hereby superseded with respect to matters covered by this Act.

SEC. 16. SEPARABILITY OF PROVISIONS.—If any provision of this Act or the application thereof to any person or circumstance is held invalid, the invalidity shall not affect other provisions or applications of this Act which can be given effect without the invalid provision or application, and for this purpose the provisions of this Act are separable.

SEC. 17. EFFECTIVE DATE.—This Act shall take effect thirty days after the date of its enactment.

With the following committee amendment:

On page 15, line 13, immediately after "vote" insert ", or at least 80 percentum of the total combined voting power of all classes of stock of the person in control of the acquiring party entitled to vote".

The amendment was agreed to.

Mr. STUCKEY. Mr. Speaker, I move to strike the last word.

Mr. Speaker, the purpose of H.R. 7218, as set forth in H. Rept. 93–653, is to improve the laws relating to the regulation of insurance companies in the District of Columbia by providing a framework for a District of Columbia insurer to enter a holding company system and to avoid duplication of regulation in every state where the insurer is licensed which has similar legislation. Safeguards included herein will, it is believed, provide adequate protection for policyholders and shareholders so that financial and managerial erosion of their acquired rights are avoided.

NEED FOR THE LEGISLATION

A model bill to regulate insurance holding companies was approved by the National Association of Insurance Commissioners in June, 1969, and is known as the Insurance Holding Company System Regulatory Act. As of January, 1973, thirty-seven states have adopted this model bill with slight variations and modifications which were necessary for compatibility with their Code. H.R. 7218 is the model bill for the District of Columbia Insurance Code with minor changes, and its passage by the Congress has been requested by the D.C. Government.

During the past three decades, there have been major social, economic and political changes which have exerted great influence on the market for insurance and the services which insurance companies can perform for their policyholders and the public. They have given rise to sound and legitimate reasons why some insurance companies have found it advantageous to utilize a holding company operation. The severe restrictions imposed by state statutes applicable to the insurance business have prevented insurers from serving new and changing needs of the insurance buyer and the total economy, particularly in the areas of investment, underwriting and the provisions of a wide spectrum of financial services.

Three major trends have impelled insurers to diversify their activities. The first is the long-term trend of inflation which has accelerated in the past two decades. The second trend is the persistent decline in the underwriting profits of property-liability insurers. And the third is the increased attention of the concept of "one-stop" financial service. To diversify their activities, many insurers have gone to the holding company system.

There are valid and beneficial economic, social and legal advantages that can accrue to many insurers in a holding company system. These advantages would also benefit the policyholders as insurers are able to increase underwriting capacity and to provide a broader spectrum of services. Nevertheless, there should be effective state supervision of insurers in their relationship with holding companies. Such supervision is a proper and natural extension of the responsibility of state regulatory authority to assure, in the public interest, the solvency of the insurer and the protection and fair treatment of policyholders.

The business of insurance has long been recognized as so affected with the public interest as to require extensive and detailed regulation. The objective of insurance regulation is to assure the solvency of the insurer and to protect the interests of the policyholder. H.R. 7218 is a logical extension of this broad regulation.

HISTORY

A public hearing was held on H.R. 7218 on July 16, 1973, by the Subcommittee on Business, Commerce and Taxation. Witnesses in support of the legislation included representatives of the District Government, the Superintendent and the Deputy Superintendent of Insurance, and representatives of five major life insurance companies in the District of Columbia. No opposition to the bill has been received by the Committee.

The enactment of this proposed legislation will involve no added cost to the government of the District of Columbia.

H.R. 7218 was ordered favorably reported, as amended, by voice vote of the full committee on November 5, 1973.

CONCLUSION

This legislation, sought by the District Government, provides satisfactory liberalization of investment laws and procedures to disclose and examine mergers and acquisitions pertaining to D.C. domiciled companies. It also means an administrative relief from duplication of filings and reporting now required of D.C. domiciled companies in other states. Foreign companies, if subject to substantially similar provisions contained in the acts of other states, are exempt. This permits sound and fair development of regulation at the State level.

Foreign companies domiciled in States which have not as yet passed similar legislation will be subject to this Act.

The provisions of the bill will enable the District of Columbia to update its laws and attain the desirable level of holding company insurance regulations now existing in at least 37 States.

As noted in the Commissioner's report below: "Enactment of the proposed 'Holding Company System Regulatory Act' is necessary to discourage migration of local insurance companies from the District, while providing safeguards for the maintenance of a healthy insurance market for the residents of the District of Columbia".

Accordingly, the Committee urges enactment of H.R. 7218, with the clarifying amendment thereto.

Mr. BROYHILL of Virginia. Mr. Speaker, I move to strike the requisite number of words.

Mr. Speaker, H.R. 7218 has the support of the minority. As pointed out by the distinguished gentleman from Georgia (Mr. STUCKEY) this is a model bill for the District of Columbia Insurance Code, patterned after the Insurance Holding Company System Regulatory Act, a model bill which was approved in 1969 by the National Association of Insurance Commissioners and which has now been adopted in 37 States.

The purpose of the bill is to provide controls to be exercised by the District of Columbia Commissioner over presently unregulated mergers or acquisitions of local domestic insurance companies with or by holding companies. This is important in view of the valid and beneficial economic, social, and legal advantages that can accrue to many insurers, and to their policyholders, in a holding company system.

This bill is designed to provide a framework for the control of insurance holding company activities through registration of the insurance company with the District of Columbia and regulation by the District of the insurer's transactions with the other members of the holding company system. Registration in the District will be required only of domestic insurers and those foreign insurers whose States do not have similar legislation. In other words, a system of reciprocity in this respect is established between the District of Columbia and 37 of the States.

The regulatory framework is based upon full and complete disclosure of all significant transactions between an insurer and its parent, subsidiaries, and sister companies.

The bill permits insurers to invest additional amounts in subsidiaries, provided always that remaining surplus is adequate to protect policyholder interests. Tests for determining whether remaining surplus would be adequate are included.

Any person attempting to take control of or to merge with an insurer must disclose to the District of Columbia Superintendent of Insurance relevant information about both himself and the takeover transactions, and the soliciting material must be filed prior to its use. The Superintendent may disapprove any attempted acquisition of or change in control over an insurer if the takeover party cannot satisfy specific standards designed

to protect the interests of policyholders, shareholders, and the public.

H.R. 7218 will thus serve a twofold purpose. First, it will provide a framework for the District of Columbia insurer to enter a holding company system. And secondly, the safeguards that are included will provide adequate protection for the policyholders and the shareholders alike.

Mr. Speaker, I support the bill, and hope that it is adopted.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

AMENDING THE DISTRICT OF COLUMBIA USURY LAWS

Mr. STUCKEY. Mr. Speaker, by direction of the Committee on the District of Columbia, I call up the bill (H.R. 6758) to permit the Capital Yacht Club of the District of Columbia to borrow money without regard to the usury laws of the District of Columbia, and ask unanimous consent that the bill be considered in the House as in Committee of the Whole.

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

There was no objection.

The Clerk read the bill, as follows:

H.R. 6758

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Capital Yacht Club, a District of Columbia nonprofit corporation, shall have the power to borrow money at such rates of interest as the corporation may determine, without regard to the restrictions of any usury law, and shall not plead any statute against usury in any action.

With the following committee amendment:

Strike out all after the enacting clause and insert in lieu thereof the following:

That (a) chapter 33 of title 28 of the District of Columbia Code (relating to interest and usury) is amended by adding at the end thereof the following:

"§ 28–3309. District of Columbia Council Authorized To Exempt Certain Loans and To Change Rates of Interest."

"The District of Columbia Council is authorized from time to time to provide by regulation for (1) the exemption from the provisions of this chapter of any loan or financial transaction, and (2) the change of any interest rate specified in this chapter. The Congress is further authorized to amend or repeal any such regulation at any time, but no such amendment or repeal relating to any exemption made under authority of this section shall affect any such loan or financial transaction lawfully made or entered into while such exemption is in effect."

(b) The chapter analysis for chapter 33 of title 28 of the District of Columbia Code is amended by adding at the end thereof the following item:

"28–3309. District of Columbia Council Authorized To Exempt Certain Loans and To Change Rates of Interest."

SEC. 2. The Capital Yacht Club, a District of Columbia nonprofit corporation, shall have the power to borrow money at such rates of interest as the corporation may determine, without regard to the restrictions of any usury law, and shall not plead any statute against usury in any action.

Mr. STUCKEY. Mr. Speaker, the purposes of the bill (H.R. 6758) as set forth in H. Rept. 93–655 are (a) to provide the District of Columbia Council with authority to amend certain existing laws in the District of Columbia relating to usury; and (b) to permit the Capital Yacht Club of the District of Columbia to borrow money without regard to the usury laws of the District of Columbia.

NEED FOR LEGISLATION

The question of setting or adjusting local interest rate ceilings in the District of Columbia, taking into consideration local market and credit conditions, is a complex matter. Current economic conditions appear to warrant intensive analysis of local interest rates, but with approaching home rule it seems inappropriate for Congress to undertake such a study at this time. This bill, accordingly, accelerates transfer of authority to the District of Columbia Council over the interest rate provisions contained in Chapter 33 of Title 28 of the D.C. Code.

The provisions of Chapter 33 of Title 28 set interest rate ceilings for certain types of mortgages, consumer credit, and other loans. By other provisions of law, loans to profit-making corporations are already exempted from the Chapter 33 provisions. The authority transferred to the Council over chapter 33 by this bill is similar to that given to the Council in 1970 to exempt FHA and VA insured mortgages from interest rate ceilings if the Council determined that changing local conditions made such action necessary.

The provisions of this accelerated transfer of authority in no way are intended to limit the powers which an elected city government could exercise after January 1, 1975, under the home rule bill (S. 1435).

PROVISIONS OF THE BILL

Section 1 authorizes the District of Columbia Council to amend Chapter 33 of Title 28 of the District of Columbia Code, relating to the usury laws in the District.

The usury laws in the District of Columbia do not permit nonprofit corporations domiciled in the District to pay interest on loans at rates in excess of the 8% maximum which, except for certain statutory exemptions, is the legal maximum rate for loans in the District of Columbia at the present time. It is the Committee's understanding that for a substantial period of time, the prime rate of interest for commercial, preferred-risk borrowers has been in excess of 7%. The credit rating of most business corporations does not qualify them for that rate, and so the corporations must borrow funds at higher rates of interest.

It is the intention of the Committee that the District of Columbia Council shall have full authority to change the maximum rate of interest allowed in the city, in order to facilitate the economic and physical development of the District.

Section 2 of the bill permits the Capital Yacht Club of the District of Columbia to borrow funds without regard to the usury laws of the District of Columbia. Profit-making corporations organized or doing business in the District of Columbia are not within the jurisdiction of the District of Columbia usury laws. However, nonprofit corporations domiciled in the District under such statutes are not permitted to pay interest on loans at rates in excess of the present 8% maximum legal rate for borrowing in the District of Columbia.

The maximum interest rates set for the District poses a very serious problem for the Capital Yacht Club of the District of Columbia in that the Club is presently under the obligations of a lease with the District Redevelopment Land Agency to construct a new clubhouse and to expand its marina within an urban renewal area of the city. The Corporation has negotiated a loan for the construction of its facilities at a rate in excess of the maximum permissible rates of interest for the District of Columbia. The need for authorization of the Yacht Club Corporation to accept the loan without regard to the usury rate in the District is critical, because if the corporation does not fulfill its lease obligations to construct its clubhouse and marina, it may be faced with cancellation of its lease by the Redevelopment Land Agency.

The language of Section 2 of H.R. 6758 has the effect of assuring that a loan can be obtained at an interest rate mutually agreed upon by the lender and the borrower.

It also contains language which will assure that the District cannot bring action charging any lender of funds to the corporation with exceeding the legal rate of interest that is provided in the District of Columbia usury statutes (D.C. Code, Tit. 28, Sec. 3301). The latter language is essential to protect a lending institution which makes loans to organizations that are exempted from the application of the usury laws and is identical to provisions of the D.C. Business Corporation Act (77 Stat. 136; D.C. Code, Tit. 29, Sec. 904 (h)).

HISTORY

Hearings were held by the Subcommittee on Business, Commerce and Taxation on H.R. 2524, the original bill, on April 5, 1973. Witnesses were Members of Congress, representatives of the Capital Yacht Club, and of the D.C. Government. The bill was amended in accordance with the District's recommendations by the Subcommittee in executive session and a clean bill, H.R. 6758, was introduced and approved.

In view of the current economic conditions and the tight money market, particularly in the mortgage lending field, numerous representations have been made to the full Committee as to the necessity of enacting legislation to authorize borrowing at rates in excess of the 8% legal rate for loans in the District at the present time.

Because of the imminency of final approval of the legislation for D.C. self-government and government reorganization, the Committee added a new section to H.R. 6758 to give the D.C. Council authority to amend the D.C. Code provisions relating to usury, thus putting the responsibility and the granting of relief in the hands of the local city government, where they belong.

The enactment of this proposed legislation will involve no added cost to the government of the District of Columbia.

H.R. 6758, as amended, was ordered favorably reported by a voice vote of the full Committee on November 5, 1973.

CONCLUSION

The citizens of the District of Columbia are facing a crisis, in that many such citizens have been unable to borrow money within the present 8% limitation imposed by Title 28, Section 3301 of the D.C. Code. Similarly, the Capital Yacht Club is facing an even more immediate crisis which, if not alleviated by Congressional action, may force the cancellation of the leases between the Yacht Club and the District of Columbia Redevelopment Land Agency. Such cancellation would thwart the intent of Congress in providing for a master design applicable to the Washington waterfront.

For these reasons, and those indicated above, the Committee recommends enactment of H.R. 6758.

REPORT OF THE DISTRICT GOVERNMENT

The Commissioner of the District of Columbia in his report dated November 8, 1973, supports H.R. 6758 as reported to the House.

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

Mr. STUCKY. Mr. Speaker, I yield to the gentleman from Maryland (Mr. GUDE).

Mr. GUDE. I thank the chairman for yielding.

Mr. Speaker, the Capital Yacht Club has been serving the local area since 1892. In addition to the service it provides its members and transient watercraft, it also teaches safe boating principles to young Sea Scouts, members of the Coast Guard Auxiliary and other groups interested in safety at sea. It, along with other facilities, is important as one of the general recreation-business establishments of the Washington area. Its membership is open to all persons without regard to race or creed.

Pursuant to its contract with the D.C. Redevelopment Land Agency—RLA—the Capitol Yacht Club plans to construct a new clubhouse and marina on Southwest Waterfront Site E of Southwest Urban Renewal Area Project C.

To do so the yacht club requires an exemption from the usury laws of the District of Columbia which now penalize a lender who lends money in excess of 8 percent interest to a nonprofit corporation. Although the Yacht Club is a nonprofit corporation I do not believe it requires nor does it need the protection which the law has extended to such organizations.

During the 91st Congress, Private Law 91–185 was approved to allow George Washington University to borrow funds necessary to complete its building program.

I feel that the Capital Yacht Club should be granted similar relief so that it can complete its financial arrangements for construction. The club is fully capable of protecting its business interests, just as George Washington University was in 1970 when Congress considered its case.

These two situations indicate that the appropriate District of Columbia Code provisions relating to the powers exercised by nonprofit corporations should be reviewed. To delay the exemption for the yacht club would, however, be a great hardship and would further delay the construction of its much needed facility.

Mr. MAZZOLI. Mr. Speaker, I move to strike the requisite number of words.

Mr. Speaker, it is with no little hesitation and restraint that I take the floor because I am arguing against a bill that has been shepherded by my good friend, the gentleman from Maryland, and my good friend, the gentleman from California, but I must do so. This dates back to an early point in my political career when in the Kentucky State Senate we were faced with the very same problem of raising the interest rate ceiling beyond what the State assembly felt was the usurious rate limit. We were lobbied quite actively and energetically by the special interests. Ultimately there was a reasonable agreement struck, but this Member opposed raising the ceiling on interest rates beyond the legal rate existing at that time.

I have filed in the report, for those Members who care to read them, individual views. At the time I filed them, I had not fully made up my mind whether I would oppose the bill or simply add what little bit of wisdom might be in there for the Members' consideration. Subsequently I have decided to oppose the bill and to vote against it in its present form.

Mr. Speaker, I was fully prepared to support the gentleman from Maryland in his quest to have the yacht club protected, and I was fully prepared to accept their ability to go on the market and pay whatever rate they could negotiate, but all of a sudden during the course of the meeting, without any hearings that I was aware of, Mr. Speaker, without any testimony that I was aware of, the motion was made and the amendment subsequently carried to remove the usury rate ceiling subject to the decision of the City Council.

I am one—and I have said in my individual views, Mr. Speaker—who typically feels that where possible we should yield to the District Council to make its mind up. But, in the present situation, where we lack full-fledged home rule, it seems to me that the potential for mischief and overreaching of the average homeowner and the average borrower of the District of Columbia is so tremendous that I feel it would ill serve this House to provide the tools and the mechanism for such possible avarice and greed to take the form of high interest rates on the part of the individual.

The gentleman from Virginia had originally proposed, Mr. Speaker, a $1 million limit beyond which no usury would be effective, under which usury would be effective, and I was prepared to support that, but I just simply cannot support at this time a bill which, without any hearings at any time that I am aware of, and without paving and laying the groundwork carefully, would allow this to take place.

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

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

Mr. GUDE. Mr. Speaker, I understand the gentleman's sentiments. I think they are directed to the amendment to the original bill. The gentleman has no quarrel with the original legislation, the specific exemption?

Mr. MAZZOLI. No. I think the bill as it is drafted has that proviso in it.

Mr. GUDE. That amendment would have to be offered on the floor, I believe.

Mr. MAZZOLI. I understand that amendment has yet to be offered. I have already said my piece and I will not take the time of the House to speak again, but certainly if it is to be offered I would oppose the offering of the amendment. My information is that it is incorporated in this bill and would remove all usury rates on loans to all borrowers.

Mr. BROYHILL of Virginia. Mr. Speaker, I move to strike the last word.

Mr. Speaker, I regret that the gentleman from Kentucky is opposing the bill as amended by the committee.

This bill is designed to bring about long-needed revision of the laws pertaining to usury in the District of Columbia.

The first section of the bill, as amended and reported by the committee, would authorize the District of Columbia. Council to amend the existing District of Columbia. Usury Act (D.C. Code, section 28–3301 et seq.).

The most recent and far-reaching amendments to the District of Columbia. Usury Act were enacted by the Congress in 1971, as Public Law 92–200. These amendments retained the existing ceiling of 6 percent interest on verbal contracts, as well as the existing limit of 8 percent interest on "instruments in writing", which includes bonds, bills, and promissory notes. Exception to this 8 percent limitation was added, however, in the case of finance charge or interest on direct installment loans not exceeding $25,000 and also on direct motor vehicle installment loans. A ceiling of 11.5 percent per annum on the unpaid balance was imposed on the interest or finance charge in the case of these two types of loans.

Also in that law, interest rates on revolving charge accounts were limited to 1.5 percent per month or 18 percent per annum on balances of $500 or less, and to 1 percent per month or 12 percent per annum on balances greater than $500.

In addition, Public Law 92–200 authorized the District of Columbia. Council to provide by regulation for the exemption from the usury laws of all VA and FHA mortgage loans in the District. This provision proved to be timely indeed, as the District of Columbia Council acted promptly upon this authority, as a result of which such loans in the District of Columbia are exempted from the city's usury laws—and in fact represent the only substantial amount of mortgage money presently available in the District.

It should be mentioned at this point that corporations in the District of Columbia may borrow without limitation by the District of Columbia Usury Act. Section 29–904(h) of the District of Columbia Code provides that corporations in the District may "borrow money at such rates of interest as the corporation may determine without regard to the restrictions of any usury law". Also, however, under District of Columbia law no

corporation may plead any statutes against usury in any action to avoid payment of interest for which it has contracted.

At the present time, the remaining areas of most serious difficulty with respect to the operation of the District of Columbia Usury Act are twofold. First, those persons in the District who cannot qualify for mortgage loans under VA or FHA simply cannot obtain financing for the purchase of homes, because of the 8 percent ceiling imposed upon the interest rates for such loans from private sources. And second, a very serious problem also exists in the area of large commercial loans to noncorporate borrowers. The situation in regard to both of these categories of potential borrowers is simply that with the prime interest rate presently in excess of 9 percent, 8 percent mortgage money does not exist, in the District of Columbia or anywhere else as far as I am aware.

This problem is the more acute in the District of Columbia because the usury laws in the neighboring States are more lenient and realistic. For example, both Maryland and Virginia have amended their usury laws in recent years to exclude from their application certain commercial transactions by business or commercial organizations. Maryland law, in fact, now provides an exemption from that State's usury statutes for all loans in excess of $5,000.

While this comparative situation has been improved somewhat by the amendments to the District of Columbia Usury Act enacted in 1971, which I have referred to above, the present problem with regard to mortgage loans and large commercial loans continues to militate against the economic health of the District of Columbia. The housing market in the District has stagnated, and large commercial construction in the city is likewise at a virtual standstill, while both of these elements of the economy are booming in nearby Virginia and Maryland.

Nothing is going to solve this most serious problem except some realistic, forward-looking changes in the District of Columbia usury law. It is sheer folly to maintain an inflexible 8-percent ceiling on mortgage and certain other loans, ostensibly for the purpose of protecting the citizens and businessmen in the city from exorbitant rates of interest, when the only result is to deny such potential borrowers access to any loan funding whatever. Some upward adjustment of this 8-percent limitation as it applies to these vital economic areas will make it possible for citizens in the District of Columbia once again to purchase homes, and also will result in an immediate upsurge in commercial construction in the city. The result will be increased tax revenues to the city and a marked improvement in the city's overall economy.

I favor the approach to this problem embodied in H.R. 6758, which is to authorize the D.C. Council to amend the District of Columbia Usury Act, rather than direct amendments to the statute by the Congress itself, for several reasons. In the first place, under the provisions of the District of Columbia Home Rule bill which is presently in its final legislative stages, the Council will acquire this authority in another year anyway, and I feel it highly appropriate that we "jump the gun" in this particular area where legislative action is badly needed, and grant them this authority now. Also, I was pleased that the Council acted promptly in the exercise of the authority we granted them 2 years ago with respect to VA and FHA loans in the District, to the benefit of a great many residents of the city.

Section 2 of the bill would permit the Capital Yacht Club here in the District of Columbia to borrow money without regard to the District of Columbia usury laws, or at an interest rate higher than 8 percent. It is further provided that the yacht club, a nonprofit corporation, shall not plead any statute against usury in any action in connection with such a loan. Nonprofit corporations in the District are not exempted from the limitations of the District of Columbia Usury Act, as are other corporations.

The Capital Yacht Club has been a landmark on the District of Columbia waterfront for the past 80 years. Several years ago, however, their clubhouse and all of their parking facilities were taken by the District of Columbia Redevelopment Land Agency and demolished, and much of the club's riparian area was filled over with a large deck, all as a part of RLA's plan for redevelopment of the waterfront area.

The Capital Yacht Club submitted an offer and was selected by RLA to build a new yacht club adjacent to the new Flagship restaurant. Under the terms of the yacht club's 99-year leasehold agreement with RLA, the club was obligated to construct a clubhouse on the site, and also to develop a marina for the principal use of its members, but with access by the transient boating public to certain portions thereof.

The yacht club succeeded in securing a loan of $300,000 at 8 percent interest for the construction of the clubhouse, which I understand has now been completed. However, the club has more than $50,000 of additional outstanding obligations which are not covered by this construction loan, incident to the overall development of the facilities, including the marina. For this reason, they are seeking to borrow this additional amount as a part of the permanent loan, which would thus total $350,000. Under present fiscal conditions, however, they have found it impossible to obtain this expanded loan within the 8 percent interest limit imposed by the District of Columbia Usury Act. The company which advanced the $300,000 construction loan, however, has made a commitment of the $350,000 sought at 9 percent interest.

Thus, the Capital Yacht Club must depend upon this proposed legislation, which in effect will enable them to accept this loan offer, in order to remain in existence.

There is precedent for this section of H.R. 6758, since in 1970 the Congress enacted identical legislation permitting George Washington University to borrow money without regard to the District of Columbia Usury Act, in similar circumstances.

This Capital Yacht Club has been an important part of the District of Columbia waterfront for many years. Its clubhouse has been the scene of Coast Guard Auxiliary and Sea Scout meetings, courses, and lectures on seamanship, and has otherwise been a focal point for civic events of the District, such as the annual President's Cup Regatta.

Their need is immediate, and for this reason cannot await the amending process to the usury laws which is the principal goal of this bill. Certainly we should not permit this fine organization to be forced out of existence for lack of this permission to accept the loan which is essential for their continuance.

Mr. Speaker, again I urge favorable action of this important measure. The District of Columbia Council is aware of this pending legislation, and I trust that they are already laying the groundwork for coming to grips with this serious problem of interest rates in the city, and I am confident that prompt and judicious action on their part will prove invaluable to the economic well-being of the District of Columbia.

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

Mr. BROYHILL of Virginia. I yield to the gentleman from Kentucky.

Mr. MAZZOLI. Mr. Speaker, I certainly support the feeling of the gentleman in trying to help the single home purchaser on his loans. I do not believe we should undertake removal of all usury rates and the congressional edict on what constitutes usury and allow the District of Columbia to take over that point. I would allow the D.C. Government to use this in good judgment, but as I said the potential for mischief overreaches too far for me to go all the way with the gentleman.

Where are the hearings on that portion of the bill that deal with the removal of the usury laws? Were there hearings?

Mr. BROYHILL of Virginia. There were no public hearings held on the amendment itself but we had discussed it in the full committee and the subcommittee. As the gentleman will recall I think the amendment was adopted overwhelmingly. I think the gentleman from Kentucky was the only Member who voted against the amendment.

Frankly, we have to do something. We are being totally unrealistic, unless we do something for these individuals. If they cannot foot 9 percent or 10 percent, what we have done is passed the buck over to the District of Columbia Assembly, the same as we did in 1971.

Mr. STUCKEY. Mr. Speaker, I move to strike the last word.

I think if the gentleman would take a look at the bill, really all this amendment is doing is expediting what the Home Rule bill will do. As far as hearings having been held on it, the gentleman is quite correct. On this bill there were no hearings held on this particular amendment; however, under the Home Rule bill there were extensive hearings held relating to the usury laws; so that the part the gentleman is objecting to is

simply a matter of time until an elected City Council has this authority.

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

Mr. STUCKEY. I yield to the gentleman from Kentucky.

Mr. MAZZOLI. I certainly share the gentleman's desire to see a full Home Rule bill; but pending the adoption of the conference report and the signature of the President on the Home Rule bill, we have appointed local government. I do not know that it is wise to vest the appointed local government with the right to set what could be disastrous rate limits for the average homeowner, the average borrower, who does not have the leverage of a yacht club, that can come into the Congress to have bills passed for their own special interests, that does not have the leverage of the large borrower to negotiate rates.

The individual could be basically held up for the rest of his natural productive life if we are not careful here. That is why I do not think that such profound power should be in the hands of local government.

Mr. BROYHILL of Virginia. Mr. Speaker, will the gentleman yield?

Mr. STUCKEY. If I have the floor, I will yield.

Mr. BROYHILL of Virginia. The gentleman from Kentucky is aware of the fact that first mortgages are now based on more than 8 percent.

The gentleman is further aware that no homeowner can borrow under the present usuary rates, because all first mortgages are in excess of 8 percent; so what would the gentleman suggest that Congress do, or the District Committee do; what does he suggest now to do when it is in excess of 8 percent?

Mr. MAZZOLI. If the gentleman will yield further, the solution would be to have hearings on the bill and to see what the so-called experts might say on the rule or the limitation, which is exceeded by artifice.

Mr. BROYHILL of Virginia. The main result would necessitate an increase in the usury rates.

Mr. MAZZOLI. Well, does the gentleman propose that without the benefit of hearings?

Mr. BROYHILL of Virginia. The House is not going to act on it directly to set the rates themselves, but send it over to the Administrative Council that has jurisdiction over that matter.

The SPEAKER. The time of the gentleman from Georgia has expired.

Mr. REES. Mr. Speaker, I rise to speak in favor of the bill in its present form as amended by the committee.

Part of the problem, if Members will look at this, this is an exemption under title 28 of the District of Columbia Code, and that is the usury statute. This is the statute that has many exemptions. That is the problem with many usury statutes, that they have exemptions all over them.

This is a very minor thing. This is to allow the yacht club to be exempt from the usury statute.

Now, if we want to drive Congress crazy and drive the District of Columbia Committee crazy, we will have every single organization that wants to have an exemption from the usury statute coming in here and asking for special consideration.

Mr. BROYHILL had a bill up involving all loans of more than $1 million for the noncorporate borrower. I supported that, because if a person is in business and is going to spend $1 million, he knows something about the cost of money.

The usury law is to protect poor people, but in this bill we are not talking about poor people, because poor people buy under FHA and VA, and under title 28 of the District Code, these are exempt.

If a person wants to buy VA or FHA in the District, he can pay 8, 9, 10, 11, 12 percent, whatever is approved by the FHA or VA, but let us say that a person in the $25,000 income bracket wants to buy a house costing $55,000; he cannot do that in the District of Columbia because there are no 8-percent loans around.

We also find the same problem in commercial development in the District of Columbia. If a person wishes to improve his property or purchase property, and the transaction is a heavy one, let us say in the investor or business area where there is a $10 million loan, he cannot do it under the present usury statute of the District of Columbia.

Mr. Speaker, it was our feeling in the committee that instead of dealing with every little petition, the Capitol Yacht Club or whoever might be coming down the line tomorrow, that we give to the District of Columbia Council and to the mayor the power to amend the law dealing with the District of Columbia so that these minor, technical aspects are not before the District Committee or before the Congress of the United States. I think we have far greater things to deal with in this Congress.

One of the reasons I offered the amendment to give this power to the District of Columbia is because there is certainly precedent for this. This has been done continually by the District Committee. We have given the Council more and more power so that it can take care of more of the day-to-day work of the District of Columbia, and especially that work which deals with the things that may not be flexible, such as interest rates of the United States or the District of Columbia.

For that reason, I think the bill in its present form is an excellent bill. It certainly ties into the spirit of home rule in letting the people of the District figure out what they think a reasonable interest rate might be.

The SPEAKER. The question is on the committee amendment.

The question was taken; and the Speaker being in doubt, on a division, there were—ayes 18, noes 5.

So the amendment was agreed to.

The SPEAKER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

The title was amended so as to read: "A bill to amend Chapter 33 of Title 28 of the District of Columbia Code, relating to usury, and for other purposes."

A motion to reconsider was laid on the table.

AMENDING THE DISTRICT OF COLUMBIA MINIMUM WAGE ACT

Mr. STUCKEY. Mr. Speaker, by direction of the Committee on the District of Columbia, I call up the bill (H.R. 10806) to amend the District of Columbia Minimum Wage Act so as to enable airline employees to exchange days at regular rates of compensation, and for other purposes, and ask unanimous consent that the bill be considered in the House as in Committee of the Whole.

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

There was no objection.

The Clerk read the bill, as follows:

H.R. 10806

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 4(b) of the District of Columbia Minimum Wage Act (D.C. Code, sec. 36–404 (b)) is amended by:

(1) striking the word "or" following the semicolon in subparagraph (4):

(2) striking the period at the end of subparagraph (5) and inserting in lieu thereof "; or";

(3) inserting after subparagraph (5) the following new subparagraph:

"(6) any employee employed by a carrier by air who voluntarily exchanges workdays with another employee for the primary purpose of utilizing air travel benefits available to such employees.".

Mr. STUCKEY. Mr. Speaker, I move to strike the last word.

Mr. Speaker, the purpose of H.R. 10806, as set forth in H. Rept. 93–656, is to amend the District of Columbia Minimum Wage Act in order to allow airline employees to engage in the practice known in the industry as "day trading."

NEED FOR THE LEGISLATION

Existing law (D.C. Code, Title 36, Sec. 403(b(1)(B) prohibits the employment of any employee for a work week in excess of 40 hours, unless the employee receives overtime compensation at a rate not less than 1½ times the regular rate for hours worked in excess of such 40 hours. The bill would exempt airline employees from such provisions in much the same manner as railroad employees are currently exempted.

The change in the law is important to airline employees in order to permit them to engage in the practice of "day trading." "Day trading" allows an employee to accumulate a number of successive days off, in addition to the two regular days off each week, by voluntarily working more than five days in succession. This permits the employee to take full advantage of the right to reduced-rate air travel on days off, which most airlines include as a standard fringe benefit to their employees. Airlines have always permitted their employees to day trade with the understanding that hours voluntarily worked in excess of 40 hours a week will not result in overtime pay as long as the average over the course of the year does not exceed 40 hours.

The District of Columbia is the only jurisdiction in the country which now restricts the practice. The only way to correct this inequity is through the legislative process.

PROVISIONS OF THE BILL

The bill provides an amendment to present law (D.C. Code, Tit. 36, Section 404(b)). This section provides for specific exemptions of certain employees from the minimum wage and overtime provisions of Title 36, Section 403. The bill provides that employees employed by a carrier by air who voluntarily exchange work days with another employee for the primary purpose of utilizing air travel benefits available to such employees shall not be subject to the overtime provisions of said Title 36, Section 403.

HISTORY

On November 1, 1973, a public hearing on H.R. 10806 was held by the Subcommittee on Business, Commerce and Taxation. Witnesses in support of the legislation included representatives of the D.C. Minimum Wage Board, the International Brotherhood of Teamsters, and airline officials. Letters in support of H.R. 10806 were supplied for the record from Senator WILLIAM PROXMIRE and from certain airlines.

H.R. 10806 was approved and ordered favorably reported to the House by voice vote of the full committee on November 5, 1973.

The enactment of the bill will entail no added cost to the government of the District of Columbia.

The District Government has no objection to the passage of the bill.

Mr. BROYHILL of Virginia. Mr. Speaker, I move to strike the requisite number of words.

Mr. Speaker, The purpose of this bill is to resolve certain ambiguities in the District of Columbia Minimum Wage Act so as to enable airline employees in the District to exchange days at regular rates of compensation, and thus to enjoy more fully day-trade benefits which are allowed to airline employees in other States.

In the airline industry, employees enjoy a "fringe benefit" of air travel for themselves and their immediate families, either free of charge or at greatly reduced fares. In order to avail themselves of this opportunity for travel, such employees sometimes find it advantageous to trade work days among themselves, so that they may work more than 40 hours 1 week in exchange for some extra time off the following week so that they may take a trip of several days' duration. This practice is known as "day trading," and is the only practical means by which airline employees can use their opportunity for travel to far-off places.

Under present District of Columbia law, however, this modification of work schedule through day-trading is frustrated because section 36–403 of the District of Columbia Code requires that airline employees, with several exceptions, must be paid at an overtime rate for work in excess of 40 hours in any workweek. While all the airlines wish to offer the benefits of day-trading to their employees here in the District of Columbia, they cannot afford to pay overtime wages accruing under such a voluntary arrangement.

The employees who have thus been denied this most attractive fringe benefit which is enjoyed by airline personnel in every other State in the country are the officeworkers, maintenance personnel, and other employees aside from the plans crews themselves.

H.R. 10806 will solve this problem by amending the District of Columbia Minimum Wage Act to provide that any employee of a carrier by air who voluntarily exchanges workdays with another employee for the primary purpose of utilizing air travel benefits available to such employees shall not be covered by the overtime provisions of that act.

Not only is this exclusion from overtime pay provided for airline employees in the other States, but it is provided in the District of Columbia for seamen and railroad employees. Thus, the airline employees in the District alone are being discriminated against.

I am advised that the enactment of this proposed legislation is endorsed by all the airlines operating in the District of Columbia, as well as the District of Columbia Minimum Wage Board and the union to which may of these employees belong. As far as I am aware, there is no opposition to the measure.

I urge the support of my colleagues for this bill, which I am convinced will be beneficial to everyone concerned.

Mr. STARK. Mr. Speaker, I move to strike the requisite number of words.

Mr. Speaker, I rise to speak in favor of H.R. 10806. The bill was introduced jointly at the request of the airline companies, the unions, and employees of airline reservation offices in the District and has been agreed to by the Minimum Wage Board of the District of Columbia government.

It basically rights an inequity which prevents airline employees who work in the District of Columbia from receiving their travel benefits because of a provision which prohibits them from trading days off on strictly voluntary basis.

This will have the effect of allowing employees who work for airlines within the District of Columbia to receive the same benefits as airline employees in the other 50 States. It will provide an atmosphere in which airlines might be expected to expand their employment in the District if their employees will not be discriminated against.

Mr. Speaker, I urge the adoption of the bill.

Mr. BROYHILL of Virginia. Mr. Speaker, will the gentleman yield?

Mr. STARK. I yield to the gentleman from Virginia.

Mr. BROYHILL of Virginia. Mr. Speaker, I am pleased to associate myself with the remarks made by the gentleman from California.

The minority is pleased to support this legislation, and I am aware of no opposition to the bill. The airlines support this bill on behalf of their employees' welfare, and the unions also endorse the measure.

The District of Columbia government approves the bill also, and I urge the adoption of this legislation.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

AUTHORIZING SUBSIDY PAYMENTS FOR CHILD ADOPTION

Mr. STUCKEY. Mr. Speaker, by direction of the Committee on the District of Columbia, I call up the bill (H.R. 11238), to amend the act of March 16, 1926—relating to the Board of Public Welfare in the District of Columbia—to provide for an improved system of adoption of children in the District of Columbia, and for other purposes, and ask unanimous consent that the bill be considered in the House as in Committee of the Whole.

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

There was no objection.

The Clerk read the bill, as follows:

H.R. 11238

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) sections 11 and 12 of the Act entitled "An Act to establish a Board of Public Welfare in and for the District of Columbia, to determine its functions, and for other purposes", approved March 16, 1926 (D.C. Code, secs. 3—114 and 3–115), are each amended to read as follows:

"SEC. 11. The Commissioner of the District of Columbia (hereinafter referred to as the 'Commissioner') may

"(1) make temporary provision for the care of children pending investigation of their status;

"(2) have the care and legal guardianship, including the power to consent to or arrange for adoption in appropriate cases, of

"(A) children who may be committed to the Commissioner as wards of the District of Columbia by courts of competent jurisdiction; and

"(B) children who are relinquished by their parents to the Commissioner or whose relinquishment is transferred to the Commissioner by a licensed child placing agency under section 6 of the Act entitled 'An act to regulate the placing of children in family homes, and for other purposes', approved April 22, 1944 (D.C. Code, sec. 32—786); and

"(3) make such provision for the care and maintenance of such children in private homes, under contract, including adoption subsidy pursuant to section 12 of this Act (D.C. Code, sec. 3—115), or in public or private institutions, as the welfare of such children may require; and

"(4) provide care and maintenance for substantially retarded children who may be received upon application or upon court commitment, in institutions or homes or other facilities equipped to receive them, with in or without the District of Columbia.

The Commissioner shall cause the wards of the District of Columbia placed out under temporary care to be visited as often as may be required to safeguard their welfare.

"SEC. 12. (a) Except as provided in subsection (f), the Commissioner may conclude arrangements with persons or institutions at such rates as may be agreed upon.

"(b)(1) The Commissioner may make adoption subsidy payments to an adoptive family (irrespective of the State of residence of the family), as needed, on behalf of a child with special needs, where such child would in all likelihood go without adoption except for the acceptance of the child as a member of the adoptive family, and where the adoptive family has the capability of providing the permanent family relation-

ships needed by such child in all areas except financial, as determined by the Commissioner. Subsidy payments may be made under this section only pursuant to a subsidy payment agreement entered into by the Commissioner and the adoptive parents concerned prior to completion of the adoptive process, but subsidy payments may be made before such adoption becomes final.

"(2) For the purposes of this subsection—

"(A) The term 'child with special needs' includes any child who is difficult to place in adoption because of age, race, or ethnic background, physical or mental condition, or membership in a sibling group which should be placed together. A child for whom an adoptive placement has not been made within six months after he is legally available for adoptive placement shall be considered a child with special needs within the meaning of this section.

"(B) The term 'adoptive family' includes single persons.

"(c) Any public agency, licensed child placing agency, having a child with special needs in foster care or institutional care, or any foster parent having such a child in his home may recommend to the Commissioner a subsidy for the adoption of such child, and may include in the recommendation advice as to the appropriate level of payments and any other information likely to assist the Commissioner in carrying out the provisions of this section. The Commissioner shall make the determination as to whether or not an appropriate adoptive home exists for the child, but in so doing the Commissioner shall refer to the recommendations of the referring agency. If the Commissioner concludes that the child referred is a child with special needs within the meaning of this section, and that an appropritae adoptive home exists for the child, the Commissioner is authorized to enter into a tentative adoption subsidy agreement with the prospective adoptive family, and upon entering into such an agreement with the Commissioner may accept a transfer of relinquishment of parental rights from the referring agency pursuant to section 6 of the Act entitled 'An Act to regulate the placing of children in family homes, and for other purposes', approved April 22, 1944 (D.C. Code, sec. 32–786).

"(d) If a child in the custody of the Commissioner or a licensed child placing agency has been in foster care or institutional care for as least six months after the child is considered legally available for adoptive placement, the Commissioner or agency shall inform the family or institution providing care of the possibility of financial aid for adoption under this section. If the family caring for the prospective adoptee applies to the Commissioner for adoption of the child, and if it appears to the Commissioner after study that the family would be an appropriate adoptive family for the child but for the family's economic inability to meet the child's needs, the Commissioner shall enter into a tentative agreement with the family concerning the amount and duration of a proposed subsidy in the event the child is placed for adoption with that family. Thereafter the Commissioner may accept a transfer of relinquishment of parental rights from the referring agency in appropriate cases. The Commissioner shall in all cases take all steps necessary to assist the family in completing the legal and procedural requirements necessary to effectuate the adoption, including payment for legal fees and court costs.

"(e) The amount and duration of adoption subsidy payments may vary according to the special needs of the child, and may include maintenance costs, medical, dental, and surgical expenses, psychiatric and psychological expenses, and other costs necessary for his care and well-being. A subsidy may be paid on a long-term basis to help a family whose income is limited and is likely to remain so; on a time-limited basis to help a family meet the cost of integrating a child into the family over a specified period of time; or on a special services basis to help a family meet a specific anticipated expense or expenses when no other resource appears to be available. Eligibility for payments shall continue until the child reaches eighteen years of age.

"(f) The Commissioner is authorized to make payments under this section from appropriations for the care of children in foster homes and institutions, and to seek and accept funds from other sources including Federal, private, and other public funding sources, to carry out the purposes of this section. The amount expended by the Commissioner for any subsidy may not exceed the highest amount the Commissioner would be authorized to spend in providing or securing support and special services for the child if the child were in the legal custody of the Commissioner. There are authorized to be appropriated such sums as are necessary to carry out the purposes of this section.

"(g) No adoption subsidy payment be made on behalf of any child with respect to whom an adoption decree has been entered by the Superior Court of the District of Columbia, pursuant to chapter 3 of title 16 of the District of Columbia Code, prior to the effective date of this section.

"(h) Once during each calendar year the Commissioner shall review the need for continuing each family's subsidy. At the time of such review and at other times during the year when changed conditions, including variations in medical opinions, prognosis, and costs are deemed by the Commissioner to warrant such action, appropriate adjustments in payments shall be made based upon changes in the needs of the child. Any parent who is a party to a subsidy agreement may at any time in writing request, for reasons set forth in the request, a review of the amount of any payment or the level of continuing payments. Such review shall be begun not later than thirty days from the receipt of the request. Any adjustment may be made retroactive to the date the request was received by the Commissioner. If the request is not acted on within thirty days after it has been received by the Commissioner, or if the Commissioner modifies or terminates an agreement without the concurrence of all parties, any party to the agreement shall be entitled to a hearing under the applicable provisions of the District of Columbia Administrative Procedure Act (D.C. Code, secs. 1–1501—1–1510).

"(i) The Commissioner shall keep such records as are necessary to evaluate the effectiveness of adoption subsidy as a means of encouraging and promoting the adoption of children with special needs. The Commissioner shall make an annual progress report which shall be open to public inspection. The report shall include, but not to be limited to—

"(1) the number of children placed in adoptive homes under subsidy agreements during the year preceding the annual report and the major characteristics of the children placed; and

"(2) the number of chidren currently in foster care with the Commissioner for six months or more, and the legal status of those children.

The Commissioner shall disseminate information to prospective adoptive families as to the availability of adoptable children and of the existence of aid to families who qualify for a subsidy under this section.

"(j) All rules and regulations adopted by the Commissioner pursuant to this Act shall be published in the District of Columbia Register as required by section 6 of the District of Columbia Administrative Procedure Act (D.C. Code, sec. 1–1505).".

(b) Section 14 of such Act (D.C. Code, sec. 3–117) is amended to read as follows:

"SEC. 14. The Commissioner may—

"(1) accept for care, custody, and guardianship dependent or neglected children whose custody or parental control has been transferred to the Commissioner, and to provide for the care and support of such children during their minority or during the term of their commitment, including the initiation of adoption proceedings and the provision of subsidy in appropriate cases under section 12 of this Act (D.C. Code, sec. 3–115);

"(2) with respect to all children accepted by him for care, place them in private families either without expense or with reimbursement for the cost of care, or in appropriate cases to place them in private families under an adoption subsidy agreement concluded under section 12 of this Act (D.C. Code, sec. 3–115) or to place them in institutions willing to receive them either without expense or with reimbursement for the cost of care; and

"(3) consent to arrange for or initiate court proceedings for the adoption of all children committed to the care of the Commissioner whose parents have been permanently deprived of custody by court order, or whose parents have relinquished a child to the Commissioner or to a licensed child-placing agency which has transferred the relinquishment to the Commissioner under section 6 of the Act entitled 'An Act to regulate the placing of children in family homes, and for other purposes', approved April 22, 1944 (D.C. Code, sec. 32–786).".

SEC. 2. (a) Section 307(b)(1)(D) of title 16 of the District of Columbia Code is amended by inserting immediately after "should have knowledge" the following: ", including the existence and terms of a tentative adoption subsidy agreement entered into prior to the filing of the adoption petition under section 12 of the Act of March 16, 1926 (D.C. Code, sec. 3–115)".

(b) Section 309(b) of title 16 of the District of Columbia Code is amended by adding at the end thereof the following new sentence: "In determining whether the petitioner will be able to give the prospective adoptee a proper home and education, the court shall give due consideration to any assurance by the Commissioner that he will provide or contribute funds for the necessary maintenance or medical care of the prospective adoptee under an adoption subsidy agreement under section 12 of the Act of March 16, 1926".

SEC. 3. The amendments made by this Act shall take effect at the end of the ninety-day period beginning on the date of enactment of this Act.

With the following committee amendment:

Strike out all after the enacting clause and insert the following:

That (a)(1) section 11 of the Act entitled "An Act to establish a Board of Public Welfare in and for the District of Columbia, to determine its functions, and for other purposes", approved March 16, 1926 (D.C. Code, sec. 3–114), is amended to read as follows:

"SEC. 11. The Commissioner of the District of Columbia (hereinafter referred to as the 'Commissioner') may—

"(1) make temporary provision for the care of children pending investigation of their status;

"(2) have the care and legal guardianship, including the power to consent to or arrange for adoption in appropriate cases, of—

"(A) children who may be committed to the Commissioner as wards of the District of Columbia by courts of competent jurisdiction; and

"(B) children who are relinquished by their parents to the Commissioner or whose relinquishment is transferred to the Commissioner by a licensed child-placing agency under section 6 of the Act entitled 'An Act to

regulate the placing of children in family homes, and for other purposes', approved April 22, 1944 (D.C. Code, sec. 32–786); and

"(3) make such provision for the care and maintenance of such children in private homes, under contract, including adoption subsidy pursuant to section 3 of the Act of July 26, 1892 (D.C. Code, sec. 3–115), or in public or private institutions, as the welfare of such children may require; and

"(4) provide care and maintenance for substantially retarded children who may be received upon application or upon court commitment, in institutions or homes or other facilities equipped to receive them, within or without the District of Columbia.

The Commissioner shall cause the wards of the District of Columbia placed out under temporary care to be visited as often as may be required to safeguard their welfare.

(2) Section 3 of the Act of July 26, 1892 (D.C. Code, sec. 3–115), is amended to read as follows:

"SEC. 3. (a) Except as provided in subsection (f), the Commissioner may conclude arrangements with persons or institutions at such rates as may be agreed upon.

"(b)(1) The Commissioner may make adoption subsidy payments to an adoptive family (irrespective of the State of residence of the family), as needed, on behalf of a child with special needs, where such child would in all likelihood go without adoption except for the acceptance of the child as a member of the adoptive family, and where the adoptive family has the capability of providing the permanent family relationships needed by such child in all areas except financial, as determined by the Commissioner. Subsidy payments may be made under this section only pursuant to a subsidy payment agreement entered into by the Commissioner and the adoptive parents concerned prior to completion of the adoptive process, but subsidy payments may be made before such adoption becomes final.

"(2) For the purposes of this subsection—

"(A) The term 'child with special needs' includes any child who is difficult to place in adoption because of age, race, or ethnic background, physical or mental condition, or membership in a sibling group which should be placed together. A child for whom an adoptive placement has not been made within six months after he is legally available for adoptive placement shall be considered a child with special needs within the meaning of this section.

"(B) The term 'adoptive family' includes single persons.

"(c) Any public agency or licensed child-placing agency, having a child with special needs in foster care or institutional care, or any foster parent having such a child in his home may recommend to the Commissioner a subsidy for the adoption of such child, and may include in the recommendation advice to the appropriate level of payments and any other information likely to assist the Commissioner in carrying out the provisions of this section. The Commissioner shall make the determination as to whether or not an appropriate adoptive home exists for the child, but in so doing the Commissioner shall refer to the recommendations of the referring agency. If the Commissioner concludes that the child referred is a child with special needs within the meaning of this section, and that an appropriate adoptive home exists for the child, the Commissioner is authorized to enter into a tentative adoption subsidy agreement with the prospective adoptive family, and upon entering into such an agreement, the Commissioner may accept a transfer of relinquishment of parental rights from the referring agency pursuant to section 6 of the Act entitled 'An Act to regulate the placing of children in family homes, and for other purposes', approved April 22, 1944 (D.C. Code, sec. 32–786).

"(d) If a child in the custody of the Commissioner or a licensed child-placing agency has been in foster care or institutional care for at least six months after the child is considered legally available for adoptive placement, the Commissioner or agency shall inform the family or institution providing care of the possibility of financial aid for adoption under this section. If the family caring for the prospective adoptee applies to the Commissioner for adoption of the child, and if it appears to the Commissioner after study that the family would be an appropriate family for the child but for the family's economic inability to meet the child's needs, the Commissioner shall enter into a tentative agreement with the family concerning the amount and duration of a proposed subsidy in the event the child is placed for adoption with that family. Thereafter the Commissioner may accept a transfer of relinquishment of parental rights from the referring agency in appropriate cases. The Commissioner shall in all cases take all steps necessary to assist the family in completing the legal and procedural requirements necessary to effectuate the adoption, including payment for legal fees and court costs.

"(e) The amount and duration of adoption subsidy payments may vary according to the special needs of the child, and may include maintenance costs, medical, dental, and surgical expenses, psychiatric and psychological expenses, and other costs necessary for his care and well-being. A subsidy may be paid on a long-term basis to help a family whose income is limited and is likely to remain so; on a time-limited basis to help a family meet the cost of integrating a child into the family over a specified period of time; or on a special services basis to help a family meet a specific anticipated expense or expenses when no other resource appears to be available. Eligibility for payments shall continue until the child reaches eighteen years of age.

"(f) The Commissioner is authorized to make payments under this section from appropriations for the care of children in foster homes and institutions, and to seek and accept funds from other sources including Federal, private, and other public funding sources, to carry out the purposes of this section. The amount expended by the Commissioner for any subsidy may not exceed the highest amount the Commissioner would be authorized to spend in providing or securing support and special services for the child if the child were in the legal custody of the Commissioner. There are authorized to be appropriated such sums as are necessary to carry out the purposes of this section.

"(g) No adoption subsidy payment shall be made on behalf of any child with respect to whom an adoption decree has been entered by the Superior Court of the District of Columbia, pursuant to chapter 3 of title 16 of the District of Columbia Code, prior to the effective date of this section.

"(h) Once during each calendar year the Commissioner shall review the need for continuing each family's subsidy. At the time of such review and at other times during the year when changed conditions, including variations in medical opinions, prognosis, and costs are deemed by the Commissioner to warrant such action, appropriate adjustments in payments shall be made based upon changes in the needs of the child. Any parent who is a party to a subsidy agreement may at any time in writing request, for reasons set forth in the request, a review of the amount of any payment or the level of continuing payments. Such review shall be begun not later than thirty days from the receipt of the request. Any adjustment may be made retroactive to the date the request was received by the Commissioner. If the request is not acted on within thirty days after it has been received by the Commissioner, or if the Commissioner modifies or terminates an agreement without the concurrence of all parties, any party to the agreement shall be entitled to a hearing under the applicable provisions of the District of Columbia Administrative Procedure Act (D.C. Code, secs. 1–1501—1–1510).

"(i) The Commissioner shall keep such records as are necessary to evaluate the effectiveness of adoption subsidy as a means of encouraging and promoting the adoption of children with special needs. The Commissioner shall make an annual progress report which shall be open to public inspection. The report shall include, but not be limited to—

"(1) the number of children placed in adoptive homes under subsidy agreements during the year preceding the annual report and the major characteristics of the children placed; and

"(2) the number of children currently in foster care with the Commissioner for six months or more, and the legal status of those children

The Commissioner shall disseminate information to prospective adoptive families as to the availability of adoptable children and of the existence of aid to families who qualify for a subsidy under this section.

"(j) All rules and regulations adopted by the Commissioner pursuant to this Act shall be published in the District of Columbia Register as required by section 6 of the District of Columbia Administrative Procedure Act (D.C. Code, sec. 1–1505)."

(b) Section 5 of the Act of July 26, 1892 (D.C. Code, sec. 3–117), is amended to read as follows:

"SEC. 5. The Commissioner may—

"(1) accept for care, custody, and guardianship dependent or neglected children whose custody or parental control has been transferred to the Commissioner, and to provide for the care and support of such children during their minority or during the term of their commitment, including the initiation of adoption proceedings and the provision of subsidy in appropriate cases under section 3 of this Act (D.C. Code, sec. 3–115);

"(2) with respect to all children accepted by him for care, place them in private families either without expense or with reimbursement for the cost of care, or in appropriate cases to place them in private families under an adoptive subsidy agreement concluded under section 3 of this Act (D.C. Code, sec. 3–115) or to place them in institutions willing to receive them either without expense or with reimbursement for the cost of care; and

"(3) consent to, arrange for or intiate court proceedings for the adoption of all children committed to the care of the Commissioner whose parents have been permanently deprived of custody by court order, or whose parents have relinquished a child to the Commissioner or to a licensed child-placing agency which has transferred the relinquishment to the Commissioner under section 6 of the Act entitled 'An Act to regulate the placing of children in family homes, and for other purposes', approved April 22, 1944 (D.C. Code, sec. 32–786).".

SEC. 2. (a) Section 307(b)(1)(D) of title 16 of the District of Columbia Code is amended by inserting immediately after "should have knowledge" the "following: ", including the existence and terms of a tentative adoption subsidy agreement entered into prior to the filing of the adoption petition under section 3 of the Act of July 26, 1892 (D.C. Code, sec. 3–115)".

(b) Section 309(b) of title 16 of the District of Columbia Code is amended by adding at the end thereof the following new sentence: "In determining whether the petitioner will be able to give the prospective adoptee a proper home and education, the court shall give due consideration to any assurance by the Commissioner that he will provide or contribute funds for the necessary maintenance or medical care of the prospec-

tive adoptee under an adoption subsidy agreement under section 3 of the Act of July 26, 1892 (D.C. Code, sec. 3–115).".

SEC. 3. The amendments made by this Act shall take effect at the end of the ninety-day period beginning on the date of enactment of this Act.

Mr. STUCKEY. Mr. Speaker, I move to strike the last word.

Mr. Speaker, the purpose of the bill (H.R. 11238), as set forth in H. Rept. 93–657, is to authorize the Commissioner of the District of Columbia to make adoption subsidy payments on behalf of children with special needs, where such children otherwise would in all likelihood go without adoption, and where the adoptive family is deemed appropriate in all respects but for its economic inability to meet the child's needs.

NEED FOR THE LEGISLATION

According to testimony from District of Columbia officials, there currently are between 2,500 and 2,700 children who are wards of the District Government. Of these, it was estimated that between 200 to 300 could be placed in permanent families with the assistance of an adoption-subsidy program. Approximately 150 such placements are expected within the first year.

The Director of the District of Columbia Department of Human Resources testified that, without adoption subsidies, these children, for the most part, will "linger for years in a foster care situation" where they are subject to "being jostled about in the various changes of foster placement."

PRECEDENTS

Twenty-six States have enacted legislation comparable to H.R. 11238.

The States providing adoption-subsidy programs are: California, Colorado, Connecticut, Delaware, Georgia, Illinois, Iowa, Kansas, Kentucky, Maryland, Massachusetts, Michigan, Minnesota, Missouri, Nebraska, New Jersey, New York, North Dakota, Ohio, Oregon, Rhode Island, South Dakota, Tennessee, Texas, Vermont, Washington.

The experience of these states indicates there are two primary benefits which flow from a program of subsidized adoption; first, the opportunity to place children in adoptive homes by providing financial resources to prospective parents who otherwise could not afford to consider adoption; second, the decrease in state child welfare expenditures which results from shifting from the state to the adoptive parents portions of the cost of care and responsibility for the child.

HISTORY

On July 27, 1973, the Subcommittee on Labor, Social Services and the International Community held a public hearing on the bill, H.R. 7259, at which time testimony in favor thereof was submitted by officials of the District of Columbia Government and of the Superior Court of the District of Columbia; by representatives of interested community organizations; and by persons directly involved in adoption subsidy programs in other jurisdictions. On September 13, 1973, the Subcommittee held a mark-up session, at which several amendments were approved and ordered incorporated into a clean bill to be reported to the full Committee.

COMMITTEE VOTE

The clean bill, H.R. 11238, on November 5, 1973, was ordered favorably reported by voice vote of the full Committee.

COST

The Committtee is informed by the District of Columbia Government that it estimates the costs of instituting a subsidized adoption program will be $117,450 in the first year, $197,383 in the second year, $166,456 in the third year, $143,200 in the fourth year and $164,820 in the fifth year.

These cost projections reflect short-term added administrative expenses for starting a new program, including the development of procedures and regulations. Also considered are the added costs of providing subsidies for children not currently wards of the District of Columbia and providing court costs and legal assistance for families petitioning to adopt under this Act.

Over the long term, substantial savings are expected by District of Columbia officials because of the greatly reduced costs of overseeing care for a child in an adoptive home, as opposed to costs in a foster home or institution.

Such expected savings were reported during the Committee's hearing, by witnesses familiar with the operation of adoption subsidy programs in the states. The Committee also received written reports, documenting cost savings, from State officials in California, Illinois, Iowa, North Dakota and Washington. Other reports from Maryland, New York and Vermont indicate that ongoing adoption subsidy programs have not resulted in increased child welfare expenditures.

Mr. MAZZOLI. Mr. Speaker, I move to strike the requisite number of words.

Mr. Speaker, H.R. 11238, was reported by the Committee on the District of Columbia on November 5, 1973, with a committee amendment which strikes all after the enacting clause to allow for the correction of purely technical drafting errors.

This legislation affects a particularly needful segment of our society—children who have become separated from their natural parents and who face meager prospects for adoption by a loving family.

We are talking about children who are available for adoption, but because of circumstances beyond their control, a physical or mental handicap, their age, their sibling situation, or their race, have not been chosen by prospective adoptive families.

We are talking about children who are wards of the District and who, for the most part, have been placed out in foster homes. In many instances a loving relationship has developed between foster child and foster parent. Yet adoption is not feasible because it would mean the discontinuance of needed financial support, which presently is available only in the foster care situation.

H.R. 11238 addresses this problem by authorizing the Commissioner of the District of Columbia to make subsidy payments which will make it possible for worthy parents to adopt children who have these special needs.

At least 26 States have already enacted legislation of this kind, and their reports to our committee indicate that "adoption subsidies" have made it possible to bestow the priceless gift of a permanent, loving, new family to abandoned or parentless children who in all likelihood would otherwise have remained wards of the State until they reached adulthood.

In some of these States, reduced child welfare costs have reportedly resulted from the use of adoption subsidies. However, in the committee's view, the human good which comes from the provision of a warm and supportive family relationship to a homeless child—more than economic savings—is the true spirit, purpose, and key goal of the bill.

H.R. 11238 provides that subsidy payments cannot exceed what it would cost the District of Columbia to continue to support a child as a public ward. Even so, city officials feel there will be a need for additional funds during the early years of the program to get it established and to make it work efficiently.

Three types of subsidy agreement are specified in H.R. 11238:

First. Long-term basis, to help a family whose income is limited and is likely to remain so;

Second. Time-limited basis, to help a family, during a specified period of time, integrate into their budget the expenses of the care of the new child; and

Third. Special services basis, to help a family meet specific expenses, such as medical procedures or legal costs of the adoption.

During the hearings, the committee was told that there are currently between 2,500 and 2,700 children who are wards of the District of Columbia government. Of these, it was estimated that between 200 and 300 could be placed in permanent families if adoption subsidies were available. We were told that some 150 children might be adopted in the first year alone.

Again, Mr. Speaker, we are talking about children who have the deck cruelly stacked against them, because of physical or emotional handicaps. All have undergone the trauma of separation from natural parents, whether due to death, abandonment, or relinquishment.

At the same time, qualified families are willing to provide permanent homes, permanent family names, permanent affection, and permanent care for these children. But, they cannot do so for one reason—the economic inability to meet the children's needs.

There are many fine and dedicated persons serving the District of Columbia as foster parents, but, your committee heard testimony from the foster parents themselves that foster care is impermanent and falls short of fully meeting the needs of a child. It lacks continuity and often is ended abruptly without suitable transition.

In adoption, of course, the child becomes a permanent member of the family with precisely the same legal status as a natural child.

This, I think is what we all desire for every American child. And, to the extent that H.R. 11238 advances this end, it is a good bill.

The main features of the bill—briefly summarized, are as follows:

To qualify for an adoption subsidy, a family would have to be found appropriate in all respects but for its economic inability to meet the adopted child's needs; and

The level of subsidy payments could not exceed the maximum amount it would cost the District of Columbia to maintain the child as a public ward.

Children eligible for placement under the adoption subsidy program are defined as those who are "difficult to place in adoption because of age, race, or ethnic background, physical or mental condition, or membership in a sibling group which should be placed together," or those for whom placement has not been made within 6 months of the time they became legally available for adoption.

Three types of subsidy agreement are specified in H.R. 11228:

First. Long-term basis, to help a family whose income is limited and is likely to remain so.

Second. Time-limited basis, to help a family, during a specified period of time, integrate into their budget the expenses of the care of the new child.

Third. Special services basis, to help a family meet specific expenses, such as medical procedures or legal costs of the adoption.

Foster parents may seek the assistance of subsidy to adopt a child for whom they have been providing foster care.

Voluntary, licensed adoption agencies, having difficulty to place children under their care, may propose that the District of Columbia Commissioner accept such children for the purpose of placing them through the subsidized adoption program.

The bill provides for annual review of adoption subsidy agreements by the Commissioner and for appropriate adjustments in payment levels, as dictated by "changes in the needs of the child," or other changed conditions affecting the family, if the commissioner determines a subsidy is no longer needed, he may terminate it.

Eligibility for payments extends only until the child reaches the age of 18.

In conclusion, Mr. Speaker, I urge my colleagues to support H.R. 11238.

Mr. KAZEN. Will the gentleman yield?

Mr. MAZZOLI. I yield to the gentleman.

Mr. KAZEN. I am not familiar with the provisions of the bill or how the District of Columbia handles this adoption situation. Do I understand now with the passage of this bill family income is no longer going to be a deterrent to adopting children?

Mr. MAZZOLI. The gentleman states the case precisely. Family income would be no deterrent for the adoption of the hard-to-place child and the family would be able to be subsidized not to exceed the amount of money now being paid for foster care. There would be a limitation on the amount of money paid, and this amount of money would be well used, in my opinion.

Mr. GUDE. Will the gentleman yield?

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

Mr. GUDE. I thank the gentleman for yielding.

As pointed out in the committee report, there are some 26 States—and Texas is one of those—that have a subsidy plan adopted.

Mr. MAZZOLI. That is right.

Mr. GUDE. It is, of course, the only barrier which these families have to not being able to adopt a child; namely, lack of income. They meet all the other requirements. In other words, it has to be a poor family which is otherwise suited to adopt a child.

Mr. MAZZOLI. As the gentleman from Maryland knows, being one of the chief sponsors of the bill, the payments are limited to the amount of money which can presently be paid in the District of Columbia for foster care so we have a limit to the amount of money that can be expended under the program.

Mr. BROYHILL of Virginia. Will the gentleman yield?

Mr. MAZZOLI. I yield to the gentleman.

Mr. BROYHILL of Virginia. Of course, as the gentleman stated, this should not cost any additional money and would supply a need for the adoption of some of these children who otherwise would not be adopted. We have children with certain mental deficiencies or other matters in their background. This is more or less a humane approach. We have families who have the love and desire to care for these children but do not have the economic means. I think this is the proper place to put it in perspective.

Mr. MAZZOLI. I thank the gentleman from Virginia.

PRINCIPAL PROVISIONS OF THE BILL

AUTHORITY OF THE COMMISSIONER

The Commissioner of the District of Columbia, in order to enhance adoption opportunities for "difficult to place" children, is authorized to assist adoptive parents in meeting the special needs of such children through the payment of cash subsidies. Such payments can be used to meet maintenance costs; medical, dental and surgical expenses; psychiatric and psychological expenses, and other costs necessary for the well being of the child.

ELIGIBILITY REQUIREMENTS

To qualify for an adoption subsidy, a family would have to be found appropriate in all respects but for its economic inability to meet the adopted child's needs. Single persons may qualify as adoptive parents.

Children eligible for placement under the adoption subsidy program are defined as those who are "difficult to place in adoption because of age, race, or ethnic background, physical or mental condition, or membership in a sibling group which should be placed together," or those for whom placements has not been made within six months of the time they became legally available for adoption. Eligibility extends only until the child reaches the age of 18.

The Committee noted with concern the great number of wards of the District of Columbia, who apparently are unlikely to be reunited with their natural parents, but who are unavailable for adoption because parental rights have not been legally terminated. Members of the Committee expressed the view that this problem should be addressed through separate legislation, which might facilitate the termination of parental rights after efforts to reunite families have proved ineffective.

LEVEL OF PAYMENT

The level of subsidy payments could not exceed the maximum amount it would cost the District of Columbia to maintain the child as a public ward. Present costs to the District for the maintenance of minor wards varies widely, depending upon the needs of the child and the type of care provided. Institutional care generally is far more expensive than foster care. The Committee was informed that the traditional foster care contracts in the District provide $165 per month for children under 12, and $180 per month for those over 12.

During the course of committee hearings on this legislation, a number of witnesses testified that the present level of foster care payments in the District of Columbia is inadequate. Since adoption subsidy payments, in a great many cases, will be limited to what it would have cost the District to keep the child in foster care, the committee directs the attention of the Appropriations Committee to the need for providing the funds necessary to raise the level of foster care payments in the District of Columbia. In this way, improved support can be provided both for children in foster homes and those adopted under subsidy.

The Internal Revenue Service has informed the committee that adoption subsidy payments, so long as they do not exceed expenses incurred in care of the child, need not be included in the gross taxable income of the parents.

TYPES OF SUBSIDY

Three types of subsidy agreements are specified in the bill:

1. Long-term basis, to help a family whose income is limited and is likely to remain so.

2. Time-limited basis, to help a family, during a specified period of time, integrate into their budget the expenses for the care of the new child.

3. Special-services basis, to help a family meet specific expenses, such as medical procedures or legal costs of the adoption.

ADOPTION BY FOSTER PARENTS

Foster parents may seek the assistance of a subsidy to adopt a child for whom they have been providing foster care. In cases where a child, legally available for adoption, has been in a foster home for 6 months, the Commissioner shall notify the family of the possibility of financial aid for adoption. If the family seeks to adopt the child, and is found to be qualified, the Commissioner shall assist the family in completing all legal and procedural requirements and shall pay legal fees and court costs involved.

WARDS OF VOLUNTARY AGENCIES

Voluntary, licensed adoption agencies, having "difficult to place" children under their care, may propose that the District of Columbia Commissioner accept such children for the purpose of placing them through the subsidized adoption program.

REVIEW AND ADJUSTMENT PROCEDURES

The bill provides for annual review of adoption subsidy agreements by the Commissioner and for appropriate adjustments in payment levels, as dictated by "changes in the needs of the child" or other changed conditions affecting the family. If the Commissioner determines a subsidy is no longer needed, he may terminate it.

AMENDMENTS TO PRESENT LAW

The following sections of the District of Columbia Code are amended as indicated:

(1) Title 3, Section 114. The authority of the Commissioner, with respect to the care and guardianship of children, is broadened to specifically allow for adoption subsidy contracts, and to allow for the arrangement of adoptions for children relinquished to the Commissioner by their parents or by licensed child-placing agencies. References to religious faith are deleted.

(2) Title 3, Section 115. The bill sets forth the circumstances under which the Commissioner can enter into agreements to make adoption subsidy payments. Included are provisions as to eligibility requirements for children and adoptive parents; parties who may recommend a child for subsidy; notification of foster parents eligible to adopt with subsidy; variations in form and duration of adoption subsidy agreements; limitation on amount Commissioner may expend; prohibition against subsidies of previously completed adoptions; requirement for annual review and appropriate adjustments; record-keeping and dissemination of information about the program and publication of regulations.

(3) Title 3, Section 117. The bill provides specifically that the Commissioner may initiate adoption proceedings, including the provision of subsidy in appropriate cases, for children relinquished to his care by their parents or by a licensed childplacing agency, to which the child was previously relinquished.

(4) Title 16, Section 307. The bill provides for informing the Superior Court of the District of Columbia for the existence of adoption subsidy agreements entered into prior to the filing of adoption petitions.

(5) Title 16, Section 309. The bill provides that the Court, in determining the ability of a petitioner to provide for a child, shall take into consideration adoption subsidy agreements made by the Commissioner.

The above amendments shall take effect 90 days following the enactment of this act.

Mr. Speaker, I also include in the RECORD the following report from the Commissioner of the District of Columbia, dated November 23, 1973, which urges favorable consideration of the clean bill, H.R. 11238:

THE DISTRICT OF COLUMBIA,

Washington, D.C., November 23, 1973.

Hon. CHARLES C. DIGGS, Jr.,

Chairman, Committee on the District of Columbia, U.S. House of Representatives, Washington, D.C.

DEAR MR. CHAIRMAN: The Government of the District of Columbia has for report H.R. 11238, a bill "To amend the Act of March 16, 1926 (relating to the Board of Public Welfare in the District of Columbia), to provide for an improved system of adoption of children in the District of Columbia, and for other purposes." This bill is similar to H.R. 7259 on which the District Government reported July 26, 1973.

H.R. 11238 would amend sections 11, 12, and 14 of the Act entitled "An Act to establish a Board of Public Welfare in and for the District of Columbia, to determine its functions, and for other purposes", approved March 16, 1926 (D.C. Code, secs. 3–114, 3–115, and 3–117). The bill would amend section 11 to provide that the Commissioner of the District of Columbia shall be authorized to: (1) make temporary provision for the care of children pending investigation of their status; (2) have the care and legal guardianship, including the power to consent to or arrange for adoption of children committed as wards of the District by courts of competent jurisdiction and children relinquished by their parents to the Commissioner or children relinquished by a licensed child-placing agency; (3) provide for the care and maintenance of such children in private homes, under contract including adoption subsidy, or in public or private institutions; and (4) provide care, welfare, and maintenance of retarded children.

The bill would amend section 12 of the Act to provide that the Commissioner shall have the authority, in appropriate cases, to consent to adoption with subsidy for wards of the District of Columbia. Subsection (b)(1) of that section would authorize the Commissioner to make adoption subsidy payments on behalf of a child who falls within the definition of a "child with special needs," when such a child would not be adopted otherwise by a qualified family due to lack of adequate financial resources. The bill would define a "child with special needs" as "any child who is difficult to place in adoption because of age, race, or ethnic background, physical or mental condition, or membership in a sibling group which should be placed together" or a child who has not been placed for adoption within six months after he is legally available for adoptive placement.

The amendment of subsection (c) of section 12 of the Act would provide that any person, public agency, or licensed child-placing agency having a child with special needs in foster care or institutional care may recommend to the Commissioner that a child be determined eligible to receive a subsidy for purposes of adoption. The bill provides that the Commissioner shall determine whether the child referred to is a "child with special needs" and if so whether an appropriate adoptive home exists for the child. Upon making those determinations, the Commissioner is authorized to enter into a tentative adoption subsidy agreement with the prospective adoptive parents and to accept a transfer of relinquishment of parental rights from the referring agency, pursuant to section 6 of the Act of April 22, 1944 (D.C. Code, sec. 32–786).

Subsection (d) would provide that if a child who is in the custody of the Commissioner or a licensed child-placing agency, has been in foster care or institutional care for at least six months after being considered legally free for adoption, such family or institution would be informed of the possibility of subsidized adoption for the child. Subsection (e) would provide that the amount and duration of adoption subsidy payments may vary according to the special needs of the child, as determined by the Commissioner but may include in addition to maintenance costs, medical, dental, and surgical expenses, psychiatric and psychological expenses, and other necessary care. The bill would authorize the Commissioner to continue to provide adoption subsidy payments, if necessary, until the child reaches the age of eighteen, provided that the family continues to meet the conditions of the adoption subsidy agreement.

The amendment of subsection (f) of section 12 of the Act would provide that the Commissioner would be authorized to make payments for the care of children with special needs in foster homes and institutions from appropriations as well as Federal, private, and public funding sources. Subsection (g) would make adoption subsidy payments available for prospective adoptions only, and not to families who have already completed the adoption of a child. Subsection (h) would provide that the Commissioner review annually the need for continuing each family's subsidy, and also provide that a parent participating in the subsidy program may request the Commissioner to review the level of subsidy. Subsection (i) would require the Commissioner to maintain necessary records to evaluate the effectiveness of adoption subsidy and to make an annual public report on the number of children placed in adoptive homes, and number of children in foster care for six months or more. Subsection (j) would provide for publication of all rules and regulations adopted by the Commissioner as required by the D.C. Administrative Procedure Act.

The bill would amend section 14 of the Act to provide specifically that the Commissioner would have the authority, which the former Board of Public Welfare and the Department of Public Welfare had, to (1) accept for care, custody, and guardianship dependent or neglected children under his control; (2) place all children accepted by him for care in private families either without expense or with reimbursement for cost of care; and (3) arrange or initiate court proceedings for the adoption, in appropriate cases, of children committed to his care.

Section 2 of the bill would amend the District's adoption law (Act of December 23, 1963, as amended; D.C. Code, section 16–307(b)(1)(D)) to provide that the court may take into account in determining whether or not to grant a petition for adoption the existence and terms of a tentative adoption subsidy agreement entered into prior to the filing of the adoption petition. The bill would also provide that the court give due consideration, in determining whether the petitioner will be able to give the prospective adoptee a proper home and education, to any assurances by the Commissioner that he will provide or contribute funds for maintenance or medical care under an adoption subsidy agreement.

H.R. 11238 incorporates the majority of technical and substantive amendments suggested by the District in our report on H.R. 7259, including the deletion of the requirement that the predominant criterion for child placement be the placement of a child in a home of like religion. While we do not suggest that religion is not an important and relevant factor in making placements, we do not think the Commissioner should be required to specifically justify each case in which a child is placed in an institution, foster home, or adoptive family of a different religion. Placement of a child in a loving home should be the predominant criterion.

The District Government supports the objectives of H.R. 11238 on behalf of children with special needs in the District of Columbia and on behalf of prospective adoptive parents who are in every way, except financially, capable of providing permanent family relationships for such a child. We are of the view that the bill would encompass the major pro-

visions necessary to enable the District of Columbia to locate qualified adoptive homes for many children who might otherwise grow up in foster care.

We are convinced of the need for such legislation. The experience of other States indicates that there are two primary benefits which flow from a program of subsidized adoption: first, the opportunity to place children in adoptive homes by providing financial resources to prospective parents who otherwise could not afford to consider adoption; second, the eventual decrease in State child welfare expenditures which results from shifting from the State to the adoptive parents the cost of care and responsibility for the child. Our statistics show that approximately 150 children could be placed in adoptive homes in the first year if subsidies could be provided.

The District Government estimates that the cost of instituting a subsidized adoption program would be $117,450 in the first year, $197,383 in the second year, $166,456 in the third year, $143,200 in the fourth year, and $164,820 in the fifth year, for a total 5-year estimated cost of $789,309.

The District Government strongly urges the favorable consideration of H.R. 11238.

Sincerely yours,

WALTER E. WASHINGTON,
Mayor-Commissioner.

Mr. GUDE. Mr. Speaker, I move to strike the requisite number of words.

Mr. Speaker, I rise in support of H.R. 11238, to provide for a program of subsidized adoption in the District of Columbia. I wish to thank my distinguished colleague from Kentucky, chairman of the Subcommittee on Labor, Social Services, and the International Community, for his admirable leadership and hard work on behalf of this legislation, and thereby, the people of Washington.

As has been noted, H.R. 11238 will enable the District's Department of Human Resources to provide payments to assist in the adoption of children with special needs, traditionally defined as "hard to place." Such needs include age, race, or ethnic background, physical or mental condition or membership in a sibling group which should be placed together. These subsidies are permitted on a long-term basis, to help a family whose income is limited and likely to remain so; or on a time-limited basis, to help a family meet the cost of integrating the child into the family until, for example, a parent finishes school or gets a better job, or where the mother temporarily leaves her job; or on a special-services basis, to help a family meet specific limited expenses where there is no other resource available.

In all cases, the amount that could be spent for such an adoption subsidy under this legislation may not exceed the amount the Department would be authorized to spend if the child continued in foster or institutional care. In all cases, too, the parents receiving the subsidy must be able to provide the permanent family relationships needed by these children in all areas, except financial.

Mr. Speaker, it is estimated that there are approximately 2,700 children in the District of Columbia who are placed in the category of "dependent and neglected." They are in private child care institutions, traditional foster care, and in group or special foster care. Some have even been temporarily placed in District of Columbia General Hospital at times, with no real medical reason for being there, simply because the District may be running out of qualified places in which to keep them.

Not all of these children, nor even most, would be eligible for immediate placement under an adoption subsidy program of the nature we propose today. Several are not yet legally free for adoption. However, in testimony to the committee, Mayor Washington has indicated that approximately 150 children could be placed in adoptive homes in the first year alone if subsidies are provided. Moreover, this number would be likely to increase simply by virtue of the establishment of such a subsidy program on the books, as this would give incentive to the review of cases not now under consideration, and the initiation of proceedings to free the child legally.

If the alternative is for these children to remain perhaps indefinitely in custodial care—to be shifted from home to institution to another home—then their placement wtih permanent families under a subsidized program is justified on that basis alone, whether for one child, 100 or 1,000 children.

Twenty-six States have enacted a subsidized adoption program in some form or another. In other States, it is a matter pending before the legislature. It is a concept strongly endorsed by the Child Welfare League of America and other groups interested in this field. In our hearings before the subcommittee this July, we received overwhelmingly favorable testimony from the Mayor, the District of Columbia City Council, Judge Green of the Superior Court and several local child placement agencies, professional social workers and interested citizens. These included Catholic Charities, Lutheran Social Services of the National Capital Area and the Foster Parents Association of Washington.

It may be noted that the savings to the public under subsidized adoption programs have been substantial. Many of the families need short-term, time-limited subsidies only. Furthermore, the experience of many States has been that because of the publicity focused on the children as a result of these new programs, many families eventually determined to be without need for financial assistance came forward to provide homes for them.

That is what it all boils down to, Mr. Speaker—providing permanent, loving relationships for these "unwanted" children. Dollars and cents and statistics are not the issue here. The value of a stable home life for the minority child, the older child, the handicapped and the retarded child cannot be measured in such terms. Our main consideration must be the child. We know that there are several good people out there anxious to have these children in their families, but for the costs. How tragic it would be to allow a financial barrier to block the path of the child into a home for life.

We simply want these children to reach their highest potential of development. Subsidies to parents as provided for in this legislation will help us achieve that very basic goal. I urge my colleagues' support to this end.

Mr. GROSS. Mr. Speaker, I move to strike the requisite number of words.

Mr. Speaker, I should like to ask someone knowledgeable about this bill if it pertains only to retarded children and/or otherwise handicapped children, or does it apply to all adoptive children?

Mr. MAZZOLI. Mr. Speaker, if the gentleman will yield, I am not sure that I am knowledgeable, but the bill did come out of our subcommittee. The gentleman from Iowa is correctly stating the issue that the bill does deal simply and solely with the hard-to-place child. That child is defined as one who has a mental defect or disability, or a physical disability, or a child who is part of a sibling group, such as triplets, which pose a special problem in their being placed, or a child who has been in the custody of the District of Columbia longer than 6 months without being placed where authorities have been seeking to place the child.

It was testified that there are no more than 200 or 300 of such children out of the approximately 2,700 children who are wards of the District of Columbia.

Mr. GROSS. So that in no instance is it designed to help adoptive children who are sound of mind and limb?

Mr. MAZZOLI. The gentleman from Iowa is correct.

Mr. GROSS. Is not so designed?

Mr. MAZZOLI. Is not.

Mr. GROSS. What is the estimated or indicated cost of this legislation?

Mr. MAZZOLI. Mr. Speaker, if the gentleman will yield further, on page 5 of the committee report we have a 5-year estimate which was provided by the District of Columbia Commissioner of Human Resources. The cost for the first year is estimated to be $117,000; the second year, $197,000; the third year $166,000, the fourth year $143,000, and the fifth year $164,000.

But if the gentleman from Iowa will yield further, we, in going over the report which we just received this morning from the District of Columbia officials, we find that there perhaps was an accounting error made downtown in that the estimate included costs which we believe would not be involved such as the foster-care payments, which would be terminated when the subsidy payments were started. Nor were costs of social worker visits which would be terminated once we have a permanent adoption mode, taken into consideration as projected savings.

But nonetheless, the figures which have been supplied to us and which have been placed in the RECORD, will total the amount that I have suggested. Again I say that we think that they are erroneously figured on the high side, but as I say, we have no actual proof at this point.

Mr. GROSS. We all know that funds of the Federal Government contribute very handsomely to the District of Columbia and that, therefore, Federal funds would be available for this program in the District of Columbia even though on an indirect basis. What funds are used in

the various States which have an adoptive program of this nature?

Mr. MAZZOLI. If the gentleman would yield, the gentleman is aware of the Iowa program. This gentleman served some information of this program on the gentleman from Iowa. Those funds, of course, came from the States simply and solely, except as it might possibly be that they can take some of the Federal social security money, some of the social services money, and use it in those directions.

I cannot verify that only Iowa money goes for the Iowa program. I would be inclined to think that there would be some Federal money from the various social services program which finds its way into the subsidized adoption program in the State of Iowa.

Mr. GROSS. It is not proposed by the District of Columbia Committee to expand this into a subsidy program for all children subject to adoption?

Mr. MAZZOLI. If the gentleman would yield further, I would oppose that as vociferously as I opposed, earlier today, the bill eliminating usury.

Mr. GROSS. I thank the gentleman from Kentucky for his frank answers.

The SPEAKER. The question is on the committee amendment.

The amendment was agreed to.

The SPEAKER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER. The question is on the passage of the bill.

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

Mr. FLOWERS. 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 350, nays 0, not voting 83, as follows:

[Roll No. 594]

YEAS—350

Abdnor
Adams
Addabbo
Alexander
Andrews, N.C.
Andrews, N. Dak.
Archer
Arends
Armstrong
Aspin
Bafalis
Baker
Barrett
Bauman
Bennett
Bergland
Bevill
Biaggi
Biester
Bingham
Blatnik
Boggs
Boland
Bowen
Brasco
Bray
Breaux
Breckinridge
Broomfield
Brotzman
Brown, Calif.
Brown, Mich.
Broyhill, N.C.
Broyhill, Va.
Buchanan
Burgener
Burke, Fla.
Burke, Mass.
Burleson, Tex.
Burlison, Mo.
Burton
Butler
Byron
Camp
Carey, N.Y.
Carney, Ohio
Carter
Casey, Tex.
Cederberg
Chamberlain
Chappell
Clancy
Clausen, Don H.
Clawson, Del
Clay
Cleveland
Cochran
Cohen
Collins, Tex.
Conable
Conlan
Conte
Conyers
Corman
Cotter
Coughlin
Crane
Cronin
Culver
Daniel, Dan
Daniel, Robert W., Jr.
Daniels, Dominick V.
Danielson
Davis, Ga.
Davis, S.C.
Davis, Wis.
de la Garza
Delaney
Dellums
Denholm
Dennis
Derwinski
Devine
Dickinson
Dingell
Donohue
Drinan
Dulski
Duncan
du Pont
Edwards, Calif.
Eilberg
Erlenborn
Esch
Evans, Colo.
Evins, Tenn.
Fascell
Findley
Fish
Fisher
Flood
Flowers
Flynt
Ford, Gerald R.
Ford, William D.
Forsythe
Fountain
Fraser
Frelinghuysen
Frenzel
Frey
Froehlich
Fulton
Fuqua
Gaydos
Gettys
Giaimo
Gibbons
Gilman
Ginn
Goldwater
Gonzalez
Goodling
Gray
Green, Oreg.
Green, Pa.
Griffiths
Gross
Grover
Gude
Guyer
Haley
Hamilton
Hammer-schmidt
Hanley
Hanna
Hanrahan
Hansen, Idaho
Harrington
Harsha
Harvey
Hastings
Hawkins
Hays
Hechler, W. Va.
Heckler, Mass.
Heinz
Helstoski
Henderson
Hicks
Hillis
Hinshaw
Hogan
Holifield
Holt
Holtzman
Horton
Hosmer
Howard
Huber
Hudnut
Hunt
Hutchinson
Johnson, Calif.
Johnson, Colo.
Jones, Ala.
Jones, N.C.
Jones, Okla.
Jones, Tenn.
Jordan
Karth
Kastenmeier
Kazen
Kemp
Ketchum
King
Kluczynski
Kyros
Landgrebe
Latta
Leggett
Lehman
Lent
Litton
Long, La.
Long, Md.
Lott
Lujan
McClory
McCloskey
McCollister
McDade
McEwen
McFall
McKay
McSpadden
Madden
Madigan
Mahon
Mailliard
Mallary
Mann
Maraziti
Martin, N.C.
Mathis, Ga.
Matsunaga
Mayne
Mazzoli
Meeds
Metcalfe
Mezvinsky
Michel
Milford
Miller
Minish
Minshall, Ohio
Mitchell, Md.
Mizell
Mollohan
Moorhead, Calif.
Moorhead, Pa.
Morgan
Mosher
Murphy, Ill.
Murphy, N.Y.
Myers
Natcher
Nedzi
Nichols
Obey
O'Brien
O'Neill
Owens
Parris
Passman
Patten
Perkins
Pettis
Peyser
Pickle
Poage
Powell, Ohio
Preyer
Price, Ill.
Price, Tex.
Pritchard
Quie
Quillen
Railsback
Randall
Rangel
Rarick
Rees
Regula
Reuss
Rhodes
Riegle
Rinaldo
Roberts
Robinson, Va.
Robison, N.Y.
Rodino
Roe
Rogers
Roncalio, Wyo.
Roncallo, N.Y.
Rooney, Pa.
Rosenthal
Roush
Rousselot
Roy
Roybal
Runnels
Ruppe
Ruth
Ryan
St Germain
Sandman
Sarasin
Sarbanes
Satterfield
Scherle
Schneebeli
Schroeder
Sebelius
Seiberling
Shoup
Shriver
Shuster
Sikes
Sisk
Skubitz
Slack
Smith, Iowa
Smith, N.Y.
Staggers
Stanton, J. William
Stanton, James V.
Stark
Steed
Steelman
Steiger, Ariz.
Stratton
Stuckey
Studds
Sullivan
Symington
Symms
Talcott
Taylor, Mo.
Taylor, N.C.
Teague, Calif.
Thompson, N.J.
Thomson, Wis.
Thone
Thornton
Towell, Nev.
Treen
Ullman
Vander Jagt
Vanik
Veysey
Vigorito
Waggonner
Waldie
Walsh
Wampler
Ware
Whalen
White
Whitehurst
Whitten
Widnall
Wiggins
Williams
Wilson, Bob
Wilson, Charles H., Calif.
Winn
Wright
Wyatt
Wylie
Wyman
Yates
Yatron
Young, Fla.
Young, Ill.
Young, Tex.
Zablocki
Zion
Zwach

NAYS—0

NOT VOTING—83

Abzug
Anderson, Calif.
Anderson, Ill.
Annunzio
Ashbrook
Ashley
Badillo
Beard
Bell
Blackburn
Bolling
Brademas
Brinkley
Brooks
Brown, Ohio
Burke, Calif.
Chisholm
Clark
Collier
Collins, Ill.
Dellenback
Dent
Diggs
Dorn
Downing
Eckhardt
Edwards, Ala.
Eshleman
Foley
Grasso
Gubser
Gunter
Hansen, Wash.
Hébert
Hungate
Ichord
Jarman
Johnson, Pa.
Keating
Koch
Kuykendall
Landrum
McCormack
McKinney
Macdonald
Martin, Nebr.
Mathias, Calif.
Melcher
Mills, Ark.
Mink
Mitchell, N.Y.
Moakley
Montgomery
Moss
Nelsen
Nix
O'Hara
Patman
Pepper
Pike
Podell
Reid
Rooney, N.Y.
Rose
Rostenkowski
Shipley
Snyder
Spence
Steele
Steiger, Wis.
Stephens
Stokes
Stubblefield
Teague, Tex.
Tiernan
Udall
Van Deerlin
Wilson, Charles, Tex.
Wolff
Wydler
Young, Alaska
Young, Ga.
Young, S.C.

So the bill was passed.

The Clerk announced the following pairs:

Mr. Rooney of New York with Mr. Ichord.
Mr. Dent with Mrs. Chisholm.
Mr. Udall with Mr. Brinkley.
Mr. Mills of Arkansas with Mr. Mathias of California.
Mrs. Grasso with Mr. Badillo.
Mr. Pepper with Mr. McKinney.
Mr. Foley with Mr. Blackburn.
Mr. Anderson of California with Mr. Dorn.
Mr. Annunzio with Mr. Young of Alaska.
Mr. Brademas with Mr. Ashbrook.
Mrs. Burke of California with Mr. Brown of Ohio.
Mr. Brooks with Mr. Martin of Nebraska.
Mr. O'Hara with Mr. Anderson of Illinois.
Mr. Moss with Mr. Johnson of Pennsylvania.
Mr. Macdonald with Mr. Gubser.
Mr. Reid with Mr. Stokes.
Mr. Nix with Mr. Podell.
Mr. Van Deerlin with Mr. Eshleman.
Mr. Rostenkowski with Mr. Wydler.
Mr. Gunter with Mr. Beard.
Mr. Shipley with Mr. Mitchell of New York.
Mr. Charles Wilson of Texas with Mr. Kuykendall.
Mr. Wolff with Mr. Steiger of Wisconsin.
Mr. Diggs with Mr. Eckhardt.
Mr. Hébert with Mr. Young of South Carolina.
Mrs. Hansen of Washington with Mr. Nelsen.
Mr. Koch with Mr. Bell.
Mr. Landrum with Mr. Downing.
Mr. Pike with Mr. Snyder.
Mr. Rose with Mr. Collier.
Mr. Stephens with Mr. Hungate.
Mr. Teague of Texas with Mr. Edwards of Alabama.
Mr. Ashley with Mr. Spence.
Ms. Abzug with Mr. Young of Georgia.
Mr. Clark with Mr. Steele.
Mrs. Collins of Illinois with Mr. Keating.
Mr. Jarman with Mr. McCormack.
Mrs. Mink with Mr. Moakley.
Mr. Montgomery with Mr. Patman.
Mr. Stubblefield with Mr. Tiernan.
Mr. Melcher with Mr. Dellenback.

The result of the vote was annouced as above recorded.

A motion to reconsider was laid on the table.

MAKING TECHNICAL CORRECTIONS IN THE ENGROSSMENT OF H.R. 6186

Mr. STUCKEY. Mr. Speaker, I ask unanimous consent that the Clerk be authorized in the engrossing process to make the following technical amendments to H.R. 6186:

On page 1, line 8, strike "subchapter" and insert in lieu thereof "article".

Page 2, lines 5 and 7 strike "subchapter" and insert in lieu thereof "article".

And on the last line of the amendment strike "subchapter" and insert in lieu thereof "article".

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

There was no objection.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

GUAM MILITARY RELATIONS

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

Mr. WON PAT. Mr. Speaker, on October 11, 1973, in the floor discussion of the military construction bill, I pointed out to the Congress the difficulties the Government of Guam and my office have encountered in obtaining information from the Pentagon regarding their land-use requirements in the territory of Guam.

The Armed Forces Journal International, a prestigious publication widely read by the Defense Establishment, has written an excellent article outlining the problems Guam is having with the military. The article appears in the November issue of the Journal, and I am pleased to include it in the RECORD at this time for the information of my colleagues:

GUAM GETS SILENT TREATMENT ON NAVY PLANS FOR IDLE LANDS

While more than one-fifth of the land which the Department of Defense holds on Guam lies idle, the island's citizens are becoming increasingly impatient because no one will tell their Governor or Delegate to the U.S. House of Representatives what plans, if any, exist for its eventual use.

Its disposition is important to the Guamanians because almost one-third of the 212 sq. mi. island—50,000 acres out of 136,000—is federally owned land, held for "national security purposes" since the island was liberated from the Japanese in 1944. But despite the dramatic rise in military activity on the island during the Vietnam War, 11,000 acres of the DoD-held land still sits "abandoned for all practical purposes and off limits to the very people who could make the land productive once again," according to Antonio Won Pat, Guam's Delegate to the House of Representatives.

"To a people living on an island only 30 miles long and 8 miles wide," he noted during recent House debate on the FY 74 Military Construction Authorization bill, "every acre counts. Guam cannot afford the luxury of having 11,000, 5,000 or even 1,000 acres of our best land idle."

The Navy seems to be largely responsible for the unused 11,000 acres that Guamanians would like to have back if DoD's only plan is to keep it in cold storage for another quarter century. Won Pat told his fellow Representatives, "I regret to state that the U.S. Navy is relentlessly pursuing a course which will certainly destroy the amiable and close relations between the civilian and military communications on Guam unless promptly checked."

Guam had a population of 89,926 in 1972; 32,993 of these were DoD military or civilian personnel and their dependents. Most of these are Navy (59% of all dependents, for instance).

Guam has begun to develop on a large scale during past years and the problem of land shortage has become acute. Tourism has grown from 10,000 tourists just 5 years ago to 130,000 in 1973 and the population is "soaring." (The number of U.S. military personnel stationed there dropped from 17,000 to 16,000, however, just between last March and June.) Won Pat says that Guamanians urgently need the unused Navy land for housing, schools, parks, hospitals, nursing homes and "to use our limited resources to develop an economy separate from the vicissitudes of military spending, which is precarious at best."

Along with his Governor, Won Pat has been unable to gain release of the unused land, much less find out what plans, if any, the Navy has for ever using the 11,000 acres. Last year, he asked the President's Property Review Board to study DoD's long range land requirements on the island. The study, known as Project Gateway, was completed by the Navy last September but classified. Late last March, Won Pat wrote to then Defense Secretary Elliot Richardson asking that certain portions of the study, relating to Guam but not to strategic matters, be declassified.

SLOW MAIL

Five weeks later, he received a letter from Deputy Assistant Secretary of Defense Edward J. Sheridan that action had been initiated to provide him with an unclassified version of the Gateway study. Sheridan noted specifically, "We hope to be able to provide you with this document within the next few weeks."

"Seven months later," Won Pat says, "the Governor of Guam and I have yet to lay eyes on this elusive study, despite repeated requests."

AFJ has learned that Guamanians never will see the study. It is obsolete and another study has been initiated to "update it." "Project Gateway is no longer relevant," AFJ was told.

Asked why Don Pat hadn't been notified of this, DoD's Sheridan said that he was being advised of the new study in a letter that had been forwarded to Defense Secretary James Schlesinger for signature "2 or 3 days ago." But when Sheridan checked on the letter's status, he found that it had been sent for signature on September 27th and was still awaiting action 3½ weeks later. It won't tell the Guamanians much—except that they can't have the Gateway plan because a new one is being prepared while DoD restudies its worldwide basing posture.

Meanwhile, one Navy official has voiced an objection to briefing Guam's Governor on even the tentative Gateway results because, he said, "classified material can't be shown to non U.S. citizens." (Guamanians are U.S. citizens and have been ever since the Organic Act of 1950, passed 23 years ago.)

That same Navy official might also be surprised to learn that on a somewhat similar issue just a few years ago; a senior Navy civilian official showed the Governor of Puerto Rico a secret paper on the Navy's plans to expand the Culebra gunnery range. (After an AFJ query last year about the Governor's security clearances, the Navy declassified the paper but admitted that it was still classified secret at the time Joseph Grimes showed it to then Governor Luis Ferre. Navy spokesmen said Grimes acted within existing security regulations in making the paper available.)

Guam and Puerto Rico hold identical status as U.S. territories who are represented but do not have a vote in Congress.

One DoD official told AFJ he "got the point" but couldn't offer an answer when asked why the Governor of one territory enjoys a visibility another doesn't over Navy plans affecting their territories.

Won Pat stresses that Guamanians "are proud of our part in helping the military to do its job" and that their loyalty to America is unquestioned. He notes, for instance, that almost 4000 Guamanians serve in the Armed Forces. (This would amount to almost 8% of Guam's civilian population, compared with a national average of about 1% for service in uniform.) "We want to preserve Guam's role in America's strategic plans," he says, but noted also that given the kind of answers Guamanians haven't been getting about those 11,000 idle acres, a complicated issue could mushroom "into a bitter and insoluble dispute."

MAJORITY LEADER THOMAS P. O'NEILL, JR., SAYS PRESIDENT STILL REFUSES TO ACKNOWLEDGE SEVERITY OF ENERGY CRISIS

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

Mr. O'NEILL. Mr. Speaker, last night President Nixon proposed a series of emergency energy steps. They include the 50-mile-per-hour speed limit, the cutback on outdoor lighting, a ban on Sunday sales of gasoline and other miscellaneous measures.

These are all commonsense items which Congress already had included in the emergency energy legislation that is now moving toward enactment. The Senate passed the bill last week.

What was lacking from the President's message is any intimation of a coherent national energy policy. The President still refuses to acknowledge the scope and severity of the energy crisis. He is trying to make the public believe that the shortage will not be as bad as it actually will be, and that the energy-savings measures will save more fuel than they actually will.

There was no call in the President's message for the long-range research we need to develop alternate sources of energy. He mentioned nothing about rationing to conserve supplies we have. He outlined no comprehensive program for dealing with this energy crisis.

The only heartening thing about the message is the indication that he is at last ready to accept some of the actions that Congress has been urging upon him for the past year and more. I was especially glad to hear that the President will sign the mandatory fuel allocation bill. This is the same bill which his administration deliberately stalled all summer.

Mr. Speaker, in a thorough and detailed white paper issued last weekend, you described the initiative and the actions of the Congress with regard to energy. You contrasted this work of the Congress with the delay and indifference of the administration.

I ask unanimous consent that the entire 22-page document be printed in the RECORD.

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

There was no objection.

The document follows:

THE ENERGY CRISIS

(Statement of Representative CARL ALBERT, the Speaker, U.S. House of Representatives, Nov. 25, 1973)

In a major statement presenting the Congressional view of America's energy crisis, Speaker of the House Carl Albert today charged that the Nixon Administration is not doing enough to counteract growing power shortages and that Administration policies have actually played a major part in causing the energy crisis.

"America faces an extremely severe energy shortage during the coming months," the Speaker of the House said, and the causes of the shortages "go back many years and are deeply rooted in long-standing policies pursued by the Nixon Administration."

In a lengthy statement, Speaker Albert itemized mistakes made by the Administration, including:

Impounding millions of dollars in funds appropriated by Congress for energy research and development—while simultaneously criticizing the Congress for not doing enough to solve the energy crisis.

Maintaining an Oil Import Control program which kept foreign oil out of the United States during recent years while America's fuel reserves were falling to dangerously low levels.

Refusing to implement the mandatory fuel allocation authority granted by Congress until it was too late to make much impact on the distribution of fuel supplies and then, at this late date, implementing the program ineffectively.

Failing to draw up contingency plans and to stockpile adequate fuel reserves in the face of obvious political instability in the Middle-East.

Mishandling the price control program by freezing gasoline prices at seasonal peaks and home heating oil at seasonal lows, thus forcing refiners to convert crude oil to gasoline instead of to heating oil in preparation for the winter months.

Failing still at this late date to realize, and to tell the American people, how tight our energy supplies really are and to take the far more stringent allocation, rationing and conservation measures that are our "only hope of riding out the difficult winter just ahead and the difficult years which will follow."

The Speaker of the House stated that Administration spokesmen are touring the country in an effort to "rewrite the history of the energy crisis" to suit their own needs, trying to create the impression that the Congress is responsible for energy shortages but that, in reality, "quite the opposite is true."

Speaker Albert pointed out that "the President had no program" for meeting emergency energy needs and that, without exception, all the emergency legislation which Nixon requested in his November energy address was legislation which a "determined Congress" was about to force on a President who had not been willing to use even those authorities he already had.

The Speaker of the House also termed Nixon's $10 billion dollar energy research and development program a "paper program" created simply by reshuffling existing programs under new budget titles.

"It has become apparent that fully two-thirds of the funds for the 'new' program are funds already budgeted. Only about one-third is new money, and the rest is simply a result of reshuffling existing budget titles to place activities only vaguely connected with energy research and development under this heading" the Speaker said.

The Speaker also criticized the Administration's plans for use of energy research and development funds, saying that nowhere in the program are sufficient funds for coal liquification and gasification and other forms of potentially valuable energy research and development.

Throughout his statement, Speaker Albert stressed the need for President Nixon to be honest with the Congress and the American people about energy shortages.

The Speaker stated that it will be difficult for the Congress to "look past the bitterness" the President is engendering in trying to create the impression that it is the Congress, rather than his own Administration, which has placed the Nation in its present serious difficulties.

The Speaker of the House concluded that the Congress would have to challenge both the President's version of events leading up to the energy crisis and his analysis of the gravity of the situation.

"The Administration's story on the energy crisis is wrong and, if it goes unchallenged, history will catch up with America just as surely as it is now catching up with the Nixon Administration," the Speaker said.

THE ENERGY CRISIS

(Statement of Representative CARL ALBERT, the Speaker, U.S. House of Representatives, Nov. 25, 1973)

America faces an extremely severe energy shortage during the coming winter months and for the foreseeable future.

Following on the heels of a year of rapid inflation, during which the average person's real purchasing power has actually declined by several percent, the sudden appearance of severe energy shortages is a disheartening and even frightening event.

At best, these shortages mean serious inconvenience—and potentially even danger—for American families, who will find themselves without enough fuel to heat their homes this winter, without sufficient gasoline for their cars, and without enough energy to run their places of employment, their factories, their farms and businesses.

At worst, the energy shortages will mean massive disruption of our Nation's life and economy, closing of factories and schools, declining production, and widespread unemployment rising to 8% or even higher.

The fact that energy shortages have burst so suddenly upon the public's awareness does not mean that this problem has developed overnight. In fact, quite the opposite is true—the origins of the shortages we are now experiencing go back many years and are deeply rooted in long-standing policies pursued by the Nixon Administration.

I. NEED FOR CANDOR WITH THE AMERICAN PEOPLE

Early in November, President Nixon presented a message concerning energy shortages to the American people. In his message, and on several occasions since then, the President has attempted to place the responsibility for the serious shortages we are now facing on international events, on our standard of living, and on the Congress—especially on Congress.

Even in his initial address, in which he called for national unity and cooperation from the Congress in solving our energy supply problems, President Nixon sought to convey to the American people the impression that the Congress is chiefly responsible for current energy shortages—an assertion which I believe will not withstand an examination of the facts.

In truth, the President has tried to place the blame for the energy shortages we are experiencing almost everywhere except where the greatest share of responsibility for scarcities really belongs—at the doorsteps of the Nixon Administration. Even as I write, the President's surrogates are touring the country, repeating the Administration's assertion that delays by the Congress, and not Administration negligence, are primarily to blame for our energy supply problems.

In view of the Administration's concerted efforts to mislead the Nation regarding where responsibility lies for our energy shortages, I believe it is necessary to outline the events which have lead up to present energy scarcities, and to place before the American people information which will help clarify the Nixon Administration's mishandling of and even causing of those events.

This is a task I would much prefer not to have to undertake, for a spirit of cooperation among the branches of government is essential during a crisis, and—let there be no doubt—America is facing a crisis of immense proportions.

However, President Nixon has once again chosen not to be candid with the American people—not about the magnitude of the crisis we are facing—not about the origins of, and responsibility for, the crisis; and not about the ease with which the problems we are facing will be solved.

I therefore believe that it is incumbent upon the Congress to provide for the American people the facts regarding the origins and seriousness of the current energy supply situation—for at this point in time basic honesty by the government with the people concerning our situation must take precedence over Congressional cooperation with an Executive branch which has, unfortunately, chosen not to be candid concerning the magnitude of the crisis we are facing, and which has chosen to rewrite the history of the origins of the energy crisis to suit its own purposes.

The President has promised the American people more than I—and he—know can be delivered. President Nixon has told the Nation that there will be no real suffering on the part of our citizens.

In my judgment, we stand a better than even chance of experiencing an actual decline in production next year, accompanied by widespread unemployment among our people, perhaps even reaching above 8%.

President Nixon has told the Nation that his Administration has acted quickly and responsibly to meet the energy crisis.

In fact, the Administration is in chaos. It has no effective leadership with which to meet this crisis and it has not taken anything like the actions which will be necessary to avert a major recession.

There has been a succession of no fewer than four energy policy heads in as many months.

The Administration is speaking on energy matters with at least eight voices, none of whom are saying the same things.

The steps to conserve energy taken by the Nixon Administration thus far are more cosmetic than meaningful—and they are nothing like the stringent measures which must be taken, and taken now, if we are to survive the immediate energy shortage without severe damage to our Nation's well-being, economy, and security.

President Nixon has told the Nation that the Congress has been dragging its feet on energy matters and is therefore responsible for the current shortages.

In reality, quite the opposite is true. Those constructive measures which have been taken and will be taken in the immediate future (including the emergency legislative recommendations which the President has taken as his own) have originated without exception in the Congress, and not in the Administration.

It is the Nixon Administration which has dragged its feet, by failing to implement the authorities granted to it by the Congress in the energy field; by asking the Congress to retard the development of its own legislation; and by failing to deliver to the Congress promised legislative recommendations.

In fact, there is very substantial evidence—which I shall present—that the policies pursued by the Nixon Administration have themselves been a major factor in precipitating America's energy crisis.

To understand fully the origins of our energy crisis, and the inaccuracy with which the President has described them to the American people, it is necessary to examine the record of the Nixon Administration and the record of the Congress on energy matters with some care.

II. THE NIXON RECORD ON ENERGY MATTERS—EMERGENCY MEASURES

It is illuminating—if painful—to survey the Nixon record on energy matters. A point-by-point review of the Administration's actions—and more frequent inaction—will make clear the extent to which the Nixon Administration has failed in addressing our energy problems squarely.

Let us begin by examining the emergency measures taken by the President last week.

To begin with, there is not one of these measures which could not have been implemented more than two years ago. And even more important, these measures represent far too little action and they have been taken far too late. Consider:

Nuclear power plant construction

The President has asked the Atomic Energy Commission to speed licensing and construction of nuclear power plants to reduce the time required to build these plants from ten years to six years.

In reality, the AEC has been struggling unsuccessfully for over 18 months to reduce the ten year lead time but has been unable to because of the immensely complicated technical problems of nuclear power plant construction—unless we are willing to sacrifice the safety of the American people. Furthermore, we are currently deriving only about one percent of our Nation's energy from nuclear power plants. If the number of plants were increased four-fold in the next five years—which is simply not possible—the amount of power generated would still be insignificant relative to our immediate shortages and to the long-term needs of the American economy.

This Presidential proposal for speeding nuclear power plant construction, which sounds so reassuring at first, turns out to be a command to do the perhaps impossible which, even if it could be done, would have an almost negligible effect on our total energy supply situation over the next few years.

Power plant conversion

The President stated that efforts would be made to convert oil burning power plants back to coal and to prevent new conversions from coal to oil.

There are several important observations to make on this point.

First, President Nixon's statement assumes that we have an adequate ready supply of coal. This is very far from true. Coal itself is in very short supply, and the situation is likely to get much worse before it improves.

There are severe shortages of many important items used in mining. For example, there is a shortage of diesel fuel used by the big shovels and in hauling coal in the mines and on barges. (Under the Nixon Administration's inadequate mandatory fuel allocation program, vital energy producers such as coal companies have, until very recently, received no more diesel fuel than they received last year.) And because the Administration implemented its price control program without proper regard for growing energy shortages, there is an extreme scarcity of the explosives and other equipment used in mining coal. There is also a scarcity of coal-hauling rail cars, and rail traffic itself has hardly yet recovered from the chaos wrought by the Administration's grain deals.

In fact, shortages in the coal industry are so severe that some of the big coal companies are currently meeting only about 60% of their existing contract commitments and are considering closing down by the end of December.

In view of all these shortages, the coal industry can expand production only by about 10% by next summer. Since coal currently accounts for about 18% of America's total energy consumption, this means that we can—through use of coal—increase our energy supplies barely at all this winter and by less than 2% by next June or July.

It will be literally years before coal production can even begin to make up for energy shortages. It takes about four years to open an underground mine and almost half that time to open a strip mine.

In short, it will be a long, cold winter for those who await resolution of our energy problems from the coal industry.

But suppose, for a moment, that coal were available—what about the oil to coal conversion measure for power plants suggested by the President? According to the Federal Power Commission, fewer than half the oil-fired power plants in the country could be converted to coal, and these conversions could not be completed in time to make any difference in the energy situation for the 1973–74 winter season.

Furthermore, in the East, where power plant conversion was begun many years ago, there are very few large plants left which can be converted back to coal at all—and this is the portion of the Nation expected to experience the most severe residual fuel shortages this winter, up to 48% below needs, according to an Interior Department advisory group.

Finally, it is very important to note that power plant conversions from coal to oil have been made necessary in the first place by terribly bad air pollution problems, literally a hazard to public heatlh and safety. President Nixon's failure to act soon enough and effectively enough on energy problems has placed us in a bind in which we sacrifice our energy production and our standard of living, or we sacrifice clean air and our health.

Thus this Presidential proposal for using coal rather than oil this winter—which seems so reasonable at first glance—in fact offers very little in terms of real contribution to solving our energy problems in the coming year and for some years in the future.

Speed limit reductions

President Nixon's proposal, which originated in Congress and passed the Senate last June, to governors and mayors to make across-the-board speed limit reductions to 50 miles an hour is another example of the Administration's shooting from the hip when carefully thought out plans are needed. The proposal has some merit, but it is far too little and far too late. Furthermore, there have been nationwide protests from bus and trucking firms for whom such a speed limit would actually result in increased fuel consumption because of massive disruption of schedules and because their engines are designed to run more efficiently at high speeds than at low speeds. While a 50-mile-an-hour speed limit—or lower—for passenger cars is desirable, imposition of such a speed limit on scheduled buses and trucks will wreak havoc with the efficiency of these industries. Had anyone in the Administration given even a moment's thought to this proposal before it surfaced in President Nixon's statement, it would have been apparent how incomplete and imperfect the implementation plans for this basically sound proposal were.

Mandatory fuel allocation program

President Nixon has announced his intention at long last to implement a mandatory fuel allocation program.

The Congress—whom Nixon is trying to blame for our energy problems—gave him the authority to require sensible allocation of available fuel supplies to various parts of the Nation years ago and then strengthened this authority more than half a year ago under the Economic Stabilization Act Amendments (P.L. 93–28). The Congress could see the energy shortages and fuel allocation problems coming, and so they gave our unwilling President the atuhority to deal with the problem and pleaded with him time and again to use it.

President Nixon did hardly anything with this authority. In May he announced the implementation of a voluntary fuel allocation program to distribute scarce fuel supplies. But the disastrous failure of the voluntary program was aptly demonstrated last summer when over 2,000 independent gasoline service stations were forced to close their doors from lack of supply. Moreover, the errors of the voluntary program were exacerbated by the Administration's Cost of Living Council, which brought about the closing of more gas stations and near rebellion among service station owners this fall.

The Administration's voluntary scheme for resolving last summer's gasoline shortages resulted in disaster, while the Congress pointed time and again to the real solution, asking the President to use the power it had given him to establish mandatory allocation programs, to provide an equitable distribution of available supplies. Typically, the response of the Nixon Administration was inaction.

After it had become clear that the President would not take meaningful action, the Congress began last June to consider legislation to force the President to act. The Administration asked the Congress to delay this legislation, promising to deliver its own bill to the Congress within a week. This promise was not kept.

Shortly thereafter, another person was installed as head of the Administration's energy policy activities—the fourth such individual in four months. Like his predecessor, this man promised to deliver an Administration plan for mandatory fuel allocation to the Congress. That plan was never delivered.

It is a sad commentary on the Administration's lack of basic honesty that this person, who himself asked the Congres to delay action on its energy legislation, has now joined in the Administration's well-orchestrated attempts to blame Congress for delaying action.

At long last, well past the eleventh hour, the Administration has implemented a mandatory allocation program for propane and middle distillates—and they are implementing the program badly. Typical of the Administration's errors is its failure to provide the proper administrative framework for the program. The middle distillates program (home heating and diesel oils) has been so badly handled that governors from around the country—who are desperately concerned about solving the energy shortages in their states—have actually had to write to ask the Administration to withdraw the program for a month and then to try again to implement it properly.

It seems that the Administration began the program without first writing the necessary forms or obtaining staff to handle the program: for example, there are only two people in the Office of Oil and Gas in one major West Coast city to handle literally thousands of inquiries as to how the allocation program is to be carried out.

Among the distributors and the States, who are supposed to carry out the program, no one really knows how it should operate and confusion reigns. This has occurred because the program was implemented with so little planning and forethought. The Administration was caught totally unprepared, revealing once again their lack of adequate policy planning.

However, even if it had been administered properly bureaucratically, the Administration's program would still have fallen far short of what is needed because they have failed until just recently, at the end of November, to try to introduce any system

of priorities for allocating fuel among various kinds of users. Under the system originally imposed by the President, merry-go-rounds and pleasure boats got the same priority for oil as hospitals, schools and public utilities. Unbelievably, the Administration waited until the end of November, when freezing weather had already struck many parts of the Nation, to provide special fuel allocations to such industries as the coal mining industry, which desperately needs increased fuel supplies in order to mine the coal to make up for the missing oil.

By now, however, the priority system may not matter anyway. The Administration has dragged its feet so long that it is almost too late to make meaningful home heating oil allocations before winter sets in. And, even more incomprehensible is the fact that the Administration has failed—even at this late date—to provide mandatory allocation of residual oil, which fuels heavy industry. Thus, even though the shortage of residual oil may reach 37 percent nationwide according to the Administration's own advisory council, President Nixon still has not faced up to the need for mandatory allocation of all oil products. Shortages of residual oil on the East Coast may come close to the 50 percent level, forcing drastic curtailment of production and consequent declines in employment. The President has had authority to impose a mandatory control program on residual oil for a very long time, but even now he still refuses to use it and so the Congress is preparing legislation to force him to take this obviously essential step.

Federal energy conservation

The President ordered reduction in the Federal government's consumption of energy, which is all to the good. The President has not been alone, however, in his concern about Federal government energy conservation. For example, earlier this year, the Congress passed an amendment to the Department of Defense Appropriation Act stating the sense of the Congress "that prompt effective action be taken by the Department of Defense to conserve important petroleum resources" and directing the Secretary to initiate conservation measures not incompatible with national defense. The 7 percent reduction in the Federal government's consumption of energy which President Nixon has just ordered follows the pattern set by Congress.

The most notable fact about all the above emergency actions taken by the President is that they represent a terribly belated and inadequate effort by the Administration to come to terms with energy shortages by using legislative authority granted years ago by the Congress in an effort to avert the crisis we now are facing.

President Nixon has implied that he has taken meaningful steps to counteract energy shortages. But he has greatly overstated the possible beneficial effects of his program and has thus misled the American people concerning the possibility of readily solving our energy supply problems. In reality, the President's actions constitute far too little effort at this late date.

Furthermore, the President has implied that it is he who is leading in the fight to conserve energy when, in fact, the Congress has in every instance preceded the President in acting to control and conserve energy usage by granting the Executive branch the required authorities—authorities which the President has steadfastly refused, and is still refusing, to utilize.

The Congress has actually found it necessary to prepare remedial legislation to force the President to deal with the energy crisis, such as the legislation forcing the President to institute a mandatory allocation system.

III. THE NIXON RECORD ON ENERGY MATTERS—EMERGENCY LEGISLATIVE PROPOSALS

I believe I have dealt adequately with the misimpressions created by the President concerning the meaningfulness of his emergency actions taken early in November. But what of the future, what of President Nixon's new emergency legislative program unveiled before the American public on national television?

The really new legislative ideas, as the President himself was practically forced to admit, are coming out of the Congress.

There was not a single Administration item in the emergency package. Every single proposal mentioned by President Nixon as part of "his" program was contained in energy bills introduced months ago and already well along in the Congress—energy conservation bills which the Administration has been opposing and delaying.

The Administration's about-face on this matter is really quite incredible—from opposing and delaying energy conservation measures which the Congress has fashioned to claiming these Congressional bills as the President's own program, and criticizing the Congress for acting too slowly on the same Congressional bills they have been opposing. All this in a matter of weeks.

President Nixon, in his November address, made several references to his energy messages and to his desire that Congress act quickly on emergency legislation designed to counteract the energy crisis.

The implication of the President's remarks was that the Congress has been dragging its feet while the President is in a hurry to implement emergency legislation. Nothing could be farther from the truth.

Once again, the President has attempted to convey a misleading impression to the American people.

The President had no program for emergency legislation. Virtually all the preparatory work for meeting the energy crisis was done in the Congress, not the Executive branch. Every emergency program mentioned by the President originated in the Congress and had never been mentioned prior to this time by the President in any of his energy messages.

Tapping of the Naval petroleum reserves was never mentioned by the President prior to early November as a possible solution, in the short term, to our energy crisis. This authority was, however, contained in major Congressional energy initiatives, in case dire emergency should force this last-resort action.

Reducing speed limits on Federal highways to conserve gasoline had never been mentioned by President Nixon prior to his November address, but such legislation was passed by the Senate last June.

President Nixon has never in his energy messages, or elsewhere, mentioned returning to daylight saving time on a year-round basis until his "request" for this authority from the Congress. Major Congressional legislation, prepared long before the President spoke, however, already included this provision which, it is estimated, will bring a 3% savings in fuel consumption.

General energy conservation measures, such as restrictions on working hours, had never been mentioned by the President in any of his energy addresses. Congressional legislation, on the other hand, already included these provisions and the Congress was preparing to force them on a President who had been totally unwilling to implement broad energy control measures.

Standby rationing authority is one of the measures which President Nixon stated that "it is imperative" that he receive before the Congress recesses. Congressional legislation, however, already contained rationing authority, and the Congress was preparing to force this authority on a President who, thus far, had been unwilling to implement even the mandatory allocation authority which had been granted to him years ago and strengthened last spring.

President Nixon requested authority to regulate schedules of trains, ships, and other carriers, including speed limits, in order to economize on fuel consumption. This was the first the Congress had ever heard of the President's interest in such measures. Major Congressional legislation, however, had already been prepared, providing the required authority.

Thus, without exception, the emergency authorities which President Nixon "requested" from the Congress in early November were in fact authorities which a determined Congress was about to thrust upon him. The President's "emergency energy conservation" program did not exist. It was simply a compilation of legislation already pending in the Congress—legislation which the Congress was about to pass and to force upon a President who had been reluctant to use even the authorities which he already had.

IV. THE NIXON RECORD ON ENERGY MATTERS—HIS ORIGINAL LEGISLATIVE PROGRAM

As for the President's seven-item legislative request last spring, concerning which the President criticized the Congress in his November address, this program is simply inconsequential in relation to the energy needs of the Nation over the coming decades.

The President attempted to convey to the American people the impression that the Congress, by not passing the requested legislation, was delaying the Nation's long-term energy development. In fact, however, the seven pieces of "major legislation" which the President criticized the Congress for not passing are practically a joke in terms of solving our real long term energy needs.

The Santa Barbara Channel legislation permits the Federal government to repurchase 35 oil leases in the Santa Barbara Channel and compensates for this by opening drilling on certain public lands. This is hardly a "major" piece of energy development legislation; and furthermore, the Administration apparently is about to change course and request reopening of drilling after all in the Santa Barbara Channel—the site of the disastrous 1969 oil spill.

Furthermore, the opening for commercial production of the Elk Hills, California, Naval Oil Reserve and other Naval Reserves is fraught with danger for the security of the United States.

These Reserves were created for a purpose—to provide a sure supply of oil for use in the defense of our Nation.

Only as a last resort should these Reserves be tapped—not frivolously by a President who does not believe we have a severe energy shortage, who is still unwilling to use his full petroleum allocation authority, and who is not yet willing to admit that more than "stand-by" consumer gasoline rationing authority is needed.

If we have, indeed, come to our last resort, then let the President so acknowledge by taking the kind of stringent conservation measures the situation calls for—and acknowledge also his responsibility for placing our Nation in a bind in which we sacrifice either our energy production and our standard of living, by not using oil from the Naval Reserves—or we dip into the Naval Reserves and sacrifice the future security of our Nation.

We have a President who seems constantly to present us with two bad alternatives and no good choices.

For my own part, I find it very strange policy indeed to propose that the civilian economy draw on the military reserves in the same week that the Pentagon has begun commandeering civilian oil supplies under the the Defense Production Act because the military is running out of fuel.

The Electric Facilities Siting Act deals, not very well, with a small and possibly unresolvable problem which the AEC has already taken independent steps to deal with. The bill is drafted so badly that even the power

companies, who it is supposed to help, opposed it. It does not have a chance of going anywhere in the form in which the Administration submitted it. Only a great deal of effort by the Congress could possibly put this bill into workable shape.

The *Mined Areas Protection Act* is the Administration's strip-mining bill and is widely viewed as a "sell-out." The bill would allow strip-mining to go unregulated for several years. Its provisions are weak and nonspecific, and even the Administration's own Environmental Protection Agency opposed the bill. Much better legislation has been prepared by the Congress and has already passed one body.

The *Mineral Leasing Act Amendments* and *Bureau of Land Management Organic Act*—the Alaska Pipeline bill has been enacted, and in much better form than the Nixon version. Even so, it will be years before this measure can bring some limited relief to our energy supply problems.

Furthermore, when the Congress enacted this legislation, it added vitally needed provisions to aid small businesses and consumers—causing the Office of Management and Budget, and the President, to threaten veto of the bill.

The *Deepwater Port Facilities Act* is another measure which is years away from having any impact on our very immediate and urgent energy supply problems. Deepwater ports are controversial; they certainly won't contribute to American energy "self-sufficiency"; and these ports take years to construct.

To call for emergency energy crisis legislation for deepwater ports at this particular time is rather like asking for emergency legislation to build a bucket for a dry well.

The *Natural Gas Supply Act* would remove all regulation from well-head prices. This is a controversial issue and, most importantly, increasing gas prices will not increase our in-ground energy reserves, and this is our real long-term problem.

In short, these seven pieces of "major legislation" which the President criticized the Congress for not passing are for the most part insignificant or so bad that they should not pass. All these bills are inconsequential for the short term. The only meaningful bills for the long term were the Alaska Pipeline and Deepwater Ports. The Pipeline bill has been enacted, and Deepwater Ports legislation is well along. Both bills originated in Congress, and neither bill began with a Presidential initiative. Unfortunately, neither bill can make substantial contributions to our energy supply situation in the near term.

V. THE NIXON RECORD ON ENERGY MATTERS—POLICIES CONTRIBUTING TO CURRENT SHORTAGES

The Nixon Administration's failures in dealing with energy problems are not limited to the lack of adequate plans to deal with the shortages which are now upon us.

In fact, the President's policies of years past have in large measure actually created the grave difficulties in which our Nation has been placed.

Probably the outstanding example of bad Administration policies lies in its handling of the oil import control program. This program, which discouraged entry of foreign oil, resulted in artificially high prices for domestic oil and a consequent unnecessarily heavy drawing on our domestic oil reserves.

In 1970—three years ago—President Nixon's own blue-ribbon Cabinet-level Task Force recommended abolishing the oil import quotas. The Task Force, like Members of the Congress, could see the energy shortage coming and the damage the import quotas were doing in America.

But—incredible as it is—only this year, in the face of tremendous pressure, did the Administration finally dump the import control program—a program which has made us use up our domestic oil reserves much faster than we otherwise would have and which has discouraged us from building the refinery capacity which could have helped us avoid last winter's oil shortage and this summer's gasoline shortage.

Some statistics here will help show how long the Administration remained unwilling to deal realistically in the interests of the Nation with growing energy shortages.

By 1972, several years after shortages had become apparent, the Administration was finally willing to admit that petroleum scarcities were occurring, and so the President authorized entry of another 230,000 barrels of oil per day.

By this time, even the oil companies, and especially independent refiners and distributors, were pleading with the Administration to discard the import control program and for an increase in supplies.

The Administration, however, remained unwilling to abandon the import control program: by the end of August, 1972—about a year ago and two years after the Task Force report—the official Administration position, as expressed by the Interior Department, was that no real shortage existed and that not more than an additional 50,000 barrels of oil should be allowed to be imported. This position is almost unbelievable in view of the fact that by this time distillate stocks had dropped to 25% below the 1971 level. Yet the Administration still hung on to the import control program.

By January, 1973, the Administration had had to increase oil imports by 915,000 barrels per day over the 1972 level—a tacit admission of the total inaccuracy of its earlier position. Stocks were still in terribly depleted condition, but despite this fact, not one single refiner was granted additional imports as large as had been requested. Refineries were running well below capacity, and no oil was available because the Administration would not allow more to enter the country.

Last spring, the Administration finally discontinued the oil import control program and now, less than a year after belatedly dropping the import control program, the Administration tells us that we will be between 20 and 30 percent short of needed petroleum supplies by next spring.

Even the major oil companies were finally urging the Administration to end the import control program before the President finally dumped it, not in 1970 or 1971, when it might have done some good, but in 1973 when the shortages were already upon us and we had become terribly vulnerable to oil cut-offs such as we now face.

Far from planning rationally for future scarcities, the Nixon Administration has, through deliberate policy, placed our Nation in its present dangerous situation.

The Administration's handling of the import control program not only kept badly needed oil out of the country, but also had the secondary effect of preventing construction of needed refineries in the United States.

The oil industry knew that the import control program could not last much longer, and refiners preferred to wait for government action on long range policies concerning distillate and heavy fuel oils before making commitments to building new refineries. Needless to say, real long-range policies never materialized in the Nixon Administratioin.

Continuation of the import control program long past its useful life would alone have resulted in serious energy shortages in the United States this winter, Arab embargo or not. But the Administration exacerbated the shortages of petroleum products by mishandling the price control program under the Economic Stabilization Act.

The August, 1971, price freeze set gasoline prices at seasonal highs and heating oil prices at off-season lows. This resulted in refiners converting a maximum percentage of the limited crude oil imports they were able to obtain into gasoline rather than into fuel oil. This was a major factor in causing the alarming low fuel oil stocks of the summer of 1972.

There can be little doubt but that the Nixon Administration, through its unwise continuation of the import control program and handling of price control authority has contributed substantially to creating our present energy shortages.

VI. THE NIXON RECORD ON ENERGY MATTERS—RESEARCH AND DEVELOPMENT

Unfortunately, the Administration's record on energy research and development is no more impressive than its handling of the import program and price controls.

After a very heavy prodding from Congress, President Nixon finally publicly adopted a research and development program about half the size of that proposed by Congressional leaders. The Nixon initiative—announced with much fanfare—was to be a five-year $10 billion research and development program.

Unfortunately, the President's statements about his program were very misleading. It has become apparent that fully two-thirds of the funds for the "new" program are funds already budgeted. Only about one-third, $3.5 billion, is new money, and the rest is simply a result of reshuffling existing budget titles to place activities only vaguely connected with energy research and development under this heading.

This Nixon program is not slated to take effect until fiscal year 1975—when we are suffering severe energy shortages now—and most of the research and development money is slated for the breeder reactor, a program that may help us by 1990, but certainly not before that time.

Furthermore, the breeder reactor is a classic case of putting all the eggs in one basket—nowhere in the President's program are there sufficient funds for coal gasification and liquefaction programs which we need now, which we can count on to help us solve our pressing energy supply problems from now until the breeder reactor could be available.

The way the President plans to use the totally inadequate $700 million per year in new money will not give our Nation anything like self-sufficiency in the years ahead.

But then, we cannot be certain that President Nixon is really asking for $700 million annually in new money. Following the June 29th announcement of the President's so-called "$10 billion dollar" program, he actually asked for an additional $115 million for fiscal year 1974. And, in his October 11th message, the President did not mention that $60 million of this $115 million dollar amount had already been appropriated by Congress, so the new "$10 billion dollar" program really amounts to $55 million in hard cash this year—an inconsequential change in budget priorities by Federal standards, and a meaningless amount in terms of the cost of meaningful energy research and development.

Indicative of the Administration's real position on energy research and development is the fact that, on the very night the President spoke, none of the Congressionally appropriated funds—which were in excess of the President's original budget request—had been released for agency use.

The President's claims to the Nation regarding his efforts to solve the energy crisis have misled the American people at a time when it is terribly important that they be told the truth. In truth, the President has no real program with which to face our energy crisis. The Administration's fourth so-called energy research and development program, mistitled "Project Independence," exists largely on paper.

A program does exist, fashioned by the Congress against the will of a reluctant President. But the Administration appears to lack the leadership needed to carry the program out successfully.

VII. THE RECORD OF THE CONGRESS ON ENERGY MATTERS

I believe that a more realistic assessment of the Congress's and the President's efforts to solve the energy crisis can be obtained from actual records, rather than from Administration speeches. For example:

More than $20 million in energy research and development money from Public Works-Atomic Energy Commission appropriations has been impounded by the President's Office of Management and Budget. This includes funds for geothermal, solar, gas, and nuclear power research.

Congress appropriated $23 million more than the President's budget requested for coal gasification and liquefaction.

The President's budget requested $4 million for geothermal research. Congress appropriated $11 million, so OMB impounded $7 million in funds for this promising energy research program, again impounding funds badly needed for energy research and development.

The Office of Management and Budget is blocking construction of $4 million dollars in power units on the Columbia River—where jobs are now being lost because of insufficient energy supplies. The Bonneville Power Administration had testified in previous years that a power deficiency in the area was imminent, and Congress had set the target date for operation of the power units at 1975. However, because of Administration impoundments, the date has slipped back to 1981.

If the past is prelude to the future, as I believe that it is, Congress will continue to appropriate funds badly needed for energy research, and the President will continue to refuse to spend them, while simultaneously announcing grandiose plans for meeting impossible goals.

Thus we should not be too surprised if in the near future we hear about Congressional battles with the Administration over freeing impounded energy research and development funds while the President is telling the American people that his $10 billion paper program—really largely a reshuffling of existing energy funds—is going to meet the almost impossible goal of freeing America of dependence on foreign energy sources within the next six years.

If America had to wait for President Nixon, his energy advisers, and his Office of Management and Budget, there would be no progress at all on the energy front. Fortunately, however, the Congress has been very active on energy problems:

While President Nixon used the import control program to prevent oil from entering the country and thus prevented a build up in our danegrously low fuel stocks, Congress has been holding hearings and reporting thoughtful legislation to improve our position in nearly every area of energy supply policy.

The Congress granted authority to the President for the emergency actions he belatedly took several years prior to the President's using these authorities.

The "emergency legislation" which the President has now belatedly requested is in fact merely an echo of legislation fashioned carefully by the Congress over the last year.

The Congress has consistently appropriated more energy research and development funds than the President has been willing to spend. As recently as last summer, two Cabinet Secretaries testified before Congress in opposition to the Congress' plans for a large-scale energy research and development program.

In the last few weeks alone, both the Wall Street Journal and the Oil and Gas Journal—the Bible of the energy industry—have carried articles acknowledging how the Congress has seized the lead on energy supply problems after the Nixon Administration proved incapable of supplying the leadership the Nation needs. As the Oil and Gas Journal stated, just before the President's most recent energy message, October 29, 1973,

"The Nixon Administration is losing to Congress the initiative on energy policy. This is especially true of emergency measures. . . . initially the White House was reluctant to use the authority to allocate oil granted in the Economic Stabilization Act. Now, the President is at the point of getting mandatory allocation across the board shoved down his throat by Congress. . . ."

Twenty-eight committees of Congress have held more than 500 days of hearings on energy issues this year. More than 700-energy-related bills have been introduced and many of these have been, or soon will be, enacted. Each will make a contribution to relieving America's energy shortage. Both Democrats and Republicans in Congress have been working on energy problems, after becoming concerned about the Administration's obvious lack of leadership and incapacity in this area.

There follows a table showing major energy legislation receiving Congressional action this year alone:

ENERGY LEGISLATION RECEIVING ACTION IN THE 93D CONGRESS

Bill	House report	Date passed	Senate report	Date passed	Public Law
S. 70—Council on Energy Policy			93-114	May 10, 1973	
S. 268—National Land Use Policy			93-197	June 21, 1973	
S. 394—Rural Electrification Act	(H.R. 5683) 93-92	Apr. 4, 1973	93-20	Feb. 21, 1973	93-32
S. 398—Economic Stabilization Act Amendments of 1970	(H.R. 6168) 93-114	Apr. 16, 1973	93-63	Mar. 20, 1973	93-28
S. 425—Regulation of Surface Mining			93-402	Oct. 9, 1973	
S. 1081—Rights-of-Way Across Federal Lands (Alaska Pipeline)	(H.R. 9130) 93-414	Aug. 2, 1973	93-207	July 17, 1973	93-153
S. 1501—Water Resources Planning Act, Authorizations	(H.R. 6338) 93-266	June 19, 1973	93-174	May 30, 1973	93-55
S. 1570—Emergency Petroleum Allocation Act of 1973	(H.R. 9681) 93-531	Oct. 17, 1973	93-159	June 5, 1973	93-
S. 1828—Mining Enforcement and Safety Administration, Confirmation of Head			93-340	July 25, 1973	
S. 1993—EURATOM Cooperation Act	(H.R. 8867) 93-385	July 30, 1973	93-341	July 26, 1973	93-88
S. 1994—AEC Authorization	93-280 (H.R. 8662)	June 25, 1973	93-224	June 25, 1973	93-60
S. 2176—Energy Conservation			93-409		
H.R. 5441—Oil Pollution Act, amendment	93-137	May 8, 1973	93-405	Sept. 24, 1973	93-119
H.R. 5777—Hobby Protection Act	93-159	May 16, 1973	93-345 (S. 1880)	Aug. 2, 1973	
H.R. 8917—Interior Appropriations	93-322	June 27, 1973	93-632	Aug. 1, 1973	93-120
H.R. 8947—Public Works, AEC Appropriations	93-327	June 28, 1973	93-338	July 23, 1973	93-97

While the Congress has been moving forward steadily on energy legislation, the Nixon Administration has been opposing measures which would help alleviate shortages.

For example, President Nixon has threatened to veto the Congress' Mass Transit bill—one of the most obvious and best solutions for getting the gas-guzzling cars off the road. More than 20 million Americans use mass transit facilities every day, and the possibility of massively increasing this number by making mass transit more flexible, efficient, comfortable, reliable and safe, offers one of our Nation's best hopes for reducing our Nation's energy consumption.

Unfortunately, President Nixon is apparently planning to veto this legislation.

When the Congress has passed sound policies in the energy field, the Nixon Administration has implemented them badly, for example, the mandatory fuel allocation provisions.

As another example, the Congress passed the Geothermal Steam Act in 1970, which provided for leasing geothermal resources on Federal lands. It has taken the Administration three years to come up with a program to tap this valuable and promising energy resource. Meanwhile, final regulations have not yet been issued, and the Nation is denied the use of this source of energy by Administration delays and incompetence.

President Nixon has tried to shift the responsibility for our energy supply problems anywhere he could—to the Congress, to our rising standard of living, and to international events. But the purpose of government is to anticipate and avert problems, not to shift the blame for failure. The Congress has been at work on energy problems and is well ahead of the President. The Administration's wrong-headed policies with regard to oil import controls, mishandling of price control authority, confused and disjointed leadership, failure to create energy reserves and contingency plans in the face of obvious political instability in the Middle East, and general lack of foresight and careful planning have been the primary factors in creating the difficult situation in which our Nation now finds itself.

Most Americans know these facts—and those who do not will soon come to realize them when they are huddled around the fireplace trying to keep warm because there is no heating oil. The Administration has endangered the safety and future of America through its five years of non-policy and bad policy in the energy area, and the Nation is going to pay a high price for Administration failures.

The President spoke in his most recent energy message of the lessons that could be learned from the State of Oregon, where public cooperation has resulted in an 8% reduction in fuel consumption. The President, however, failed to point out the other lesson which we can learn from Oregon—that shortages in power have already caused the dismissal of almost 1500 workers in the soft metals industry; that lack of natural and propane gas is threatening to close down sawmills employing about 4,000 workers; and that imminent closing of an aluminum plant threatens another 600 jobs. And still another lesson can be learned from Oregon: President Nixon's Administration is even now delaying funds for completion of the Columbia River Power System, as factories close down and workers are laid off.

The American people are now being asked to pay with their patriotism the price exacted by the misguided policies and negligence of the Nixon Administration—and pay we will, with our comfort, our standard of living, our jobs, and our futures.

The American people will pay for the incompetence of the Nixon Administration but they will not forget it—because every cold winter day will be a reminder of the Administration's errors.

VIII. THE NEED FOR GOVERNMENT COOPERATION AND HONESTY IN DEALING WITH THE ENERGY CRISIS

Even now, as President Nixon speaks of "no real suffering" for any American because

of the energy shortages his Administration has permitted and fostered, one of his most respected Cabinet members—somewhat more realistic than the President—is speaking of "potential plant shutdowns and massive employee layoffs."

The energy crisis is upon us, and still the Administration continues to speak with many confused voices—some saying there will be rationing, others saying there will not; some saying there will be high unemployment and others saying there will be little economic effect.

At a time such as this, it is more important than ever that the American people understand both the severity of the energy crisis and the fact that their Congress is hard at work on legislation which will help pull us out of this crisis.

There is also a need for cooperation among the branches of government during time of crisis. The Congress will work cooperatively with the President in solving our energy problems—if this is possible.

However, if forced by the President into choosing between being honest with the people and cooperating with the Administration, the Congress must of necessity choose to maintain faith with the people.

This choice is, in fact, the decision which the Congress now confronts. We must choose between cooperating with an Administration which is intent on deceiving the American people with regard to both the severity and the causes of our energy shortages, and being honest with the people by telling them that we are living on borrowed time, on our reserves, and that far more stringent allocation, rationing, and conservation measures are our only hope of riding out the difficult winter just ahead and the difficult years which will follow.

Cooperation at a time of crisis is essential. But it is very difficult indeed to cooperate with an Administration which is promising pie-in-the-sky "self-sufficiency in six years" while it impounds energy research and development money. Despite Administration rhetoric, the last of the tankers from the Middle-East are about to enter our ports, and we must sharply curtail our luxuries now, immediately, or we will find ourselves without essentials in the very near future, perhaps as early as January.

It will also be difficult for the Congress to cooperate with the President because we will have to try to look past the bitterness he is engendering when he attempts to rewrite the history of the energy crisis, so as to make it appear that the Congress is responsible for our energy shortages when, in reality, the burden of responsibility for negligence and lack of foresight truly lies far more heavily on the Administration.

If a nation engages in fantasy, reality will crush it. And right now, the Nixon Administration is engaging in a number of fantasies: that across-the-board fuel allocation and stringent rationing are not necessary; that we can draw on the Naval Petroleum Reserves with impunity, without endangering our future security; that the Administration has things under control and is doing enough to head off massive economic breakdown next spring; and that the Congress, and not the Administration, is responsible for the long history of mismanagement and neglect in which the energy crisis has its origins.

The trouble with trying to rewrite history to suit your short-term political advantage is that, in the long run, it doesn't work. History catches up with you and, if your story was wrong, you pay the price.

This is why the Congress cannot permit the Administration to write instant history now concerning the origins of the energy crisis.

The Administration's story on the energy crisis is wrong and, if it goes unchallenged, history will catch up with America just as surely as it is now catching up with the Nixon Administration.

THE 55TH ANNIVERSARY OF LATVIAN INDEPENDENCE

The SPEAKER pro tempore (Mr. MAZZOLI). Under a previous order of the House, the gentleman from Illinois (Mr. DERWINSKI) is recognized for 30 minutes.

Mr. DERWINSKI. Mr. Speaker, may I direct to the attention of House Members the fact that on November 18, the Latvian people celebrated the 55th anniversary of their Independence Day. Because the House was not in session on that day, I wish to take this time to commemorate this historic occasion. This great event was celebrated only in the free world areas with an unfortunate feeling of sadness, as Latvian emigrees throughout the world keeping alive the historic nature of the occasion, could not truly be commemorated.

The people of Latvia itself are not permitted to celebrate their true independence day which, by the way, was achieved at the expense of the original Russian Communist Government.

It is necessary to remind the Members that the Soviet Union continues to suppress the nationalistic spirit of non-Russian Republics within the U.S.S.R. The Soviet Union, in its deliberate policy to eliminate the theorical independence of various Soviet Socialist Republics, is expanding regional governmental structures in an effort to blot out historic national lines. The Latvian people as well as Lithuanians and Estonians are being deliberately scattered about the Soviet Union in order to lessen their nationalistic effectiveness.

I earnestly appeal to all Americans of Latvian origin and to Latvian emigree groups throughout the free world to maintain their spirit and determination to work for the restoration of freedom to their homeland. The most important point to emphasize is that freedom will not be achieved for Latvia or any other captive nation of communism if the Western World adopts a policy of coexistence with the Soviet Union.

The brave people of Latvia suffered under centuries of czarist tyranny and were rapidly developing their little nation when treacherously engulfed by the Soviet Armed Forces in June of 1940.

Justice will certainly triumph. In commemorating the 55th anniversary of Latvian independence, we look forward to the ultimate restoration of freedom to that brave little nation, when its people will once again control their own democratic form of government and regain their freedom from the Russian-imposed Communist rule.

Mr. Speaker, I insert at the conclusion of my remarks an article in the October 1973, Latvian Information Bulletin which tells the story of the persecution of Latvians within the U.S.S.R.:

A LATVIAN COUPLE CHALLENGES SOVIET DENIAL OF EMIGRATION

On January 17, 1973, Daniel Bruveris, 28, a citizen of Latvia, was married in Riga to Rudite Klavins, 22, a West German citizen of Latvian descent who was on a tourist visit to Latvia at that time. Being both of Baptist faith, they were married in the Riga St. Mathews Baptist Church, where Bruveris was employed as organist. Their marriage was also recorded in the registry office of Riga. Mr. Bruveris' subsequent application for a exit visa to join his wife, who had returned to Germany, was consistently turned down by the Soviet authorities in Latvia and the Soviet Embassy in Bonn. In July, as a last resort, Bruveris went on a hunger strike, which he continued for thirty days, visibly losing strength. Meanwhile, Mrs. Bruveris demonstrated each day in front of the Soviet Embassy in Bonn. There were also demonstrations by supporters of the Bruveris' in other European capitals. The Soviets finally tried to counteract unfavorable publicity by offering Mrs. Bruveris a return visa allowing her to live with her husband in Riga for three months. But the indomitable couple rejected this "kind" offer in the spirit of Patrick Henry's famous slogan: "Give me liberty, or give me death." And they won in the long run, with Bruveris being "expelled" from Soviet Latvia for behavior unbecoming a Soviet citizen. On September 10 the happy "outcast" arrived in Frankfurt where he was met by his wife. His possessions at arrival consisted of the clothes on his back, and his belief in God. However, being an organist and piano tuner, he expects to have no difficulty in finding employment in Germany.

The ordeal of this couple, who wanted only to be reunited in freedom, found a sympathetic echo in the free world's press, including the United States. The Washington Star-News of September 4 carried a column by William F. Buckley, the first part of which says:

"A letter from Tom Curtis, talented cartoonist for the Milwaukee Sentinel, enclosing a letter from a correspondent in Latvia. Yes, Latvia. When Vishinsky came to the United Nations as the first ambassador of the Soviet Union, he was met by the press on landing and asked if this was the first time he had been abroad, and he replied with a macabre joke. Yes, he said, in a way it was his first time, because the other first time didn't really count. He had gone as emissary of the Soviet Union to Latvia. 'But when I woke up the next morning, I was back in Russia!' This was shorthand for telling the reporters that during the night, Vishinsky had organized a coup, and from that moment on, Latvia became another of the Soviet Union's vast colonies.

"And, accordingy, Latvia endures a share of Soviet barbarism. One learns of a young man, an organist at the Baptist church at Riga. Danier Bruveris married a student at Heidelberg, Germany, after having received permission to do so from the authorities. Now the Latvian government refuses him permission to emigrate. Young Bruveris has begun a hunger strike. The correspondent writes that Americans should be made aware that the persecution in Russia is not only directed against members of the Jewish faith. Attention Sen. Jackson."

Mr. CRANE. Mr. Speaker, the Latvian people commemorated the 55th anniversary of the proclamation of their independence on November 18.

Thirty-three years ago the Soviet Union, through the use of force, took control of the Baltic States of Latvia, Estonia, and Lithuania. The independence of Latvia was short lived.

At this time when there is much discussion of "détente" it is easy to overlook the Soviet record of repression in the Baltic States. We engage in such fantasizing at great peril to ourselves, as well as to human decency. No peace which is lasting can ever be achieved by turning our backs upon history and its lessons.

Since June 15, 1940, the Baltic nations have lost more than one-fourth of their combined populations to the ethnically genocidal deportation and resettlement programs of the Soviet Union. These programs continue today. Despite this fact, a world which condemns gen-

ocide in Biafra and in Bangladesh, and which regularly criticizes the policies concerning different racial and ethnic groups of nations such as Portugal and South Africa, remains strangely silent concerning genocide in the Baltic States.

The U.S. Government has never recognized the forced incorporation of Latvia and the other Baltic States into the Soviet Union. If we are to be true to our own principles, we must insist that the Soviet Union, which is a signatory of the United Nations Declaration of Human Rights, grants these rights to the people of Latvia and the other Baltic nations. These include the rights of assembly, free elections, and freedom of worship. They also include the right to move freely over the borders for emigration and visiting purposes.

At this time, as we celebrate the 55th anniversary of the independence of Latvia, and as we consider the manner in which that independence was stifled, it is important to remember that the nation which calls itself the U.S.S.R. is really a collection of "captive nations."

We often forget that Armenia fell to Communist domination in 1920, Azerbaijan, Byelorussia, Cossackia, Georgia, Idel-Ural, North Caucasia, and the Ukraine in the same year. The Far Eastern Republic fell in 1922, the Mongolian People's Republic in 1924, Estonia, Latvia, and Lithuania in 1940.

In all of the years since 1940, the hope for independence and freedom has never died in Latvia. It is alive today, and needs only encouragement from those of us in the free world who still maintain a dedication to freedom, and who are not persuaded by the soft words of "détente" that the people of Latvia and the other captive nations really enjoy their slavery.

For many years, the United States has been a beacon of hope to the millions of men and women living under Soviet subjugation and hoping for their freedom and independence. We must keep faith with these men and women, and the occasion of the 55th anniversary of Latvian independence provides us with an opportunity to reaffirm that faith.

The people of Latvia only seek for themselves what we have sought for ourselves—freedom, independence, and the right to determine their own future. Any "peace" which is achieved, and which does not guarantee those rights, will be of little value. At this time, the people of Latvia should know that we stand with them, and their rulers in Moscow should know that our commitment to freedom and self-determination is as strong as it ever was.

Mr. BIAGGI. Mr. Speaker, on November 18, millions of Latvians in America and throughout the world celebrated the 55th anniversary of their proclamation of independence. Yet as it has been for the last 33 years, this celebration has been tempered by the continued domination of Latvia by the Soviet Union, who ruthlessly imposed their rule on Latvia in 1940.

As the nation of Latvia enters its 33d year under Russian rule, the conditions under which her citizens are forced to live remains cruel and inhumane. The Russian domination and control of the Latvian people has been marked by terrorism, expropriation, exploitation and complete suppression of basic human rights and fundamental freedoms. Yet throughout the long suffering years, the Latvian people remain dedicated to the cause of the restoration of their freedom.

This mixed event for the Latvian people is observed against a background of vastly improved relations between the Soviet Union and the United States. Yet as grateful as we are for the emergence of a new era of "détente," we must maintain our insistence that the Soviets begin to respect the right of self-determination not only for the nation of Latvia, but for all the nations of Eastern Europe who remain under the oppressive yoke of Russian domination.

On this day of mixed sentiments, let us in the United States hear the pleas of the Latvian people for our assistance in their struggle to restore their freedom and resume a life of liberty and dignity. Détente with the Soviet Union can only benefit the world if it is based on the right of self-determination for all nations.

Mr. Speaker, I am honored to join with my colleagues in paying a tribute to the brave and courageous people of Latvia. Let us in the Congress urge the President to work with the Soviet Union to bring about universal respect for the rights and freedoms of all the peoples of the world.

Mr. MORGAN. Mr. Speaker, on November 18 the Latvian people celebrated the 55th anniversary of the proclamation of their independence, and I am pleased to participate in this special order commemorating that event. Unfortunately, freedom was extinguished in 1940, when the defenseless Baltic Republics of Latvia, Lithuania, and Estonia were occupied by Soviet armed forces and forcibly incorporated into the Soviet Union. The United States, in response to this action, formally declared on July 23, 1940 that it did not recognize this subjugation of the Baltic Republics.

I have many Latvian Americans in my congressional district, and they have made major contributions to community life. Their culture, as evidenced by their distinctive art, literature, and dance, is a notable example of the diversity of our great country, in which many nationalities have settled and retained elements of the lifestyle of their homeland.

Thus, it is especially disheartening to observe the discrimination against these proud people in their native country. Membership in the Latvian Lutheran Church has decreased from 1 million prior to Soviet occupation to 0.03 million during the late 1960's, and only 5 of the 259 churches are still used for religious services. Any nationalistic tendencies are promptly suppressed, and Latvians could even become a minority in their own country, because of the influx of Russian workers due to heavy industrialization and the emigration of some Latvians to other parts of the Soviet Union.

Mr. Speaker, our foreign policy seeks to foster détente with the Soviet Union and other countries, and I support these efforts to develop and maintain peace in the world. I can only hope, however, that détente is accompanied by the elimination of discriminatory policies within all nations, so that peoples such as the Latvians are able to partake of their unique religious and cultural heritage with pride and dignity.

Mr. PATTEN. Mr. Speaker, the proclamation of Latvia's independence on November 18, 1918, was this year once again observed in the United States and elsewhere in the free world by descendants of the Baltic countries in solemn gatherings and church services.

Although Latvia lost its independence through foreign aggression in 1940, the Latvian people have made it crystal clear that they will not surrender their feeling of nationhood or their justified aspirations and goals to be able to direct their own lives and futures, and their own thoughts, which we do freely in this Nation. We as free people can only respect and commend this national consciousness and courageousness.

The history of civilization has many instances of man's inhumanity to man and of freedom-loving people struggling against foreign oppressors. This is the situation with the Latvians. Since they cannot openly commemorate the anniversary of their independence, it is up to the people of the free world to remind mankind of the plight and the just cause of the Latvians.

We in the United States respect and support the right of these wonderful people—the Latvians—to a free life and an independent existence.

Mr. SMITH of New York. Mr. Speaker, on November 18, Latvians all over the world observed the 55th anniversary of the declaration of independent Latvia in 1918. Unfortunately, this special day was not observed in Latvia itself. In 1940, the Russians invaded Latvia. Since World War II, Russian imperialism has prevented self-determination in the Baltic countries—Latvia, Lithuania, and Estonia. In our future dealings with the Soviet Union, as we work for world peace, let us not forget that there can be no true peace while some who desire freedom live under oppression. Let us be careful not to allow a compromise of one of our basic principles.

Mr. REUSS. Mr. Speaker, November 18 marked the 55th anniversary of Latvia's proclamation of independence. But the anniversary is a sad one because her freedom was crushed in 1940.

Latvia was devastated by World War I fighting between Russian and German armies. In the following 22 years of her independent existence—established in 1918 by courageous Latvian patriots—Latvia rebuilt her economy, developed considerable foreign trade, and gave her people a degree of freedom and self-determination they had never known before.

Then, in World War II, the battles of Russian and German troops destroyed her economy and peaceful way of life once again. Finally, she was occupied by the Soviet Union.

These long years of suffering have not extinguished the Latvians' yearning for liberty. So while this anniversary is a day of sorrow, let it also be a day for us

to rededicate ourselves to work for the time when Latvians and all other peoples will share the full blessings of freedom.

PEANUT AND RICE CROP PROGRAM CHANGES

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Tennessee (Mr. BAKER) is recognized for 20 minutes.

Mr. BAKER. Mr. Speaker, on November 6, 1973, the Subcommittee on Oilseeds and Rice, chaired by my esteemed colleague from North Carolina (Mr. JONES), held hearings on the announced program changes of the Department of Agriculture for peanuts in 1974. Hearings were also held on November 13 regarding the program changes for rice. I commend the gentleman for his willingness and desire to hold hearings on these administrative changes and on legislative proposals regarding peanuts and rice.

Present legislation requires that the Secretary proclaim a national acreage allotment for peanuts of not less than 1,610,000 acres. It also provides that peanuts must be supported at not less than 75 percent of the parity price unless farmers voting in a referendum have disapproved marketing quotas. Farmers have naturally voted to continue marketing quotas under these conditions, and the Government has continued to support production far in excess of our domestic edible needs at unreasonably high prices.

While allotted acreage has remained at the minimum 1,610,000 acres, production per acre has increased from 940 pounds in 1952 to 2,203 pounds in 1972. Since domestic food uses for peanuts have not kept pace with increases in production, the quantity of peanuts diverted through the Commodity Credit Corporation—CCC—has been rising. In 1959, about 123,000 tons of peanuts were diverted at a loss of $11 million. By the 1971 crop, around 589,000 tons—39 percent of the crop—were diverted at a cost of over $97 million. Losses dropped to around $60 million on the 1972 crop, largely because of a world shortage of protein and oils. However, over the long run, unless we can get from under the acreage and price restrictions of present law, the costs of the peanut program will continue to rise.

The General Accounting Office, an arm of the Congress, in its report last April, estimated that CCC's loss on peanuts from 1973 through 1977 will total $537 million or over $100 million a year.

For the 1973 crop, the Department of Agriculture made three administrative changes to cut costs and improve administration. A $50 per ton discount was imposed on peanuts found to have aflatoxin, $15 per ton was deducted from the loan rate to help pay storage, handling, and inspection costs, and the sheller purchase program was eliminated. I am glad, Mr. Speaker, that the Department has found ways to cut costs in these areas, costs which would have been borne by the taxpayers of our Nation.

In addition, for the 1974 crop, the Department has announced more administrative changes to further reduce costs. There will be a complete elimination of price support on peanuts found to contain aflatoxin. Acreage allotment transfers by lease, sale, or by owner privilege will no longer be permitted. Third, there will be an increase of $2 per ton in the storage, handling, and inspection deduction. Also, no tolerance in program compliance determinations relating to measured acreages wil be allowed. The 1974 peanut program provides a new minimum resale level for peanuts diverted by CCC—at 115 percent of the loan rate. This brings peanuts more in line with minimum resale prices of other crops—wheat, corn, and cotton. The transfer of field and supervisory functions from the grower associations to the Department will put a function that is properly governmental back into the hands of the Agriculture Department.

For rice, it is possible that U.S. producers could plant about 2.8 million acres in 1974. If this occurs, we will be faced with a huge oversupply which will result in a tremendous carryover and heavy loan delivery to the CCC. Because of this potential oversupply, the Department of Agriculture has announced changes that would tend to control the production response. For example, allotment holders will be required to plant within their allotted acres to be eligible for loans and delivery of any surplus rice to the CCC. Allotment holders will also be required to be in compliance with the rice acreage allotment for all rice farms in which they have an interest to be eligible for loans and delivery to the CCC. An allotment will be allocated only to a producer providing a production resource.

I believe that both rice and peanut farmers should have the same advantages extended to the wheat, feed grain, and upland cotton farmer. They should be able to make independent judgment decisions as to the commodity they wish to plant to maximize their incomes and earn their proceeds from the marketplace.

SOVIET OIL AND U.S. TECHNOLOGY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Ohio (Mr. ASHBROOK) is recognized for 30 minutes.

Mr. ASHBROOK. Mr. Speaker, with the energy shortage in the United States, we should realize that the Soviet Union is facing energy problems. At least one Western analysis forecast the Soviet Union will be a major consumer of Middle East oil by 1980. By 1985 or 1990 due to their own immense reserves the Soviets could reduce their need of Arab oil and become self-sufficient. However, this may not happen as the Soviets export oil to Eastern Europe. This export keeps Eastern Europe dependent on the Soviet Union—a dependency the Soviet Union wishes to maintain. Additionally, the Soviet Union exports oil and gas to Western Europe to earn hard currency. As much as 30 percent of the hard currency they earn may come from such exports.

Two other inhibiting factors in Soviet efforts to increase oil and gas production are the shortage of investment capital and the lack of technology and technological skill. The Soviets seem to have been unable to develop the advanced technology for extraction of their resources. Also, refinery capacity must be greatly expanded to handle any increase in oil production.

We must remember that oil and other energy sources are a vital part of any nation's military capacity. Factories which produce weapons need energy to operate their equipment. The Soviet navy—considered to be the most modern in the world—needs oil to propel its destroyers, submarines, transport ships, and other vessels. Soviet tanks, troop vehicles, armored personnel carriers, and jeeps all need oil—be it engine oil, gasoline, or diesel fuel—to operate. The Soviet Air Force needs jet fuels to keep its Mig's in the air. Obviously petroleum and petroleum products keep a military machine going. Soviet ships transporting weapons of war to Vietnam or the Middle East were able to do so because the Soviets had the petroleum.

Let us briefly look at the history of the Soviet petroleum industry and their development of technology.

By 1900 the Caucasus oilfields of Russia were producing more crude oil than the United States. After the Russian Revolution due to lack of necessary activity, many of the wells became a mixture of oil and water. By 1922, half of the wells of the Baka field—the most important of the Caucasus fields—were idle while the remainder were producing even greater quantities of water.

To solve the problems, Serebrovsky, Chairman of the Soviet petroleum combine, had a solution. He stated:

> . . . American capital is going to support us. The American firm International Barnsdall Corporation has submitted a plan . . . Lack of equipment prevents us from increasing the production of the oil industry by ourselves. The American firm . . . will provide the equipment, start drilling in the oilfields and organize the technical production of oil with deep pumps.

The Barnsdall Corp. did what Serebrovsky said it would. Soviet oil drilling technology changed from labor-intensive methods to the American-developed rotary drilling techniques. Similar advances were made in pumping technology.

Electrification came to these oilfields in the 1920's through Metropolitan-Vickers, Ltd.—United Kingdom—a subsidiary of Westinghouse, and the introduction of General Electric products.

Oil pipelines were built in the 1920's from Western materials and by Western companies. Between the Russian Revolution and 1930 19 refineries and cracking plants were built. One which was built under British technical supervision had some units manufactured in the U.S.S.R.

In the early 1930's the Soviets began building their own refinery equipment from Western designs. Progress was slow and limited. In 1936 American refinery construction companies came back to help the Soviets expand thier refining capacity. Hydrogenation units were built by Universal Oil Products, an American company, to convert gasoline into aviation gasoline. Deliveries of refinery

equipment also were made after agreements were signed in 1945.

The Soviet petroleum and energy industry has been highly dependent on Western technology including American.

On October 2, 1972, the American Communist Party's newspaper Daily World reported that the U.S.S.R. has placed orders and bought oil-extracting and other petroleum industry goods. Discussions have taken place and tentative agreements reached on the United States providing the technology to develop Siberian gas reserves.

A recent United States-Soviet trade conference sponsored by the National Association of Manufacturers included Soviet officials who discussed their desire for resource development, particularly in the oil and natural gas sectors. In these areas, the Soviets are presently placing in the words of the "proceedings" of the conference, "a heavy emphasis on the importation of advanced Western machinery, equipment and technology." Thus, the Soviets still need Western technology for the development of their energy resources.

At a time when refinery capacity should be increased in the United States, at a time when the United States should be involved in serious energy exploration at home, the United States government and American businessmen are helping the Soviets increase their energy industry. Remember it takes petroleum to move a military machine. Trucks, tanks, airplanes and ships all need petroleum.

One of the arguments put forth by the proponents of building Soviet industry with American technology and credits is that the United States can turn to the Soviet Union for importation of petroleum and gas. Occidental Petroleum and El Paso Natural Gas Co. signed a letter of intent with the Soviet government to develop Siberian gas fields. Financial support would have to come from a consortium of American banks plus the backing of the U.S. Export-Import Bank. Once the fields were developed, the United States is supposed to receive gas. The gas would go first by pipeline to the Soviet coast and then by tanker to the American west coast.

Questions have been raised as to the extent and the amount of Soviet reserves. The amount of energy resources that the U.S.S.R. may be able to supply might be limited by growing internal domestic needs and commitments.

One reason not mentioned by many experts stands above all others when speaking of the United States receiving petroleum from the Soviets. The United States right now is suffering from an Arab oil shutoff—an oil shutoff being masterminded by Arab countries previously considered friendly to the United States such as Kuwait and Saudi Arabia. The Soviet Union has never had such a history of friendship with the United States. Soviet aims in the Middle East, Southeast Asia, Cuba, Eastern Europe, and numerous other places on this globe have been directly counter to the interests of the United States. The Soviets understand power and use it. American dependence on the Soviets for energy supplies—be they petroleum or gas—would give the Soviets a very influential lever to use against the United States. If we wish to maintain our freedom and even our national existence, this is a power that we do not want the Soviets to have.

Who would be so foolish to think that the Soviets would treat us any better than the Arabs? Who is so foolish to think that Soviets would not use American dependence on Soviet gas or oil as a weapon—perhaps not today but surely tomorrow—against American interests and even existence.

We must not confuse the U.S. Government with the Soviet Government. The U.S. Government may be unwilling to use trade with the Soviets as a weapon to further American interests but the Soviets have never shown such unwillingness. The kulaks, the Russian Baptists, the Russian Jews, the dissidents have all tasted Soviet power. Poland, Latvia, Estonia, Lithuania, Hungary, Czechoslovakia—to mention a few—also have all felt Soviet power. Let us not confuse our own proclivities with those of the Soviets. The Soviets view our humaneness as weakness; our search for peace as a desire to be manipulated for their own ends; our discussion of building their energy resources as a weapon to be used against us.

Let us begin to look with realism at Soviet needs and desires. Let us not confuse our own wishes with those of the Soviets. And let us not think that the Soviets want to help us out of our energy crisis. They want our help to make themselves an even stronger threat to our liberty, property, and even lives.

THE RIGHT TO BE LET ALONE

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, Mr. Justice Brandeis, in Olmstead against United States (1928), observed:

> The makers of our Constitution . . . recognized the significance of man's spiritual nature, of his feelings and of his intellect. They knew that only a part of the pain, pleasure and satisfactions of life are to be found in material things. They sought to protect Americans in their beliefs, their thoughts, their emotions and their sensations. They conferred, as against the government, the right to be let alone—the most comprehensive of rights and the right most valued by civilized men.

When he penned this Olmstead opinion in 1928, 38 years since he had coauthored in 1890 the most definitive piece of scholarship to that date on the principles supporting a claim for a recognition at law of the right to privacy, Mr. Justice Brandeis had seen the widespread use of the telephone and other listening devices come into vogue. He had seen the enactment of a vast Federal income tax—and the filing of the most sensitive of personal financial data with a government agency. He had seen the growth of information exchange systems, however, not yet aided by the invention and use of the computer.

It is little wonder, as he looked to the future, that he warned:

> Experience should teach us to be most on guard to protect liberty when the Government's purposes are beneficent. Men born to freedom are naturally alert to repel invasion of their liberty by evil-minded rulers. The greatest dangers to liberty lurk in insidious encroachment by men of zeal, well-meaning but without understanding.

Yet, despite these prophetic assertions for vigilance against the growing powers and roles of government, our Nation moves ever closer to policies, programs, and activities which infringe or tend to infringe upon the right to be let alone, the right to privacy.

These infringements are not things which have suddenly come about during this administration or during the past decade. Rather, they have raised their heads in ratios directly proportional to the acceptance of the notion that the interests of government—of society, of the collective will—are paramount to the protection and exercise of individual freedom and personal rights. They have accelerated at a rate equivalent to the decline in the belief in the individual good and worth of man, of free will and its exercise, and of the requirements of political and economic freedom.

Nothing is more to blame for the rise in government interference and intervention in our private lives and security than the notion that government can solve all our problems and must be given, therefore, the unrestricted range of authority to do so.

Only when we come to full grips with those notions will we ever secure ourselves and our posterity against infringements on the right of privacy.

Jefferson observed that:

> It is in the natural course of events that liberty recedes and government grows.

While accurate, Jefferson's observation stated only one specific aspect of a larger and more complex equation, to wit: As external, collective human control over, and interference with, a person's life intensifies, individual liberty shrinks proportionally.

In this larger sense, the real threat to individual liberty is the collective will of any institution or group of people which has the economic or political power to coerce, intimidate, control, deny, or even give. The recognition that it is the natural course of events for liberty to recede as government grows is, then, only one manifestation of threats to liberty, albeit the most evident threat in both Jefferson's and our times.

The lessons of history teach us that this growth of collective power can come from institutions other than government. The problem is not singularly the "bigness" of these institutions, in relation to the individual and the exercise of his free will, but such "bigness" does accentuate the problem, in that it tends to reduce the range of alternative choices of conduct available to the individual.

But in the 20th century, particularly in our Nation, it has been the growth of—the "bigness" of—government which has posed the single greatest threat to human liberty, a growth in government occasioned by these erroneous notions that only government can solve the major social, economic, and societal prob-

lems of our era, and that government schemes and regulations are preferable to the laws of supply and demand and the exercise of free choice by individuals.

Woodrow Wilson, a doctor of philosophy in history and a recognized scholar on the processes of maintaining individual rights before coming to the Presidency, warned that—

Liberty has never come from government. . . . The history of liberty is the history of limitations of government power, not the increase of it.

In contradistinction to the classical liberalism embodied in these profound observations of Jefferson and Wilson, despite the clear warnings from history as prior human experience, and even despite the all-too-apparent results of the rapid growth of government in our modern age, we seem, as a people, to have learned little. For, that government has grown disproportionately to the whole of society is factually indisputable, and that such growth has occasioned an ever-growing threat to individual liberty is, in my opinion, equally indisputable.

In both absolute and percentage terms, government's growth has been virtually without restraint during the past 40 years. It has exceeded all bounds of necessity and perspective. What are the facts? Between 1940 and 1972—

The Federal Government's gross annual revenue rose by 2,790 percent—from $7.0 billion to $202.5 billion.

Total Federal expenditures rose by 2,140 percent—from $10.1 billion to $226.2 billion.

The Federal debt outstanding rose by 830 percent—from $43.0 billion to $398.1 billion. It has since risen to $477.0 billion.

Federal expenditures per capita rose by 1,450 percent—from $77 to $1,195.

The Congress enacted 13,579 public laws.

Federal employment zoomed to 2,865,303 people.

The Federal Register, the Government's compilation of proposed and final rules, published hundreds of thousands of pages of Federal regulations carrying the full force of law.

Federal forms, to be painstakingly filled out by individuals and corporations, grew and grew in number and complexity.

Federal investigatory surveillance, and monitoring staffs grew to enforce each and every measure.

The number of Federal initiatives, most of which are reinforced through interventionist regulatory powers and policies, mushroomed.

The Federal agencies which execute these powers and policies—and, frequently, call for more—grew accordingly.

And, this growth in government was not limited to the Federal Government.

The manifestations were myriad: data banks, wiretapping, electronic surveillance, eavesdropping, credit histories, medical histories, income tax information, information systems, regulatory report filings, disclosure statements, data exchanges.

Separately—and, most assuredly, when taken collectively—these devices and procedures add up to a growing infringement on the right to be let alone, the right to privacy.

Government action is only one aspect of this infringement, for it has grown as well within the private sector, particularly with respect to matters involving personal financial data. Government policy has abetted those intrusions by the private sector, however, in that government has failed to institute remedial measures to safeguard privacy and has cooperated actively in information exchange systems.

Information flows from the private sector to government, from government to the private sector, from one government agency to another, from one private agency to another. A single error can be repeated and duplicated in a multiple of instances, compounding the individual's capacity to "set the record straight." It is but one example of why we must devise mechanisms to resolve this problem.

What, then, is this "right to privacy?"

The notion of privacy is closely related to the notion of due process, for limitations on capabilities within the Government and private sectors to intrude upon that privacy must be accompanied by statutorily prescribed procedures through which information can be obtained, exchanged, and disclosed only with the concurrence and knowledge of the party about whom such information is relevant, together with a mechanism for correcting erroneous information. These devices, once established in law, must be judicially enforceable with appropriate and easily exercised remedies available.

The right to privacy exists. Its recognition has been a slow, yet deliberate, process, for the difficulty of semantically formulating the parameters of the right has perplexed even the best of jurists and legal scholars.

In the year 1765, the English jurist, Lord Camden, in *Entick* v. *Carrington*, 19 How. St. Tr. 1029, expounded:

It is not the breaking of his doors, and the rummaging of his drawers, that constitutes the essence of the offense; but it is the invasion of his indefeasible right of personal security, personal liberty * * * where that right has never been forfeited by his conviction of some public offense.

In the mid 19th century, in his then widely used textbook on tort law, Judge Cooley first used the term, the right "to be let alone," a right then defined in terms of tort actions against unauthorized uses of portraits and "the evil of the invasion of privacy by the newspapers," tort actions not dissimilar to modern actions for libel.

The watershed in the development of the notion of a judicially enforceable right to privacy was the publication by two young lawyers, Samuel D. Warren and Louis D. Brandeis, "The Right to Privacy," 4 Harv. L. Rev. 193 (Dec. 15, 1890):

That the individual shall have full protection in person and in property is a principle as old as the common law; but it has been found necessary from time to time to define anew the exact nature and extent of such protection.

* * * * *

The common law . . . grows to meet the demands of society.

* * * * *

The intensity and complexity of life, attendant upon advancing civilization, have rendered necessary some retreat from the world, and man, under the refining influence of culture, has become more sensitive to publicity, so that solitude and privacy have become more essential to the individual. . . . When gossip attains the dignity of print, and crowds the space available for matters of real interest to the community, what wonder that the ignorant and thoughtless mistake its relative importance.

* * * * *

The common law secures to each individual the right of determining, ordinarily, to what extent his thoughts, sentiments, and emotions shall be communicated to others. Under our system of government, he can never be compelled to express them (except when upon the witness-stand); and even if he has chosen to give them expression, he generally retains the power to fix the limits of the publicity which shall be given them. The existence of this right does not depend upon the particular method of expression adopted. . . . In every such case the individual is entitled to decide whether that which is his shall be given to the public.

* * * * *

Lord Cottenham stated that a man "is entitled to be protected in the exclusive use and enjoyment of that which is exclusively his." Lord Cottenham declared . . . that "privacy is the right invaded." But if privacy is once recognized as a right entitled to legal protection, the interposition of the courts cannot depend on the particular nature of the injuries resulting.

These considerations lead to the conclusion that the protection afforded to thoughts, sentiments, and emotions . . . is merely an instance of the enforcement of the more general right of the individual to be let alone. It is like the right not to be assaulted or beaten, the right not to be imprisoned, the right not to be maliciously prosecuted, the right not to be defamed.

* * * * *

It is the unwarranted invasion of individual privacy which is reprehended, and to be, so far as possible, prevented.

Mr. Justice Brandeis found forum for these views in his now famous dissenting opinion, on other grounds, in Olmstead, 277 U.S. 438.

How can we at least begin to get an effective handle on this problem of encroachments on the right to be let alone, the right to privacy?

The often silent, and seldom vocal, threat which the growth of government poses to basic human liberty ought to be an issue on which there is commonality of concern and agreement, for it is a libertarian notion central to a free society. In that this House, both through its own initiatives and through acquiescence in powers sought by the Executive, helped to create this problem, and in that this House retains the power with which to aright these imbalances, it is my fervent hope that all Members—conservatives and liberals, Republicans and Democrats—can join together to, first, retard, and, then, to reverse, the undue growth in the power of government over individuals' lives and its most obvious manifestation today—infringements on the right to privacy, the right to be let alone.

There are, then, a number of ways in which we can get a handle on this problem.

First, we must establish procedures which govern the disclosure of certain financial information by financial institutions to Government agencies.

Second, we must protect the constitutional rights of our citizens and prevent unwarranted invasions of privacy by prescribing procedures and standards governing disclosure of such information.

I have sponsored H.R. 10259, the Right to Financial Privacy Act of 1973, to accomplish those two purposes.

Third, we must provide standards, at law, of fair personal information exchange practices.

I have introduced H.R. 10260, the Code of Fair Information Practices of 1973, to accomplish that purpose.

Fourth, we must act promptly and effectively to require full disclosure of the recording of telephone conversations to those individuals conversing.

I have introduced a bill which will amend 18 U.S.C. 2511(2) to require the actual giving of notice to all parties on the telephone line and the use of an automatic tone warning device producing an audible distant signal at regular intervals during the course of such conversation.

Fifth, we must tighten the laws governing inspection and disclosure of information contained in individual Federal tax returns, to insure that this, the most confidential of all information about an individual, is never used for any purpose other than that for which it is intended, never subject to political abuse, and remains in the strictest of confidence.

I have cosponsored a bill to provide for a tightening of these standards.

Sixth, we must stop the indiscriminate use of one's social security number for data gathering purposes, a use which has facilitated, far beyond any other mechanism which could have been devised, the collection of vast amounts of complex data on practically every citizen.

I have introduced a bill which would amend the Social Security Act to prohibit the disclosure of an individual's social security number or related records for any purpose without his consent unless specifically required by law, and to provide that, unless so required, no individual may be compelled to disclose or furnish his social security number for any purpose not directly related to the operation of the old-age, survivors, and disability insurance program.

But more must be done than the introduction of bills.

If we are indeed to prevent the further erosion of the rights to be let alone and to privacy, this body must launch a legislative counterattack against encroachments thereupon.

Few actions can be more misleading than to sponsor legislation, on which people aspire or act in reliance, only to have those legislative measures pigeonholed. I call upon the committees of Congress, who exercise various jurisdictions over aspects of this impending crisis, to act as soon as possible on these—and related and important—measures.

Delay will not resolve this issue; it will only accentuate it.

HOUSING AND COMMUNITY DEVELOPMENT BILL TO GET US MOVING

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Wisconsin (Mr. REUSS) is recognized for 30 minutes.

Mr. REUSS. Mr. Speaker, the Housing Subcommittee has just completed 3 weeks of hearings on housing and urban development legislation during which a good deal of valuable testimony was heard on both the administration's proposals and on H.R. 10036, the Barrett-Ashley bill (see CONGRESSIONAL RECORD, Sept. 5, 1973, p. 28436).

The general tenor of the testimony was against the administration's proposals and in favor of trying out the Barrett-Ashley approach—at least on a limited scale. While much of the testimony was favorable to Barrett-Ashley, there was also a good deal of constructive criticism—something to be expected in hearings on a measure like H.R. 10036, which contemplates some very basic departures from our current housing assistance delivery system.

In the light of those hearings and a careful reading of the Barrett-Ashley bill, I endorse its basic approach and today introduce H.R. 11570, a bill which is similar to H.R. 10036, but which incorporates my own recommendations and those recommendations for improvement which came out of the hearings that I consider most meritorious.

My colleague on the Housing Subcommittee, Mr. MOORHEAD of Pennsylvania, joins me in sponsoring the bill. However, he differs with the bill in one respect, the provision which gives a priority to urban counties in applying for community development and housing block grant funds which would be available to HUD for distribution on a discretionary basis. Mr. MOORHEAD is developing a separate proposal on this matter which he will introduce during the subcommittee's executive sessions on this legislation, expected to begin in January.

The bill I introduce today contains the following new provisions:

First, the bill would authorize a program to encourage the formation of State development corporations similar to New York State's very successful Urban Development Corp. Under the bill Federal assistance would be made available to such corporations in the form of a Federal guarantee of the obligations they issue to finance their operations. These obligations would be taxable, with a 30-percent Federal interest differential grant available to make up the difference between the interest cost on these obligations and the interest which would be paid on similar tax-exempt obligations.

It is important to recognize that community development block grants will be of assistance primarily in the provision of infrastructure facilities, necessary community services, and cleared land at prices which make development feasible. Experience under the urban renewal program has shown that, in many areas of the country, large-scale developers are needed to provide both the subsidized and unsubsidized housing and related private and public facilities necessary for the creation of viable, well-planned neighborhoods. In addition, in many instances, the development of large-scale industrial, manufacturing, and commercial facilities, in conjunction with housing, is often needed to promote the economic stability and growth of particular neighborhoods in urban areas. To meet these needs and to fill what I consider a gap in the Barrett-Ashley bill, I am proposing this program of Federal assistance for large-scale public developers.

Second, with respect to housing and community development block grants, I include express statutory language in the bill to make it clear that State development corporations would be eligible entities for direct assistance in any case where a State government would be eligible.

Third, a number of witnesses at the hearings, most notably former Secretary of HUD Robert C. Weaver, expressed concern at the lack of emphasis in the Barrett-Ashley bill on the need to treat housing and community development as an areawide problem—one which is not confined to a particular locality's boundaries. Dr. Weaver specifically recommended strengthening the language concerning the provision of housing near employment opportunities which is contained in section 112(a)(3) of the Barrett-Ashley bill. I have done so in the bill, by providing a priority for community development grants to local governments that on their own initiative are making good faith efforts to provide low- and moderate-income housing.

Fourth, a number of witnesses expressed concern over the technique proposed in the housing block grant proposal for assuring the long-term financing of future subsidized housing projects. I have closely examined this financing technique and regard it as basically sound. I can appreciate, however, the concern of housing sponsors and others in the field over this novel technique—especially the apparent lack of any assurance that block grant funds will continue during the life of the project at a level which is sufficient to provide necessary subsidies. To help assuage this concern, I have included a provision in the bill directing State and local governments and the Secretary of HUD to administer their housing block grant programs in such a manner as to assure that an insufficiency of funds in any particular year does not result in an unreasonable increase in charges to the occupants of housing projects built under the program. An explanation of the financing of housing under provisions of the housing block grant is included at the end of my remarks.

Fifth, the bill also includes an amendment to the housing block grant proposal permitting a locality, as an eligible activity under the housing block grant, to carry out a program of housing allowances where such a program has been specifically approved in advance by the HUD Secretary. Inclusion of housing allowances as an eligible block grant activity would provide greater flexibility to local governments in solving their housing needs.

Finally, and I think most important,

the bill would carry over into the new housing and community development block grant programs the policies first developed under the model cities program which require that opportunities for training and employment arising in connection with the programs and contracts for work to be performed in connection with particular projects be given, to the greatest extent feasible, to persons residing in the area. I think it most important that this requirement be included. In carrying out the new block grant programs, we must not allow ourselves to again be subject to the Banfield-Moynihan criticism that the housing and community development programs of the 1960's are not serving those they were designed to help, but rather the "middlemen"—the bankers, lawyers, builders, and social workers—instead.

In conclusion, I wish to repeat that I enthusiastically endorse the major provisions of the Barrett-Ashley bill. The bill I offer today contains needed improvements, improvements which in no way detract from the Barrett-Ashley approach. I hope that these improvements will increase support for an excellent piece of legislation.

There follows an explanation of financing methods:

THE FINANCING OF PRIVATELY OWNED HOUSING UNDER H.R. 10036

It is anticipated that most of the financing for rental projects would be provided by State or local agencies. These agencies would raise funds by issuing long-term obligations the interest from which would be included in income for purposes of Federal income taxation. HUD would make grants to these State and local agencies to reduce the interest paid on these "taxable" obligations by 30 percent, which would lower the cost of borrowing to approximate the cost of "tax-exempt" borrowing. In addition, the Federal Government would fully guarantee the timely payment of principal and interest on these obligations.

For example, a State housing finance agency might borrow funds at a "taxable" rate of 8 percent. The interest reduction grant of 30 percent would reduce the effective interest rate paid by the State agency to 5.6 percent. The State or local agency could lend funds raised in this manner to a private sponsor to provide construction and permanent financing for a rental project.

Without subsidies, the project would have to generate rentals sufficient to pay operating costs and to enable the State or local agency (the lender) to meet payments on its obligations and its administrative costs related to the loan. In terms of the example given, the project would have to support approximately a 6 percent loan.

In order to reduce rentals to levels affordable by most of the low and moderate income persons to be served by the program, housing block grant funds would be substituted for a portion of the rentals. For example, without subsidy the average monthly rentals might be $150. A certain level of subsidy would be agreed upon initially by the project owner, the recipient of block grants (usually a local government), and the lender (a State agency, for example), which would require average monthly rentals of $90, for example. The project owner would apply the rentals toward operating costs, reserves, and profits and pay the remainder to the State or local lender. Block grant funds would be used to cover the differential between the amount the lender received from the project and the debt service requirements on its obligations. If it is decided to provide very low rentals in a project, say an average of $45, part of the block grant funds would go directly to the project owner.

The project owner's payments to the lender would by agreement be determined by three factors: the level of subsidy, the operating costs, and the rentals. In the example given above involving $90 average rentals, the agreement may require that initially $15 a unit be paid to the lender (toward principal and interest on the loan), leaving the remaining $75 for operating expenses and profits. Any of the three factors can change, however. If rentals increase (for example, because of changes in minimum rent requirements), payments to the lender could be increased and subsidy payments decreased.

If operating costs increase, rentals could be increased. However, the recipient of block grants would have the option of increasing the subsidy available to the project. Thus, if in the above example operating costs increased from $75 to $95, average rentals might be increased to $100 and subsidies increased by $10 per unit. The lender would continue to receive $15 per unit.

Subsidies could also be increased if rentals decreased. Increases in subsidies could be made available out of reserves held for this purpose by the block grant recipient or out of the incremental portion of each year's block grant.

However, if the project appears to be a failure and there is a high vacancy rate, the project can be foreclosed. The recipient of block grants would bear any loss involved either through using available block grant funds or reimbursing the Federal Government for payments on its guaranty out of future block grants.

In the unlikely event that the Federal Government reduces or eliminates the funding of block grants in the future below levels necessary to continue support of existing subsidized projects, project owners and tenants would be protected. The guaranty agreement between the Federal Government and the State or local lending agency would provide for the Federal Government to make up any deficiency in the required payments on the State agency's bonds on the same repayment schedule and without a "default" by the State agency. In the example given above, the project owner would be required only to continue the payment of $15 a unit to the lender. The $15 payment could be reduced to zero as necessary to meet increased costs beyond the rent-paying ability of the tenants.

Projects receiving or requiring subsidies of operating costs could be hurt if annual funding were cut off, but all projects under existing programs are similarly vulnerable. To assure protection in such cases, State or local governments might assume the financial responsibility for operating subsidies.

The purchase or sale of owner-occupied housing is likely to be financed primarily with FHA-insured mortgages, with the purchasers assuming the slight risk of the curtailment of funding. . . .

GAS RATIONING NEEDED NOW

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Utah (Mr. OWENS) is recognized for 20 minutes.

Mr. OWENS. Mr. Speaker, the oil crisis will overshadow nearly every major crisis this country has known since World War II. The Northeast blackout will seem mild compared to the discomforts and inconvenience that is likely to last for weeks, even months, this winter. The Cuban missile crisis did not carry the prolonged impact on individual lives that cold and immobility will produce. Dire warnings of widespread industry closures and unemployment rates exceeding 8 percent are difficult to comprehend, particularly by the majority of our population falling below the age of 25.

THE DIMENSIONS OF THE CRISIS

While it may be understandable that the vast majority of the country has not yet comprehended the dimensions of the problem, I am baffled by the administration's timid approaches to the problem. The energy-saving measures the President announced last night are inadequate and unrealistic in view of the harsh energy facts. By his own calculations, the steps announced by the President will produce a savings of only 10 percent when he is estimating a shortage of 17 percent. And many others are predicting shortages of 25 to 35 percent. Inconvenience is minimized for now, under the President's proposals, at the expense of dire hardship later. It was obvious nearly 2 years ago that this country was embarked on a course of considerable risk. Restrictions on imports coupled with artificially low prices for dwindling supplies of domestic petroleum brought the expansion of new refining capacity to a standstill. As a result this country only produces 9.6 million barrels per day of domestic oil and is capable of refining only 12.6 million barrels per day of crude oil. We must now import 4.7 million barrels per day of refined and residual oil products from other countries to meet the average daily demand for 17.3 million barrels per day of petroleum products. Even before the Middle East embargo, we were going to need an additional 1.4 million barrels per day of imports to meet the increased demand over last year.

The Middle East embargo has turned a serious problem into the major crisis we now face. While direct imports of Middle East crude oil amount to a little over 1 million barrels per day—6 percent—indirect supplies of petroleum—those which are shipped via other countries—bring our total dependence on Middle East oil to a staggering 14 percent of our current needs, or 2.5 million barrels per day. Largely neglected by the administration is the fact that most of our alternative sources of additional imports, those outside the Middle East, will be called upon to make up additional worldwide shortages of 2.5 million barrels per day and therefore will be hard pressed to make up our shortage of 2.5 million barrels per day. And under no conceivable circumstance can we expect that our increased demand this year—1.4 million barrels per day—will be made up from alternate sources.

AREAS OF GREATEST IMPACT

The most serious problem will occur in the shortages of distillate fuels, or heating oil. The Office of Oil and Gas predicted in September a need for over 650,000 barrels per day of heating oil imports to supplement the daily production of 3 million barrels per day from domestic refineries. With the shutoff of Middle East crude oil this need will increase to nearly 1 million barrels per day, or 25 percent of our wintertime daily demand of 4 million barrels per day. This shortage, which is based on the assumption that winter conditions

will be no more severe than normal, will drastically affect the east coast where imports from foreign and domestic supplies furnish nearly all of the needs for heating oils. It will be difficult to alter the distribution patterns within this country in sufficient time to make up for loss of the imported products. It is quite possible that most of the immediate shortfall in heating oils will be absorbed, at least in the early period, on the east coast. If that is the case, the east coast will face winter with only 60 percent of its normal requirement of 2,000,000 barrels per day of heating oil. A colder than normal winter will reduce that to less than half of the normal need. No amount of thermostat adjustment will make up this shortfall.

An almost equally bleak picture can be seen in the residual oil, or industrial fuel, area. Nationwide we consume about 2.5 million barrels per day of residual oil of which 70 percent, or 1.7 million barrels per day are imported. Over the past decade, the east coast has almost completely converted from coal to residual oil and now depends on imports for over 90 percent of its supply. Between 1965 and 1972, 398 coal-fed utility boilers, mostly on the east coast, were converted from coal to oil. These plants have been called upon by President Nixon to convert back to coal but this is a difficult undertaking which will require production of an additional 70 million tons of coal a year and will save, at the very most, 300,000 barrels of the total 1.7 million barrels per day of residual oil required by east coast industry. I think it is quite obvious that the electric utilities which depend heavily on this fuel, and their customers, which includes just about everybody, are in for a very difficult time.

The majority of the remaining shortage in petroleum products will fall upon motor gasoline and jet fuels. Nearly 25 percent of our annual consumption of 8 million barrels per day, or 2 million barrels per day, of jet fuels and motor gasoline will simply not be available.

In the face of the information available—a 23 percent shortfall in total petroleum products available, a possible 50 percent shortage in east coast winter heating needs, in excess of 75 percent shortage in industrial oil needs on the east coast, and a 25 percent shortage in gasoline and jet fuel requirements—it is inconceivable that the President is approaching this crisis so timidly. We cannot afford to risk the very real possibility of running completely out of heating oil in widespread areas of the country on the assumption that the Middle East situation can be eased through the diplomatic efforts of a very capable Secretary of State. To hide our heads is foolish—we must plan for the worst and make the painful decisions now.

REQUIRED HEATING AND INDUSTRIAL OIL SAVINGS

Maximum practicable savings must be achieved immediately in the four major affected categories of fuel usage. For heating oils, the President has already called for a 15 percent reduction in the allocation of heating oils to last year's customers. While that amount of reduction can be achieved through lower thermostat settings, we will not make the necessary savings by that step alone. That allocation should be immediately reduced by 5 to 10 percent. If 20 percent savings could be achieved, we would reduce our demand by 700,000 barrels per day nationwide and would reduce the east coast shortfall to about 20 to 25 percent of needs. A massive national campaign should be started immediately to inform the public that only 80 percent of last year's allocation will be available to each home and that rooms should be closed off and temperatures kept at the lowest possible setting. The remaining shortfall can be met by converting refinery operations to the production of more distillate fuels at the expense of other fuels. At the same time immediate steps must be taken to alter distribution patterns so that the east coast can be supplied with increasing proportions of the gulf coast States heating oil stocks.

An accelerated program of conversion to coal-fired burners rather than residual oil burners must be undertaken immediately. The administration should establish an office of special investigators to visit each plant that is known to have the capability to convert to a coal operation and impress upon plant managers the need for quick action. At the same time, the administration should take steps to see that the maximum increase in coal production is achieved over the next 2 months.

At the same time, we must not be timid in approaching the problem of air standard variances. Although I support, fully, the provisions of the Clean Air Act, I am convinced that the crisis we face is sufficiently grave as to warrant setting aside strict compliance with secondary standards in order to get us through this winter. I would not favor the granting of variances for more than 6 months at a time. Additional variances might be necessary but should be granted for only the period of most serious need. The alternatives to avoid widespread electricity outages and plant closures are few. One is to import more of this product. The other alternative is to reduce gasoline production in favor of more residual oils.

REQUIRED GASOLINE AND JET FUEL SAVINGS

The greatest savings in fuel can be achieved in the motor gasoline and jet fuels area. The president of the American Automobile Association estimated recently that almost a third of current gasoline consumption is for nonessential purposes. Pleasure driving and unnecessary trips made for convenience rather than real need must be reduced drastically. The President has asked that speed limits be reduced, that service stations be closed on Sunday, and that trips be combined. These will produce savings of approximately 10 percent, which is clearly inadequate. Reductions in the number of commercial jet flights may produce savings of about 15 percent. The total savings in gasoline and jet fuels which can be expected by these measures is approximately 800,000 barrels per day.

Summing all of the savings which may be achieved by the steps so far outlined by President Nixon, we are still short of the total 4 million barrels per day in savings which must be achieved. Therefore, we must immediately reduce our consumption of gasoline and jet fuels by an additional 1.6 million barrels per day. The current consumption of gasoline is approximately 18.6 gallons per week per registered vehicle, or a total of 7 million barrels per day. Jet fuel consumption amounts to 1 million barrels per day. If average gasoline consumption were reduced 30 percent—down to 13 gallons per vehicle per week—and jet fuel consumption were reduced 30 percent—to 700,000 barrels per day—we would save an additional 1.6 million barrels per day in gasoline consumption.

WAYS TO REDUCE GASOLINE CONSUMPTION

There are four possible programs to reduce the consumption of gasoline: first, allow prices to rise and let normal market forces allocate the supplies, second, apply an arbitrary surtax and let market forces allocate supplies, third, establish a firm allocation program which would allow each supplier only a percent of his last year's allotment, and fourth, adopt a coupon rationing program.

In my view, the program which is chosen must meet three basic criteria: it must achieve the target reduction; it must meet basic needs; and it must be nondiscriminatory.

Allowing normal market forces to allocate supplies through higher prices will not achieve the necessary fuel savings. Economists have long recognized that fuel is underpriced, and only if the cost is substantially increased will the amount of purchases decrease materially. The cost of fuel represents a small portion of disposable income to the majority of citizens, but that solution falls with disproportionate impact upon those with the least disposable income—the middle- and lower-income groups. This solution would also have the distasteful effect of providing the oil industry with windfall profits, on top of the record profits made this year.

An arbitrary surtax would be regressive in the same way—hitting those who can afford it the least. Some have suggested that this tax could be discounted against yearly income taxes. At best this would produce temporary, though real, hardships on those with fixed income and little, if any, long-range gas savings. There is no certainty that this type of surtax approach would save 30 percent of our gasoline consumption. The surtax approach, even if partially rebated, would preclude windfall profits to the oil industry.

A firm allocation program would allow each dealer a fraction of his last year's allotment. Although this would assure that required savings were met, it would not assure equitable distribution of supplies. Individual stations could restrict deliveries to each vehicle but there would be no way to preclude several stops in order to fill the tank. Some would be able to squander scarce supplies while others would be unable to meet even basic needs. And inevitably, the service stations, as they did last summer with smaller allotments, will sell out their gas and close—at monetary losses to them and gross inconvenience to motorists.

A rationing program, though complicated and subject to a great deal of abuse if not carefully administered, would allow basic needs to be met without pre-

cluding essential uses. It would assure that target savings in fuel are met and could be modified as required to adjust for fluctuations in supply. If, for example, the Middle East countries were to ease the present embargo, or new sources found, adjustment in the rationed allowance could be accomplished with little difficulty. And it can be abandoned altogether when that is possible.

GASOLINE RATIONING

It is apparent to me that rationing is the only solution which will achieve the savings in fuel required, most nearly assure that all essential needs are met, and assure the most equitable distribution to all. We should not shy from making the decision to proceed immediately. Only immediate rationing can avert a disastrous winter, unemployment, and widespread economic hardship by providing for adequate fuel to move people to work and goods to market.

In order that all the basic needs be met, every owner of a registered vehicle could receive a basic allowance of 10 gallons per week. If no additional amounts were allowed, this alone would save 45 percent of our annual consumption rate of 7 million barrels per day of gasoline. However, it is unrealistic to assume that this would meet all basic needs—emergency vehicles, police cars, fire equipment and other vital needs must be met. In addition, many, such as salesmen, and those faced with long commutes to work, will require more than the basic allowance. These will require planning and administration, but the decision to proceed must be made immediately so that these needs can be accommodated.

If we will undertake rationing now before supplies run out, rationing can be done carefully to assure that life and work continue in an orderly fashion. If we wait until February when the country will literally run out of gas, severe disruptions are inevitable. We know how much oil we have. We know also, how much oil we do not have. These are not normal times and the solutions we must seek can not be normal. The President must act now—rationing of gasoline should be started as soon as possible.

CPA AT DOT

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, continuing with my effort to avoid confusion in relation to the scope of authority for a proposed Consumer Protection Agency, today I wish to insert material from the Department of Transportation.

There are three CPA bills pending 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.

The major difference among the bills is that under two of them, H.R. 14 and H.R. 21, the CPA would be granted a statutory right to appeal to the courts the final decisions of other agencies, including decisions not to take action as requested by the CPA. Under the Fuqua-Brown bill, on the other hand, the CPA would not be allowed to appeal to the courts the final decisions of other agencies.

In this regard, the material submitted from DOT demonstrates that all of the many thousands of actions taken by that Department annually would be subject to CPA court appeals under all bills except the Fuqua-Brown bill, H.R. 564.

It should also be noted that the number and type of DOT proceedings each year are so numerous that the Department could not respond to my request for a full itemization of all of them. Instead, DOT sent me a summary of major actions.

This shows the problems we on the subcommittee face in weighing the various provisions in the CPA bills before us—there is absolutely no way we can familiarize ourselves with the literally billions of annual Federal agency formal proceedings and informal activities that would be subject to CPA advocacy under the proposals.

In fact, my staff often has trouble preparing material such as today's insertion for the RECORD because of the volume of affected proceedings involved. You will recall that all of the material from the Environmental Protection Agency could not be printed in the RECORD with my insertion on that agency earlier this month; we had to send much of it to the subcommittee office and notify the Members that it would be available for review there for those who wished to see the substantial impact of a CPA upon EPA.

Similarly, I have received a response to my survey from one major agency which sent me computer readouts listing hundreds of thousands of its 1972 formalized proceedings, alone, which would be subject to CPA advocacy under the bills and CPA court appeals under all except the Fuqua-Brown bill.

Mr. Speaker, I submit in the RECORD a listing of the 1972 DOT proceedings that would have been subject to CPA advocacy under the pending bills in the Government Operations Committee. I do this to give the Members an early appreciation of the scope and importance of these bills, with the hope that we may avoid the confusion that occurred during our 1971 debate on this issue.

OFFICE OF THE SECRETARY
OF TRANSPORTATION,
Washington, D.C., September 26, 1973.

Hon. DON FUQUA,
House of Representatives,
Washington, D.C.

DEAR MR. FUQUA: This replies to your inquiry of September 7, 1973, requesting data pertaining to the operations of the Department of Transportation during calendar year 1972. I understand that the Department's Office of Congressional Relations has been informed by your staff that summary data will be appropriate. The listings below will be itemized by the Departmental elements involved[1]; and major subject matter. The proceedings of the Department during the course of a full year are too numerous for specific description of each.

(A) *Question 1.* What regulations, rules, rates or policy interpretations subject to 5 USC 553 (the Administrative Procedure Act (APA) notice and comment rulemaking provisions) were proposed by your agency during calendar year 1972?

(1) OST

The Office of Hazardous Materials engaged in numerous proceedings involving the classification of hazardous materials and applications for special permits.

The Office of Pipeline Safety proposed and adopted a number of regulations dealing with the safe operation of gas transmission pipelines and acted upon several requests for waiver of various regulations.

The Office of Transportation Security initiated a program to promulgate cargo security advisory standards. Although these are not, in a technical sense, either rules or regulations and thus not within the purview of the APA, they are issued after notice and opportunity for comment.

One proceeding was concluded under the Uniform Time Act in which the line between the eastern and central time zones in Florida were relocated.

Several agency administrative regulations involving such matters as public availability of information, nondiscrimination in Federally-assisted programs, and procurement.

(2) USCG

Numerous proceedings involving:

Drawbridge operations.

Implementing regulations under the Boating Safety Act and Life-Saving Equipment Program.

Maritime carriage of hazardous materials.

(3) FAA

Numerous proceedings involving promulgation, revision and amendment of rules, regulations, minimum standards and procedures governing the following:

General rule-making and enforcement procedures.

Aircraft, including design, materials, workmanship, construction, and performance of aircraft, aircraft engines, propellers, appliances and parts. Also their maintenance and alteration, identification and registration.

The certification of airmen and certain non-airmen, to insure possession of minimum qualifications with regard to knowledge, experience, competency, medical, and various others as required.[2]

Airspace, including the designation and use of Federal airways, controlled airspace, reporting points, special use airspace, the establishment of jet routes and area navigation routes, and control of objects affecting navigable airspace.

Air traffic and general operating rules.

The certification and operations of operators, including air carriers, air travel clubs, and operators for compensation or hire.[2]

The certification and operations of ground instructors, schools, and other certificated agencies.[2]

The certification, operation, and maintenance of non-Federal navigational facilities.[2]

Airports.

The transportation of hazardous materials and other dangerous articles by air.

Aircraft noise abatement and sonic boom.

Airport security measures.

[1] Office of the Secretary (OST), United States Coast Guard (USCG), Federal Aviation Administration (FAA), Federal Highway Administration (FHWA), Federal Railroad Administration (FRA), National Highway Traffic Safety Administration (NHTSA), and Urban Mass Transportation Administration (UMTA).

[2] While, by definition, issuance, or denial of such certificates amounts to an "adjudication" within the definition thereof in the Administrative Procedure Act (see 5 U.S.C. 551(6), (7) and (9)), these are not adjudications "subject to" the provisions of 5 U.S.C. 554 which applies only where a determination is required by statute to be made "on the record after opportunity for an agency hearing." The Federal Aviation Act does not require a hearing.

(4) FHWA

Proceedings looking toward issuance, modification or revocation of provisions of the Motor Carrier Safety Regulations including matters such as vehicle requirements, driver qualifications and carriage of hazardous materials.

(5) FRA

Promulgation of regulations under the Rail Safety Act.

Regulations affecting the transportation of hazardous materials.

Requests for waiver of operating rules.

Promulgation or modification of standards under such authorities as the Safety Appliances Acts and the Locomotive Inspection Act.

(6) NHTSA

Promulgation of numerous Federal Motor Vehicle Safety Standards.

Regulations concerning tire uniform quality grading system.

Requests for waiver of regulations with respect to importation and vertification of noncomplying vehicles.

Promulgation of uniform highway safety programs standards.

(7) UMTA

There were not any proceedings conducted under the notice and comment provisions of section 553 of the APA.

(B) *Question 2.* What regulations, rules, rates or policy interpretations subject to 5 USC 556 and 557 (that is, APA rulemaking on the record) were proposed or initiated by your agency during calendar year 1972?

The only formal rule makings on the record conducted or proposed during 1972 involved proceedings instituted by FHWA to consider the matter of toll bridge rates at Philadelphia, Pennsyvania; Budington, Iowa; and Chester, Illinois.

(C) *Question 3.* Excluding proceedings in which your agency sought primarily to impose directly (without court action) a fine, penalty or forfeiture, what administrative adjudications (including licensing proceedings) subject to 5 USC 556 and 557 were proposed or initiated by your agency during calendar year 1972?

None.

(D) *Question 4.* What adjudications under any provision of 5 USC Chapter 5 seeking primarily to impose directly (without court action) a fine, penalty or forfeiture were proposed or initiated by your agency during calendar year 1972?

The USCG conducts numerous proceedings involving revocation, suspension or modification of merchant seamen documentation.

(E) *Question 5.* Excluding proceedings subject to 5 USC 554, 556 and 557, what proceedings on the record after an opportunity for hearing did your agency propose or initiate during calendar year 1972?

None.

(F) *Question 6.* Will you please furnish me with a list of representative public and nonpublic activities proposed or initiated by your agency during calendar year 1972?

There are numerous functions of the Department which, although they do not fall into the class of formal proceedings, nevertheless amount to "agency activities". H.R. 14 and H.R. 564 define "agency activity" as including "any agency process, or any phase thereof, conducted pursuant to any authority or responsibility under law, whether such process is formal or informal, but does not mean any particular event within such process."

The limiting effect of the last-mentioned definitional caveat regarding "any particular event" is unclear. We find it conceptually difficult to separate any agency "process" from the particular events which it comprises. To cite only one example, how is it possible to isolate a single event in the process by which determinations are reached as to whether agency records will be released to the public under the Freedom of Information Act (5 U.S.C. 552)?

Applying to the proposed bills a literal construction, it appears to us that "agency activity" cuts across virtually every function of this Department, formal or informal, that does not fall within its formal rulemaking or adjudicative functions. Carrying this provision to its logical conclusion, the following representative functions of the Department would be included:

Preparation of Department budget.

Determination of Departmental positions for presentation to the Congress.

Personnel matters, including duty assignments and promotion policies, and USCG courts-martial procedures.

Decisions to hold meetings or attend conferences or events.

Administration of grants-in-aid and loan programs.

Decisions to conduct research and development.

Collection and publication of data, and issuance of press releases.

Conduct of enforcement programs, including determinations to seek or compromise civil penalties.

(G) *Question 7.* Excluding actions designed primarily to impose a fine, penalty or forfeiture, what final actions taken by your agency in calendar year 1972 could have been appealed to the courts for review by anyone under a statutory provision or judicial interpretation?

The right of review granted by 5 U.S.C. § 702 to "a person suffering legal wrong because of agency action, or adversely affected or aggrieved by agency action within the meaning of a relevant statute" would apply to all final agency actions under the Administrative Procedure Act (including section 552).

As previously noted, the data presented is only representative of the myriad activities of the Department of Transportation.

I hope you will find this information useful.

Sincerely,

J. THOMAS TIDD,
Acting General Counsel.

THE IMPORTANCE OF EXAMPLE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Connecticut (Mr. COTTER) is recognized for 5 minutes.

Mr. COTTER. Mr. Speaker, as former Attorney General John Mitchell, the "philosopher" of the Nixon administration, said in response to many questions: "Look at what we do, not what we say." With this in mind, I listened to the President's address to the Nation urging some initial steps toward cutting down gas and oil consumption, steps which I fear will have to be intensified later. I heard President Nixon again urge the American people to endure cold, dark houses, cut travel on the weekends to conserve fuel, and then today I found the following article in the newspaper:

NIXON'S WEEKEND: 600 GALLONS OF FUEL

Helicopters used by President Nixon and his Secret Service escort consumed about 600 gallons of fuel during Mr. Nixon's two round-trip flights to his Camp David retreat this holiday weekend, figures provided by the White House indicate.

Mr. Nixon's helicopter is accompanied by an identical aircraft ferrying Secret Service agents. The White House said each helicopter burns about 150 gallons of fuel an hour, and the flight between the White House and Camp David is about 30 minutes.

In addition, the President's limousine is driven the 70 miles to Camp David and other automobiles are used to carry staff personnel.

Following Mr. Mitchell's philosophy, I can see how the American people question the credibility of President Nixon. I have found in my district that this skepticism extends to the energy crisis itself. Perhaps good example should begin at the top. The President's weekend travels can only encourage the "I'm all right Jack" attitude which will intensify our energy crisis.

HAWAII'S LORI LEI MATSUKAWA IS MISS TEENAGE AMERICA, 1973

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Hawaii (Mr. MATSUNAGA) is recognized for 5 minutes.

Mr. MATSUNAGA. Mr. Speaker, the whole world knows, I am sure, but just in case any Member of this august body missed the best and greatest news over the last weekend, I take great pride in announcing that Hawaii's Lori Lei Matsukawa was crowned Miss Teenage America, 1973, last Saturday evening at Fort Worth, Tex.

An excellent student, a talented singer and dancer, the 17-year-old beauty is the daughter of Mr. and Mrs. Joe Sadao Matsukawa and the granddaughter of two of Hawaii's earliest immigrants from Japan. It was my pleasure to know Lori Lei's grandparents and parents when I lived on the island of Kauai as a youngster.

It was my pleasure, too, to host Lori Lei here on Capitol Hill when she came as a member of Aida High School's "Swinging Singers" only last year. The group made a highly successful performing tour of the mainland United States, during which they performed in the House Caucus Room of the Cannon Building for a standing-room-only audience.

As Miss Teenage America, Lori Lei will receive a $10,000 4-year scholarship to the university of her choice, which I am told is Northwestern University in Illinois. She will also receive $5,000 in travel expenses and shares of stock. Lori Lei was sponsored in the Miss Teenage America contest by Liberty House, a department store chain which is a subsidiary of Amfac, Inc. of Hawaii.

Those who watched her in person or on television will agree with me, I am sure, that the judges made the right choice and that Lori Lei will prove a real credit to this great Nation of ours. As an Hawaiian, she will plant the seed of aloha wherever she goes and spread infectious cheerfulness among all whom she meets. What is more important, perhaps, is that she has already proven to the world that in America, regardless of race or ancestry, one can expect one's wildest dream to come true.

I take this means to congratulate Lori Lei and her proud parents, Mr. and Mrs. Joe Sadao Matsukawa of Aiea, Hawaii.

NATHANIEL S. KEITH

(Mr. BARRETT asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. BARRETT. Mr. Speaker, on Saturday, November 24, one of the most out-

standing experts in the field of housing and urban development died. Nathaniel Keith, long-time president and then chairman of the National Housing Conference had one of the longest associations both in Government and in private industry with the Federal Government's efforts to provide safe and adequate housing for all its citizens. Nat Keith joined the Washington scene in 1929 as a reporter covering financial activities in Washington for the Wall Street Journal.

He joined the Federal Government in 1940 with the old National Housing Administration and by 1949 became the first director of the Federal Government's urban renewal program which has done such an outstanding job in revitalizing our cities. It was at Nat Keith's direction that the urban renewal program took shape. As chairman of the Housing Subcommittee, I have worked particularly close with Nat Keith over the last 10 years. As president and then chairman of the National Housing Conference, Nat was always appearing before our Housing Subcommittee testifying on pending legislation and urging upon the Congress his expert advise in a very complicated and controversial area. We always listened to Nat and in many cases considered and accepted his sound recommendations.

Mr. Speaker, there are many thousands of families across America who have benefited from Nat Keith's brilliant services to his country, and I am sure that many will agree with me that our effort to provide decent, safe, and sanitary housing and the effort to improve our cities have lost a major benefactor.

I insert the following article from the Washington Post, November 26, 1973:

NATHANIEL S. KEITH, EXPERT ON HOUSING

(By Jean R. Hailey)

Nathaniel S. Keith, 66, an authority on urban renewal and slum clearance, died Saturday at the National Institutes of Health of pneumonia complicated by cancer.

At the time of his death, Mr. Keith was chairman of the board of the National Housing Conference. He had served as its president from 1958 to 1972.

He was considered a leader, both as a federal government official and later as a housing consultant in private practice, in programs to start the revitalization and redevelpoment of many cities, including Washington, D.C.

In 1955, Mr. Keith and developer James W. Rouse prepared a long-range urban renewal program for the D.C. Commissioners in which they called for a centralized administration of such a program.

Although their advice was not followed to the fullest extent, and the responsibility for urban renewal continued to be spread among a number of agencies, their report was credited with leading to the redevelopment of Southwest Washington.

Mr. Keith also had played an important rolé as a consultant to the Redevelopment Land Agency on the problems of renewal in the blighted Northwest and Northeast sections of the city.

His work had included an intensive urban renewal study for the Federal City Council, which had been asked for such a report by the House District Committee.

Born in Cincinnati, Mr. Keith was a graduate of Brown University. He was a staff writer for the Wall Street Journal from 1929 to 1940, specializing in transportation industries, construction, corporation finance and federal finance.

During World War II, he was special assistant and Congressional liaison officer to the National Housing Administrator.

In 1944, Mr. Keith became assistant to the administrator of the Housing and Home Finance Agency and five years later was named the first director of the Federal Slum Clearance and Urban Redevelopment Program.

In this position, he organized and administered a $1.5 billion program of federal financial assistance to more than 200 cities throughout the country.

He opened his own consultant offices in 1953. They are located at 1250 Connecticut Ave. NW.

In addition to working with D.C. urban renewal, Mr. Keith was a consultant to the Municipal Housing Authority of San Juan on its plans for the renewal of San Juan Antiguo and helped to prepare a long-range community development for Buffalo, N.Y., involving private residential and neighborhood commercial renewal which is now underway.

He also served as a consultant on redevelopment programs in Rochester, N.Y., Battle Creek, Mich., the University of Maryland and the Virgin Islands.

As president of the National Housing Conference, Mr. Keith was a major spokesman for the public interest before Congressional committees considering housing and urban development. The Conference is a clearing house for coordinating support of housing legislation by progressive groups throughout the country.

His book, "Politics and the Housing Crisis," published recently, analyzes political developments that have been involved in the evolution of the national housing policy.

Mr. Keith was a trustee of the Foundation for Cooperative Housing and a member of the National Association of Housing and Redevelopment Officials, the National Trust for Historic Preservation, the Washington Planning and Housing Association, the Washington Building Congress, the Metropolitan Board of Trade and the Cosmos Club.

He is survived by his wife, Marjorie MacDonald, of the home, 6316 31st Pl. NW; a daughter, Penelope Trickett, of North Branford Conn.; a sister, Margaret Friend, of Long Island, N.Y., and one grandchild.

The family suggests that expressions of sympathy be in the form of contribution to Children's Hospital.

STEPHEN G. SLIPHER

(Mr. BARRETT asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. BARRETT. Mr. Speaker, during the Thanksgiving recess the House and financial community lost two of its most outstanding representatives with the deaths of Stephen Slipher, the legislative director and vice president of the U.S. League of Savings Associations, and Nathaniel S. Keith, chairman of the board of the National Housing Conference. Steve Slipher was the longtime Washington director of the U.S. Savings and Loan League having headed their Washington office since 1949. The U.S. Savings and Loan League is the major trade organization for the savings and loan associations throughout the country. As its Washington spokesman, Stephen Slipher represented an industry which at his death had some $260 billion in total assets. When he joined the U.S. League in 1941 the savings and loan industry had assets well under $20 billion.

Mr. Speaker, I have known Steve Slipher since 1949 and always appreciated his expert advice, his renowned humor, and good friendship. As the "dean" of the housing and financial representatives in Washington, it was my good fortune to have many associations with Steve Slipher in my capacity as the chairman of the Housing Subcommittee and ranking majority member on the Committee on Banking and Currency. The housing and financial community is certainly at a loss with the death of Steve Slipher.

I insert the following article from the Washington Post, November 20, 1973:

STEPHEN G. SLIPHER DIES; OFFICIAL OF S&L ASSOCIATION

Stephen G. Slipher, 53, staff vice president and legislative director of the U.S. League of Savings Associations, died Saturday of cancer at his home, 5825 Rockmere Dr., Sumner, Md.

He had been head of the Washington operations of the League, formerly the U.S. Savings and Loan League, since 1949.

Mr. Slipher joined the Chicago-based organization in 1941. As the principal trade group for savings and loan associations, it has seen a vast expansion in the business from $17 billion to $260 billion in assets.

Mr. Slipher was known on Capitol Hill as the "dean" of housing and financial representatives. The League was once referred to by President John F. Kennedy as "the most powerful lobby in Washington."

One of Mr. Slipher's jobs was to put out a weekly newsletter, "Washington Notes," considered an authoritative publication in the savings and loan field.

Born in Lafayette, Ind., Mr. Slipher grew up in Columbus, Ohio. He was a graduate of Indiana University and also took graduate work at Northwestern University. He served on the economics faculty at DePaul University in Chicago and taught at the American Savings and Loan Institute.

A Navy veteran of World War II, he had participated in the Normandy invasion in Europe and also served in the Pacific.

Mr. Slipher was a member of the American Legion, the Congressional Country Club, the University Club, the Capitol Hill Club, the National Press Club, the Metropolitan Washington Board of Trade and the American Society of Association Executives.

He was a past chancellor of the Exchequer Club and a founder of 116 Club on Capitol Hill.

He is survived by his wife, Catherine, and two sons, Paul and Jeffrey, of the home; his father, John A., of Columbus, and a sister, Elizabeth Barry, of Wilwaukee.

The family suggests that expressions of sympathy be in the form of contributions to the American Cancer Society.

NOT A TIME FOR NEW ANTIGUN LAWS

(Mr. SIKES asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. SIKES. Mr. Speaker, with a new Attorney General about to take over at the Department of Justice, it is hoped by many that a disturbing trend set by some of his predecessors will be halted and that efforts to curtail the right of law-abiding citizens to own firearms for legitimate purposes will be dropped.

A recent report by the National Advisory Commission on Criminal Justice Standards and Goals was a thinly veiled attempt to convince the American people that law-abiding citizens with guns are major contributors to crime in this country.

It proposed the manufacture and sale of handguns be terminated and that existing handguns be confiscated by the Government. The report cited the assassination of Senator Kennedy, the attempted assassination of Governor Wallace, and the wounding of Senator STENNIS as examples of how handguns are used illegally. What the report did not state was that if existing laws had been adequately enforced, none of these three events need have happened.

What is so disturbing about the Commission report was word from the Department of Justice that new legislation is being drawn up which would further restrict the right of law-abiding citizens to own handguns. This would represent a complete turnabout of the commonsense attitude shown by agencies of this administration for the past 4 years on the subject of gun controls.

Taking guns from those who obey the law will not mean guns will be deprived to lawbreakers. But gun owners who also believe in the enforcement of laws are appalled at suggestions they be stripped of their guns while criminals are roaming the streets with weapons procured illegally or stolen or not surrendered under new gun control laws.

The new Attorney General soon will have the opportunity to demonstrate his position on gun control. Hopefully it will be consistent with the reasonable view that the enforcement of laws already on the statute books through apprehension and punishment of criminals will accomplish far more to stem crime than the enactment of new antigun laws. As long as criminals are petted and pampered by the courts, crime will not diminish no matter what is done about handgun laws.

GENERAL LEAVE

Mr. TOWELL of Nevada. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the subject of the special order given by the gentleman from Illinois (Mr. DERWINSKI) on today.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Nevada?

There was no objection.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. FOLEY (at the request of Mr. O'NEILL), for today and November 27, on account of illness in family.

Mr. PEPPER (at the request of Mr. O'NEILL), for today, on account of official business.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. TOWELL of Nevada) to revise and extend their remarks and include extraneous material:)

Mr. DERWINSKI, for 30 minutes, today.
Mr. BAKER, for 20 minutes, today.
Mr. ASHBROOK, for 30 minutes, today.
Mr. FREY, for 60 minutes, December 4, 1973.
Mr. KEMP, for 10 minutes, today.

(The following Members (at the request of Mr. GINN) to revise and extend their remarks and include extraneous material:)

Mr. DENT, for 10 minutes, today.
Mr. GONZALEZ, for 5 minutes, today.
Mr. REUSS, for 30 minutes, today.
Mr. OWENS, for 20 minutes, today.
Mr. FUQUA, for 5 minutes, today.
Mr. COTTER, for 5 minutes, today.
Mr. MATSUNAGA, 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. TOWELL of Nevada) and to include extraneous matter:)

Mr. DERWINSKI in three instances.
Mr. FORSYTHE.
Mr. BROYHILL of Virginia.
Mr. ESCH.
Mr. YOUNG of Illinois in two instances.
Mr. WYMAN in two instances.
Mr. ROBISON of New York.
Mr. BURKE of Florida.
Mr. SANDMAN.
Mr. RAILSBACK in two instances.
Mr. SHOUP.
Mr. ROUSSELOT.
Mr. REGULA.
Mr. FROEHLICH.
Mr. KEMP in two instances.
Mr. MCCLORY.
Mr. WALSH.
Mrs. HECKLER of Massachusetts.
Mr. CHAMBERLAIN.

(The following Members (at the request of Mr. GINN) and to revise and extend their remarks:)

Mr. O'NEILL.
Mr. BOLLING.
Mr. ANNUNZIO in six instances.
Mr. RARICK in three instances.
Mr. GONZALEZ in three instances.
Mr. NICHOLS.
Mr. CARNEY of Ohio in two instances.
Mr. VANIK in two instances.
Mr. MCSPADDEN in four instances.
Mr. HAMILTON in 10 instances.
Mr. ROSTENKOWSKI.
Mr. HARRINGTON in four instances.
Mr. EDWARDS of California in three instances.
Mr. ZABLOCKI in two instances.

SENATE BILLS, JOINT AND CONCURRENT RESOLUTIONS REFERRED

Bills, joint and concurrent resolutions of the Senate of the following titles were taken from the Speaker's table and, under the rule, referred as follows:

S. 97. An act for the relief of Jose A. Seradilla; to the Committee on the Judiciary;

S. 663. An act to improve judicial machinery by amending title 28, United States Code, with respect to judicial review of decisions of the Interstate Commerce Commission, and for other purposes; to the Committee on the Judiciary;

S. 928. An act to create a catalog of Federal assistance programs, and for other purposes; to the Committee on Government Operations;

S. 1038. An act to amend title 37, United States Code, to authorize travel and transportation allowances to certain members of the uniformed services in connection with leave; to the Committee on Armed Services;

S. 1206. An act for the relief of Concepcion Velasquez Rivas; to the Committee on the Judiciary;

S. 1398. An act to authorize the Secretary of the Treasury to transfer to the Government of the Republic of the Philippines funds for making payments on certain pre-1934 bonds of the Philippines, and for other purposes; to the Committee on Foreign Affairs;

S. 1418. An act to recognize the 50 years of extraordinary and selfless public service of Herbert Hoover, including his many great humanitarian endeavors, his chairmanship of two Commissions of the Organization of the Executive Branch, and his services as 31st President of the United States, and in commemoration of the 100th anniversary of his birth on August 10, 1974, by providing grants to the Hoover Institution on War, Revolution, and Peace; to the Committee on Education and Labor;

S. 1673. An act for the relief of Mrs. Zosima Telebanco Van Zanten; to the Committee on the Judiciary;

S. 2112. An act for the relief of Vo Thi Suong (Nini Anne Hoyt); to the Committee on the Judiciary;

S. 2267. An act to amend section 303(b) of the Interstate Commerce Act to remove certain restrictions upon the application and scope of the exemption provided therein, and for other purposes; to the Committee on Interstate and Foreign Commerce;

S. 2299. An act to provide authority to expedite procedures for consideration and approval of projects drawing upon more than one Federal assistance program, to simplify requirements for operation of those projects, and for other purposes; to the Committee on Government Operations;

S. 2551. An act to authorize the disposal of molybdenum from the national stockpile, and for other purposes; to the Committee on Armed Services;

S. 2714. An act to amend section 291(b) of the Central Intelligence Agency Retirement Act of 1964 for Certain Employees, relating to cost-of-living increases, and to increase the pay and allowances of certain officers of the Armed Forces whose pay and allowances are not subject to adjustment to reflect changes in the Consumer Price Index; to the Committee on Armed Services;

S.J. Res. 40. Joint resolution to authorize and request the President to call a White House Conference on Library and Information Services in 1976; to the Committee on Education and Labor;

S.J. Res. 126. Joint resolution to authorize and request the President to issue annually a proclamation designating the fourth Sunday in May of each year as "Grandparents Day"; to the Committee on the Judiciary;

S.J. Res. 168. Joint resolution to authorize the President to designate the period from February 10, 1974, through February 16, 1974, as "National Nurse Week"; to the Committee on the Judiciary; and

S. Con. Res. 57. Concurrent resolution expressing the sense of the Congress that housing, housing assistance, and community development programs authorized by Congress should be carried out at levels at least equal to the levels prevailing in calendar year 1972, until such time as funds appropriated for such programs are exhausted or the Congress enacts legislation terminating or replacing such programs; to the Committee on Banking and Currency.

ENROLLED BILLS AND JOINT RESOLUTION SIGNED

Mr. HAYS, from the Committee on House Administration, reported that that committee had examined and found truly enrolled bills and a joint resolution of the House of the following titles, which were thereupon signed by the Speaker:

H.R. 1353. An act for the relief of Toy Louie Lin Heong;

H.R. 1356. An act for the relief of Ann E. Shepherd;

H.R. 1367. An act for the relief of Bertha Alicia Sierra;

H.R. 1463. An act for the relief of Amilia Majowicz;

H.R. 1696. An act for the relief of Sun Hwa Koo Kim;

H.R. 1955. An act for the relief of Rosa Ines D'Elia;

H.R. 2513. An act for the relief of Jose Carlos Recalde Martorella;

H.R. 2628. An act for the relief of Anka Kosanovic;

H.R. 3207. An act for the relief of Mrs. Enid R. Pope;

H.R. 3754. An act for the relief of Mrs. Bruna Turni, Graziella Turni, and Antonello Turni;

H.R. 5777. An act to require that reproductions and imitations of coins and political items be marked as copies or with the date of manufacture;

H.R. 6334. An act to provide for the uniform application of the position classification and general schedule pay rate provisions of title 5, United States Code, to certain employees of the Selective Service System;

H.R. 6828. An act for the relief of Edith E. Carrera;

H.R. 6829. An act for the relief of Mr. Jose Antonio Trias;

H.R. 7582. An act to amend title 10, United States Code, to entitle the Delegates in Congress from Guam and the Virgin Islands to make appointments to the service academies;

H.R. 8187. An act to amend section 2031(b)(1) of title 10, United States Code, to remove the requirement that a Junior Reserve Officer Training Corps unit at any institution must have a minimum number of physically fit male students;

H.R. 9474. An act to amend title 38, United States Code, to increase the monthly rates of disability and death pensions and dependency and indemnity compensation, and for other purposes;

H.R. 9575. An act to provide for the enlistment and commissioning of women in the Coast Guard Reserve, and for other purposes;

H.R. 10366. An act to amend title 10, United States Code, to remove the 4-year limitation on additional active duty that a nonregular officer of the Army or Air Force may be required to perform on completion of training at an educational institution;

H.R. 10369. An act to amend title 37, United States Code, to provide entitlement to round trip transportation to the home port for a member of the uniformed services on permanent duty aboard a ship being inactivated away from home port whose dependents are residing at the home port;

H.R. 10840. An act to amend the act of August 4, 1950 (64 Stat. 411), to provide salary increases for members of the police force of the Library of Congress;

H.R. 10937. An act to extend the life of the June 5, 1972, grand jury of the U.S. District Court for the District of Columbia; and

H.J. Res. 735. Joint resolution authorizing the Secretary of the Navy to receive for instruction at the U.S. Naval Academy two citizens and subjects of the Empire of Iran.

SENATE ENROLLED BILLS SIGNED

The SPEAKER announced his signature to enrolled bills of the Senate of the following titles:

S. 2408. An act to authorize certain construction at military installations, and for other purposes; and

S. 2681. An act to authorize appropriations for the U.S. Information Agency.

BILLS AND JOINT RESOLUTION PRESENTED TO THE PRESIDENT

Mr. HAYS, from the Committee on House Administration, reported that that committee did on the following dates present to the President, for his approval, bills and a joint resolution of the House of the following title:

On November 16, 1973:

H.R. 9295. To provide for the conveyance of certain lands of the United States to the State of Louisiana for the use of Louisiana State University.

On November 19, 1973:

H.R. 5777. To require that reproductions and imitations of coins and political items be marked as copies or with the date of manufacture;

H.R. 7582. To amend title 10, United States Code, to entitle the Delegates in Congress from Guam and the Virgin Islands to make appointments to the service academies;

H.R. 8187. To amend section 2031(b)(1) of title 10, United States Code, to remove the requirement that a Junior Reserve Officer Training Corps unit at any institution must have a minimum number of physically fit male students;

H.R. 1036. To amend title 10, United States Code, to remove the four-year limitation on additional active duty that a nonregular officer of the Army or Air Force may be required to perform on completion of training at an educational institution;

H.R. 10369. To amend title 37, United States Code, to provide entitlement to round trip transportation to the home port for a member of the uniformed services on permanent duty aboard a ship being inactivated away from home port whose dependents are residing at the home port; and

H.J. Res. 735. Authorizing the Secretary of the Navy to receive for instruction at the U.S. Naval Academy two citizens and subjects of the Empire of Iran.

ADJOURNMENT

Mr. GINN. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 1 o'clock and 42 minutes), the House adjourned until tomorrow, Tuesday, November 27, 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:

1561. A letter from the Deputy Director, Office of Management and Budget, Executive Office of the President, transmitting a report that the appropriation to the U.S. Secret Service of the Department of the Treasury for "Salaries and Expenses," for fiscal year 1974, has been apportioned on a basis which indicates the necessity for a supplemental estimate of appropriation, pursuant to 31 U.S.C. 665; to the Committee on Appropriations.

1562. A letter from the Deputy Director, Office of Management and Budget, Executive Office of the President, transmitting a report that the appropriation to the Department of the Interior for "Office of Oil and Gas" for fiscal year 1974, has been apportioned on basis which indicates the necessity for a supplemental estimate of appropriation, pursuant to 31 U.S.C. 665; to the Committee on Appropriations.

1563. A letter from the Administrator of General Services, transmitting the semiannual report on the strategic and critical materials stockpiling program for the 6 months ended June 30, 1973, pursuant to section 4 of Public Law 79–520; to the Committee on Armed Services.

1564. A letter from the Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting copies of international agreements other than treaties entered into by the United States, pursuant to Public Law 92–403; to the Committee on Foreign Affairs.

1565. A letter from the Assistant Secretary of the Treasury, transmitting a report on the status of foreign credits by U.S. Government agencies as of December 31, 1972, pursuant to section 634(f) of the Foreign Assistance Act of 1961, as amended; to the Committee on Foreign Affairs.

1566. A letter from the Assistant Secretary of Defense (International Security Affairs), transmitting the views of the Department of Defense on the bill to authorize appropriations for U.S. participation in the International Ocean Exposition 1975; to the Committee on Foreign Affairs.

1567. A letter from the Acting Deputy Assistant Secretary of the Interior, transmitting notice of the approval of deferment of the construction repayment installments due the United States during 1974 and 1975 for irrigation facilities in the Kansas-Bostwick Irrigation District No. 2, Pick-Sloan Missouri Basin program, Kansas, pursuant to 73 Stat. 584; to the Committee on Interior and Insular Affairs.

1568. A letter from the President, National Academy of Sciences, transmitting copies of various panel reports developed under sponsorship of the Academy's Committee on Motor Vehicle Emissions during studies conducted under the provisions of section 6 of Public Law 91–604, concerning the technological feasibility of meeting light duty motor vehicle emission standards; to the Committee on Interstate and Foreign Commerce.

1569. A letter from the Director, Administrative Office of the U.S. Courts, transmitting a draft of proposed legislation to enlarge the trial jurisdiction of U.S. magistrates to encompass additional misdemeanors; to the Committee on the Judiciary.

1570. A letter from the Acting Commissioner, Immigration and Naturalization Service, Department of Justice, transmitting reports concerning visa petitions approved according certain beneficiaries third and sixth preference claassification, pursuant to section 204(d) of the Immigration and Nationality Act, as amended [8 U.S.C. 1154(d)]; to the Committee on the Judiciary.

1571. A letter from the Administrator of General Services, transmitting a draft of proposed legislation to amend the act of August 24, 1935 (commonly referred to as the "Miller Act") to provide for the inclusion of interest and legal fees in judgments granted on suits by subcontractors based upon payment bonds, and for other purposes; to the Committee on the Judiciary.

1572. A letter from the Secretary of the Army, transmitting a letter from the Chief of Engineers, Department of the Army, dated July 13, 1973, submitting a report, together with accompanying papers and illustrations, on reformulation of the Sixes Bridge and

Verona projects in the Potomac River Basin, in response to a directive contained in the conference report, House of Representatives Report No. 92-1582, on Senate Bill 4018, Public Works for Rivers and Harbors, in two volumes (House Doc. No. 93-2); to the Committee on Public Works and ordered to be printed with illustration.

1573. A letter from the Secretary of the Army, transmitting a letter from the Chief of Engineers, Department of the Army, submitting a report on Abbeville, S.C., to the Committee on Public Works.

1574. A letter from the Administrator of General Services, requesting the withdrawal of prospectus proposing the construction of a post office, courthouse, and Federal Office Building at Auburn, N.Y.; to the Committee on Public Works.

1575. A letter from the Administrator, National Aeronautics and Space Administration, transmitting a report covering the 6 months ended June 30, 1973, on research, development, test, and evaluation contracts and mobilization based contracts negotiated by NASA, pursuant to 10 U.S.C. 2304(e); to the Committee on Science and Astronautics.

1576. A letter from the Secretary of the Treasury, transmitting the annual report on the state of the finances of the U.S. Government for fiscal year 1973, pursuant to 31 U.S.C. 1027 (House Doc. No. 93-116); to the Committee on Ways and Means and ordered to be printed with illustrations.

RECEIVED FROM THE COMPTROLLER GENERAL

1577. A letter from the Comptroller General of the United States, transmitting a list of reports issued or released by the General Accounting Office during October 1973, pursuant to 31 U.S.C. 1174; to the Committee on Government Operations.

1578. A letter from the Comptroller General of the United States, transmitting a report that educational laboratory and research and development center programs need to be strengthened; to the Committee on Government Operations.

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. BOLLING: Committee on Rules. House Resolution 715. Resolution providing for the consideration of H.R. 7130. A bill to amend the Rules of the House of Representatives and the Senate to improve congressional control over budgetary outlay and receipt totals, to provide for a legislative budget director and staff, and for other purposes (Rept. No. 93-652). Referred to the House Calendar.

Mr. DIGGS: Committee on the District of Columbia. H.R. 7218. A bill to improve the laws relating to the regulation of insurance companies in the District of Columbia; with amendment (Rept. No. 93-653). Referred to the Committee of the Whole House on the State of the Union.

Mr. DIGGS: Committee on the District of Columbia. H.R. 6186. A bill to amend the District of Columbia Revenue Act of 1947 regarding taxability of dividends received by a corporation from insurance companies; with amendment (Rept. No. 93-654). Referred to the Committee of the Whole House on the State of the Union.

Mr. DIGGS: Committee on the District of Columbia. H.R. 6758. A bill to permit the Capital Yacht Club of the District of Columbia to borrow money without regard to the usury laws of the District of Columbia; with amendment (Rept. No. 93-655). Referred to the Committee of the Whole House.

Mr. DIGGS: Committee on the District of Columbia. H.R. 10806. A bill to amend the District of Columbia Minimum Wage Act so as to enable airline employees to exchange days at regular rates of compensation, and for other purposes (Rept. No. 93-656). Referred to the Committee of the Whole House on the State of the Union.

Mr. DIGGS: Committee on the District of Columbia. H.R. 11238. A bill to amend the act of March 16, 1926 (relating to the Board of Public Welfare in the District of Columbia), to provide for an improved system of adoption of children in the District of Columbia, and for other purposes; with amendment (Rept. No. 93-657). Referred to the Committee of the Whole House on the State of the Union.

Mr. MADDEN: Committee on Rules. H.R. 7130. A bill to amend the Rules of the House of Representatives and the Senate to improve congressional control over budgetary outlay and receipts totals, to provide for a legislative budget director and staff, and for other purposes; with amendment (Rept. No. 93-658). Referred to the Committee of the Whole House on the State of the Union.

Mr. PERKINS: Committee on Education and Labor. H.R. 11010. A bill to assure opportunities for employment and training to unemployed and underemployed persons; with amendment (Rept. No. 93-659). Referred to the Committee of the Whole House on the State of the Union.

Mr. MAHON: Committee on Appropriations. H.R. 11576. A bill making supplemental appropriations for the fiscal year ending June 30, 1974, and for other purposes (Rept. No. 93-663). Referred to the Committee of the Whole House on the State of the Union.

Mr. MAHON: Committee on Appropriations. H.R. 11575. A bill making appropriations for the Department of Defense for the fiscal year ending June 30, 1974, and for other purposes (Rept. No. 93-662). Referred to the Committee of the Whole House on the State of the Union.

Mr. HUNGATE: Committee on the Judiciary. H.R. 11401. A bill to provide for, and assure the independence of, a Special Prosecutor, and for other purposes with amendment (Rept. No. 93-660). Referred to the Committee of the Whole House on the State of the Union.

Mr. KASTENMEIER: Committee on the Judiciary. S. 2641. An act to confer jurisdiction upon the district court of the United States of certain civil actions brought by the Senate Select Committee on Presidential Campaign Activities, and for other purposes (Rept. No. 93-661). Referred to the Committee of the Whole House on the State of the Union.

PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. DON H. CLAUSEN:

H.R. 11554. A bill to provide for the early commercial demonstration of the technology of solar heating by the National Aeronautics and Space Administration in cooperation with the National Bureau of Standards, the National Science Foundation, the Secretary of Housing and Urban Development, and other Federal agencies, and for the early development and commercial demonstration of technology for combined solar heating and cooling; to the Committee on Science and Astronautics.

By Mr. DENNIS (for himself, Mr. MCCLORY, Mr. HUCHINSON, Mr. SMITH of New York, Mr. SANDMAN, Mr. MAYNE, Mr. HOGAN, Mr. BUTLER, Mr. COHEN, Mr. LOTT, Mr. MOORHEAD of California, Mr. FLOWERS, Mr. MARAZITI, and Mr. FISH):

H.R. 11555. A bill to define the powers and duties and to place restriction upon the grounds for the removal of the Special Prosecutor appointed by the Acting Attorney General of the United States on November 5, 1973, and for other purposes; to the Committee on the Judiciary.

By Mr. COHEN (for himself, Mr. BURKE of Massachusetts, Ms. SCHROEDER, Mr. GUDE, Mr. PICKLE, Ms. HOLTZMAN, Mr. SEIBERLING, Mr. NICHOLS, Mr. TAYLOR of North Carolina, and Mr. CONTE):

H.R. 11556. A bill to provide income tax incentives for the modification of certain facilities so as to remove architectural and transportational barriers to the handicapped and elderly; to the Committee on Ways and Means.

By Mr. CONTE:

H.R. 11557. A bill to authorize the disposal of silver from the national stockpile; to the Committee on Armed Services.

H.R. 11558. A bill to direct the President to halt all exports of gasoline distillate fuel oil, and propane gas until he determines that no stortage of such fuels exists in the United States; to the Committee on Banking and Currency.

By Mr. DE LUGO (for himself, Mr. WON PAT, Mr. BURTON, Mr. DON H. CLAUSEN, and Mr. REGULA):

H.R. 11559. A bill to place certain submerged lands within the jurisdiction of the governments of Guam, the Virgin Islands, and American Samoa, and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. DENT:

H.R. 11560. A bill to amend the Export Administration Act of 1969, to protect the domestic economy from the excessive drain of scarce materials and commodities and to reduce the serious inflationary impact of abnormal foreign demand; to the Committee on Banking and Currency.

By Mr. EILBERG:

H.R. 11561. A bill to provide loans for air transportation expenses to the United States or the remains of U.S. citizens who die abroad, and for other purposes; to the Committee on Foreign Affairs.

By Mr. FORSYTHE:

H.R. 11562. A bill to provide emergency security assistance authorizations for Israel; to the Committee on Foreign Affairs.

By Mr. HAMILTON:

H.R. 11563. A bill to amend the Community Mental Health Centers Act to provide for the extension thereof, and for other purposes; to the Committee on Interstate and Foreign Commerce

By Mr. HECHLER of West Virginia:

H.R. 11564. A bill to amend the Clean Air Act, as amended, and for other purposes; to the Committee on Banking and Currency.

By Mr. HOWARD (for himself, Mr. GROVER, Mr. CLEVELAND, Mr. SNYDER, Mr. MILFORD, Mr. ZION, Mr. BAKER, Mr. WALSH, Mr. COCHRAN, Mr. TAYLOR of Missouri, Mr. CLARK, Mr. DORN, Ms. ABZUG, Mr. BREAUX, Mr. STUDDS, and Mrs. BURKE of California):

H.R. 11565. A bill to insure that certain buildings financed with Federal funds utilize the best practicable technology for the conservation and use of energy; to the Committee on Public Works.

By Mr. LEHMAN:

H.R. 11566. A bill to direct the Secretary of Commerce to research and develop new building designs and construction methods which utilize solar energy and to authorize the Secretary of Housing and Urban Development to increase the maximum amount of mortgages insured under title II of the National Housing Act for certain facilities utilizing solar energy; to the Committee on Banking and Currency.

By Mr. LUJAN:

H.R. 11567. A bill to provide, in cooperation with the States, benefits to individuals

who are totally disabled due to employment-related respiratory disease and to the surviving dependents of individuals whose death was due to such disease or who were totally disabled by such disease at the time of their deaths; to the Committee on Education and Labor.

H.R. 11568. A bill to extend on an interim basis the jurisdiction of the United States over certain ocean areas and fish in order to protect the domestic fishing industry, and for other purposes; to the Committee on Merchant Marine and Fisheries.

By Mr. McDADE:

H.R. 11569. A bill to prohibit the use of interstate facilities, including the mails, for the transportation of certain materials to minors; to the Committee on the Judiciary.

By Mr. REUSS (for himself and Mr. MOORHEAD of Pennsylvania):

H.R. 11570. A bill to establish a program of community development and housing grants and to provide assistance to State development agencies relating to housing and urban development activities; to the Committee on Banking and Currency.

By Mr. ROSENTHAL:

H.R. 11571. A bill to terminate the Airlines Mutual Aid Agreement; to the Committee on Interstate and Foreign Commerce.

By Mr. SHOUP:

H.R. 11572. A bill to provide for the imposition of an embargo on the shipment of goods and materials to Arab nations; to the Committee on Banking and Currency.

By Mr. WON PAT:

H.R. 11573. A bill to amend the Organic Act of Guam to place certain lands within the jurisdiction of the government of Guam, and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. HÉBERT (for himself, Mr. BRAY, Mr. PRICE, of Illinois, Mr. FISHER, Mr. BENNETT, Mr. STRATTON, Mr. PIKE, Mr. ICHORD, Mr. NEDZI, Mr. ARENDS, Mr. BOB WILSON, and Mr. GUBSER):

H.J. Res. 831. Joint resolution authorizing the President to designate the nuclear-powered aircraft carrier CVN-70 as the U.S.S. *Carl Vinson;* to the Committee on Armed Services.

By Mr. CONTE:

H. Res. 716. Resolution to provide for the conservation of energy by reducing the number of operational days and hours in Federal buildings and offices; to the Committee on Post Office and Civil Service.

By Mr. THOMPSON of New Jersey:

H. Res. 717. Resolution providing for printing of additional copies of legislative hearings entitled "Jointly Administered Legal Services Plans"; to the Committee on House Administration.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII,

Mr. CONABLE introduced a bill (H.R. 11574) for the relief of Edward Drag, which was referred to the Committee on the Judiciary.

PETITIONS, ETC.

Under clause 1 of rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

356. By the SPEAKER. Petition of the city council, Philadelphia, Pa., relative to amending the Elementary and Secondary Education Act; to the Committee on Education and Labor.

357. Also, petition of the city council, Philadelphia, Pa., relative to an accounting of the servicemen missing in action in Southeast Asia; to the Committee on Foreign Affairs.

358. Also, petition of Dr. Tsung-Po Kuo, Kaohsiung Medical College, Taiwan, China, relative to the Republic of China; to the Committee on Foreign Affairs.

359. Also, petition of the U.S. Jaycees, Tulsa, Okla., relative to alcohol abuse and alcoholism prevention; to the Committee on Interstate and Foreign Commerce.

360. Also, petition of the common council, Buffalo, N.Y., relative to daylight saving time; to the Committee on Interstate and Foreign Commerce.

361. Also, petition of the Suffolk County Legislature, N.Y., relative to daylight saving time; to the Committee on Interstate and Foreign Commerce.

362. Also, petition of Herman Howlery, Menard, Ill., relative to redress of grievances; to the Committee on the Judiciary.

363. Also, petition of members of the Trade Union Committee for Action and Democracy, Berkeley, Calif., relative to impeachment of the President; to the Committee on the Judiciary.

364. Also, petition of Ralph Boryszewski, Rochester, N.Y., relative to impeachment of the President; to the Committee on the Judiciary.

SENATE—*Monday, November 26, 1973*

The Senate met at 12 o'clock meridian and was called to order by Hon. ROBERT C. BYRD, a Senator from the State of West Virginia.

PRAYER

The Chaplain, the Reverend Edward L. R. Elson, D.D., offered the following prayer:

O God of grace and goodness, we pray that as we work this day our souls may be sanctuaries of Thy presence, Thy peace, and Thy power. We seek Thee because Thou has first sought us and bid us come to Thee. Hold us fast lest we go astray. Amid all that is sinful and ugly in this world, help us ever to remember Thou hast conquered evil and provided forgiveness and healing. Help us to give our first loyalty to Thee knowing that all lesser loyalties will be fulfilled in fidelity to the supreme loyalty. May the vision of the Founding Fathers never be dimmed by any dark moments. With hearts still aglow with the idealism of the past, may we be partners with Thee in bringing to fulfillment the kingdom of brotherhood and peace.

We pray in Thy holy name. Amen.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. EASTLAND).

The assistant legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, D.C., November 26, 1973.

To the Senate:

Being temporarily absent from the Senate on official duties, I appoint Hon. ROBERT C. BYRD, a Senator from the State of West Virginia, to perform the duties of the Chair during my absence.

JAMES O. EASTLAND,
President pro tempore.

Mr. ROBERT C. BYRD thereupon took the chair as Acting President pro tempore.

REPORTS OF A COMMITTEE SUBMITTED DURING ADJOURNMENT

Under authority of the order of the Senate of November 21, 1973, the following reports of a committee were submitted on November 21, 1973:

By Mr. LONG, from the Committee on Finance, with an amendment:

H.R. 11104. An act to provide for a temporary increase of $10,700,000,000 in the public debt limit and to extend the period to which this temporary limit applies to June 30, 1974 (Rept. No. 93-552).

By Mr. LONG, from the Committee on Finance, with amendments:

H.R. 3153. An act to amend the Social Security Act to make certain technical and conforming changes (Rept. No. 93-553).

THE JOURNAL

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the reading of the Journal of the proceedings of Wednesday, November 21, 1973, be dispensed with.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

MESSAGES FROM THE PRESIDENT—APPROVAL OF BILLS

Messages in writing from the President of the United States were communicated to the Senate by Mr. Marks, one of his secretaries, and he announced that on November 16, 1973, the President had approved and signed the following acts:

S. 1081. An act to amend section 28 of the Mineral Leasing Act of 1920, and to authorize a trans-Alaska oil pipeline, and for other purposes; and

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.

EXECUTIVE MESSAGES REFERRED

As in executive session, the Acting President pro tempore (Mr. ROBERT C. BYRD) laid before the Senate messages from the President of the United States submitting sundry nominations, which were referred to the appropriate committees; and a message withdrawing the nomination of Col. Leonard F. Stegman, [redacted], U.S. Army, for temporary appointment in the Army of the United States to the grade of brigadier general, which was sent to the Senate on October 10, 1973.

(The nominations received today are printed at the end of the Senate proceedings.)

MESSAGE FROM THE HOUSE—ENROLLED BILLS SIGNED

A message from the House of Representatives by Mr. Berry, one of its reading clerks, announced that the Speaker had affixed his signature to the following enrolled bills:

H.R. 1353. An act for the relief of Toy Louie Lin Heong;

H.R. 1356. An act for the relief of Ann E. Shepherd;

H.R. 1367. An act for the relief of Bertha Alicia Sierra;

H.R. 1463. An act for the relief of Amilia Majowicz;

H.R. 1696. An act for the relief of Sun Hwa Koo Kim;

H.R. 1955. An act for the relief of Rosa Ines D'Elia;

H.R. 2513. An act for the relief of Jose Carlos Recalde Martorella;

H.R. 2628. An act for the relief of Anka Kosanovic;

H.R. 3207. An act for the relief of Mrs. Enid R. Pope;

H.R. 3754. An act for the relief of Mrs. Bruna Turni, Graziella Turni, and Antonello Turni;

H.R. 6334. An act to provide for the uniform application of the position classification and general schedule pay rate provisions of title 5, United States Code, to certain employees of the Selective Service System;

H.R. 6828. An act for the relief of Edith E. Carrera;

H.R. 6829. An act for the relief of Jose Antonio Trias;

H.R. 9474. An act to amend title 38, United States Code, to increase the monthly rates of disability and death pensions and dependency and indemnity compensation, and for other purposes;

H.R. 10840. An act to amend the act of August 4, 1950 (64 Stat. 411), to provide salary increases for members of the police force of the Library of Congress; and

H.R. 10937. An act to extend the life of the June 5, 1972, grand jury of the U.S. District Court for the District of Columbia.

The enrolled bills were subsequently signed by the Acting President pro tempore (Mr. ROBERT C. BYRD).

COMMITTEE MEETINGS DURING SENATE SESSION

Mr. MANSFIELD. Mr. President, I ask unanimous consent that all committees may be authorized to meet during the session of the Senate today.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

COLLECTION OF INFORMATION BY GOVERNMENT AGENCIES

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 527, S. 1106.

The ACTING PRESIDENT pro tempore. The bill will be stated by title.

The assistant legislative clerk read as follows:

S. 1106, to amend the Federal Reports Act to avoid undue delays in the collection of information by Government agencies.

The ACTING PRESIDENT pro tempore. Is there objection to the present consideration of the bill?

There being no objection, the Senate considered the bill, which was ordered to be engrossed for a third reading, was read the third time, and passed, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. Section 3509 of title 44, United States Code, is amended by inserting "(a)" before the words "A Federal agency" and by adding at the end thereof the following new subsections:

"(b) A determination of disapproval by the Director shall be accompanied by a full statement of the reasons therefor.

"(c) Any collection of information which has been referred to the Director of the Office of Management and Budget for his approval under section 3506 of this title or under subsection (a) of this section shall be approved or denied within sixty days or such approval shall be deemed to have been granted."

ORDER OF BUSINESS

Mr. MANSFIELD. Mr. President, a parliamentary inquiry.

The ACTING PRESIDENT pro tempore. The Senator from Montana will state it.

Mr. MANSFIELD. Is it correct to state that the vote on the two treaties will occur at the hour of 2 p.m. today?

The ACTING PRESIDENT pro tempore. The Senator is correct.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that at 5 minutes before 2 p.m. today, the distinguished Republican leader (Mr. HUGH SCOTT) be recognized to inquire as to what the schedule will be for this week and for the remainder of this session.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

DISCIPLINE AND SACRIFICE

Mr. HUGH SCOTT. Mr. President, at a time when some of the brightest aspects of civilization were manifesting themselves in the great realm of China a division was asserted, as it has been during all of the times of man on this earth, a division between the Han jen and the Hsiung-nu. The Han jen were the people of the Han, which the Chinese people have always called themselves for more than 2,000 years until this very day.

The Hsiung-nu were barbarians beyond the frontier.

There exists in every person the eternal conflict between the Han jen, or the civilized part of his nature, and the Hsiung-nu, or the barbarian part. We are now, as Americans, being asked to make certain sacrifices for the good of all. There is the tendency to seize for oneself advantages to the detriment of others, whether it be blackmarketing or hoarding, or other advantages which are taken at the expense of the commonality of the community.

I hope that as we turn our attention to the mutual need for sacrifice the civilized aspects of America will assert themselves against the barbarian tendency which lie, not always controlled, fuming like the dragon of China, within all of us.

So let us hope that we will, in a civilized manner, impose discipline upon ourselves, abide by the laws and regulations, and live so that all of us may be able, together, to solve a very difficult and surely a common problem. For if the Hsiung-nu prevails, then we will have defeated others, but we will also have defeated ourselves, because we will not have risen to the capacity which lies within us, one and all.

TRANSACTION OF ROUTINE BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, there will now be a period for the transaction of routine business, with statements therein limited to 3 minutes.

Mr. MANSFIELD. Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The absence of a quorum has been suggested. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

PETITIONS

Petitions were laid before the Senate and referred as indicated:

By the ACTING PRESIDENT pro tempore (Mr. ROBERT C. BYRD):

A resolution of the Common Council of the City of Buffalo, N.Y., in support of daylight saving time on a year-round basis. Ordered to lie on the table.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first time and, by unanimous consent, the second time, and referred as indicated:

By Mr. NELSON (for himself and Mr. JACKSON):

S. 2738. A bill relating to the necessity of reorganizing certain departments and agencies of the executive branch, and for other purposes. Referred to the Committee on Government Operations.

By Mr. PROXMIRE:

S. 2739. A bill for the relief of Christina Yung. Referred to the Committee on the Judiciary.

By Mr. TOWER:

S. 2740. A bill to amend the Fair Labor Standards Act of 1938 to provide a cost-of-living index increase for certain enterprise and establishment exemptions under that act. Referred to the Committee on Labor and Public Welfare.

By Mr. BROCK:

S. 2741. A bill to provide for an investigation of the character and past activities of potential Vice Presidential nominees by the Federal Bureau of Investigation. Referred to the Committee on the Judiciary.

By Mr. JACKSON (for himself, Mr. BIBLE, Mr. CHURCH, Mr. METCALF, Mr. JOHNSTON, Mr. ABOUREZK, Mr. HASKELL, Mr. NELSON, Mr. FANNIN, Mr. HANSEN, Mr. HATFIELD, Mr. BUCKLEY, Mr. MCCLURE, Mr. BARTLETT, and Mr. MATHIAS):

S.J. Res. 175. A joint resolution to authorize and request the President to issue a proclamation designating the calendar week beginning May 6, 1974, as "National Historic

Preservation Week." Referred to the Committee on the Judiciary.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. NELSON (for himself and Mr. JACKSON):

S. 2738. A bill relating to the necessity of reorganizing certain departments and agencies of the executive branch, and for other purposes. Referred to the Committee on Government Operations.

GOVERNMENT SURVEILLANCE AND THE THREAT TO INDIVIDUAL PRIVACY: A NEED TO REORGANIZE THE GOVERNMENT

Mr. NELSON. Mr. President, approximately 185 years ago, Thomas Jefferson warned that—

> The natural progress of things is for liberty to yield and government to gain ground.

The time has long since past for Congress to exercise control over government surveillance and recordkeeping activities. When the Government invades an individual's privacy—whether by wiretapping, electronic bugs, or some other means—it strike at the individual freedoms essential to democratic self-government. Government then becomes a threat to the very constitutional rights and liberties it was designed to defend. None of us can afford to be insensitive to this risk of government spying and prying.

I introduced legislation in 1971 and in June of this year aimed at bringing this dangerous activity under congressional oversight. Senator JACKSON and I have joined in presenting further legislation at this time seeking the same objective. It is my intention to continue raising this issue on the Senate floor until Congress awakens to the serious threat to liberty posed by Government surveillance.

The need for Congress to act is more pressing today than ever before. The incidence of spying at all levels of government seems to grow unabated. Virtually every day congressional committees, as well as newspapers and magazines, expose new details of how Federal, State, and local governmental agencies intrude into the private affairs of America's citizens. Examples abound:

One night last spring Federal agents battered down the doors of two law-abiding families in Collinsville, Ill., on the mistaken assumption that the families were in possession of dangerous drugs.

Joseph Kraft, a syndicated columnist, learned that the Government not only burglarized his home to install a wiretap on his telephone but also shadowed him in his foreign travels.

A Senate subcommittee reported that it cannot determine the name of the official who initiated the surveillance activities of 1,500 U.S. Army agents on more than 100,000 law-abiding private citizens.

No one knows how many illegal wire taps have been used by Government agents but enough evidence has been exposed to give cause for alarm.

The rise in Government snooping has not escaped the attention of the public. Numerous commentators and periodicals have reported the public's growing concern that Government surveillance and recordkeeping activities are endangering the individual's right to privacy.

This legitimate public concern was aptly summarized in an article titled "Political Surveillance and Police Intelligence Gathering—Rights, Wrongs, and Remedies," which appeared in the Wisconsin Law Review last year:

> Eleven years from the title date of George Orwell's fictionalized account of the totalitarianism of the future, many Americans sense that "Big Brother" is emerging as a terrifying reality in the United States. There are no posters or broadcasts proclaimed the fact, but to many the ubiquitous surveillance, represented by the telescreen and the thought police in Orwell's novel, is upon us in the guise of the proliferating governmental agencies engaged in the business of spying.

A report released by the Department of Health, Education, and Welfare, in July, 1973, titled "Records, Computers and the Rights of Citizens," confirms that fear of governmental snooping still prevails among the public. The HEW report related the results of a public opinion survey in which a very large proportion of the respondents expressed concern that their personal privacy was being seriously compromised by Government surveillance and recordkeeping activities. The source of this public concern is not obscure. As the HEW report explained—

> The public fear of a "Big Brother" system, in effect a pervasive network of intelligence dossiers, focuses on the computer, but it includes other marvels of twentieth-century engineering, such as the telephone taps, the wireless microphone, the automatic surveillance camera, and the rest of the modern investigator's technical equipage.

This HEW report adds new weight to the public's deep concern with Government spying. Much of this concern reflects the public response to the Government activities exposed by the Senate Watergate hearings. In a recent poll, for example, Louis Harris found that—

> The revelations of the Watergate investigation have had a profound impact on the American people's awareness of threats to individual liberty and have made the public much more convinced that specific acts by government have been not only unnecessary but dangerous.

Indeed, Mr. Harris also reported that 52 percent of those surveyed "now agrees with the statement that things have become more repressive in this country in the past few years." In a word, this public opinion poll, as well as numerous other commentaries and reports, make clear the public's fear that the Government often invades the individual's privacy with little or no justification.

The Government's pervasive violations of individual privacy must not go unchallenged. Indeed, if Congress refuses to respond to these violations, it will be nothing less than an abdication of Congress responsibility to safeguard individual liberty. It is therefore imperative that Congress act now to reverse this tide of government snooping.

Accordingly, Senator JACKSON and I are introducing legislation today which will provide Congress with critically necessary oversight of government surveillance activities. Specifically, this bill will establish a Joint Committee on the Continuing Study of the Need to Reorganize the Departments and Agencies Engaging in Surveillance. The joint committee will be bipartisan and will include representation from those Senate and House committees which have jurisdiction over those agencies and departments engaging in surveillance. The joint committee will have two basic responsibilities. First, it will examine the surveillance activities of all Federal agencies. Second, it will review the intergovernmental relationships among the Federal, State, and local governmental agencies insofar as those relationships concern the conduct of and the sharing of information acquired by surveillance activities. Having executed these two responsibilities, the joint committee will be able to recommend whatever changes are necessary in law and in governmental structure in order to protect individual privacy against intrusion by the Government.

I. THE PROBLEM DEFINED

The problem of government surveillance is not new. In fact, its origins predate the birth of our Nation.

Early English history, for example, is replete with instances in which the king's agents sought to invade the homes of citizens suspected of wrongdoing. This practice was firmly condemned by the English courts as early as 1603 in Semayne's Case, 5 Cook 91, 11 ERC 629, 77 Eng. Reprint 194:

> In all cases where the king is party, the sheriff (if the doors be not open) may break in the party's house, either to arrest him, or to do other execution of the K(ing's) process, if otherwise he cannot enter. But before he breaks it, he ought to signify the cause of his coming, and to make request to open doors . . .

The English court's concern for the individual's right of privacy did not entirely dampen the willingness of some British officials to ignore that right in pursuit of certain governmental interests. In 1766, the British Parliament debated means to assure collection of an excise tax on cider. One proposal would have authorized the king's officers to enter a citizen's home without knocking. In opposition to this proposal, William Pitt argued eloquently in the House of Lords that it would emasculate the time-honored principle which protected each citizen from unlawful invasions of his privacy by the Government:

> The poorest man may, in his cottage, bid defiance to all the forces of the Crown. It may be frail. Its roof may shake. The wind may blow through it. The storm may enter. The rain may enter. But the King of England cannot enter. All his force dares not cross the threshold of that ruined tenement. (William Pitt—1776)

What the King of England could not do 200 years ago the American Government today does with abandon. The Government burglarizes homes, installs wiretaps on private phones, and engages in other kinds of deplorable surveillance activities which violate the sanctity of an individual's privacy. These activities not only violate American traditions, but, more importantly,

also violate constitutional rights and established legal procedures.

In the American colonies, no less than in England, people appreciated the fundamental importance of a citizen's right or privacy. The Colonials also understood that that right would be a fragile one if left to the guardianship of a government more eager to suppress political dissent than to safeguard individual liberty.

For the American colonials, this lesson was learned from bitter experience. British agents frequently violated the sanctity of the colonials' homes by conducting searches authorized by only a general warrant and by otherwise harrassing those suspected of treasonous sentiments.

In response to these hated abuses, the framers of our Constitution adopted the fourth amendment. That amendment states quite simply that—

> The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated, and no warrants shall issue, but upon probable cause, supported by oath or affirmation and particularly describing the place to be searched, and the persons or things to be seized.

The fourth amendment's provisions apply to all searches and seizures. No exception is made for national security cases or any other kind of circumstance. The absence of any expressed exceptions, moreover, cannot be interpreted as an oversight or a failure of the Founding Fathers to appreciate future developments in which world affairs would be overshadowed by a nuclear sword of Damocles.

When the Constitution was drafted in 1787, our country was only 11 years old. The new American citizens had recently concluded a long war with England to preserve their country's independence. That independence was not entirely secure. The threat of foreign attack and subversion was still present. Notwithstanding the existence of this threat, the Founding Fathers adopted the fourth amendment and made no exception to its application.

One need not be a lawyer to understand the basic purpose of this amendment. It is designed to protect the individual from unjustified invasions of his privacy by the Government.

The fourth amendment thus limits the power of the Government. Like the other amendments in the Bill of Rights, the fourth amendment reflects the framers' intention that individual liberty, rather than unrestrained government power, be the hallmark of our political system. As Justice Louis Brandeis observed in his moving dissent in the case of Olmstead versus the United States:

> The makers of our Constitution undertook to secure conditions favorable to the pursuit of happiness. They recognized the significance of man's spiritual nature, of his feelings and of his intellect. They knew that only a part of the pain, pleasure and satisfactions of life are to be found in material things. They sought to protect Americans in their beliefs, their thoughts, their emotions and their sensations. They conferred, as against the Government, the right to be let alone—the most comprehensive of rights and the right most valued by civilized men. To protect that right, every unjustifiable intrusion by the Government upon the privacy of the individual, whatever the means employed must be deemed a violation of the Fourth Amendment.

The wisdom of the framers in adopting the fourth amendment is beyond question. Without its protection, individual freedom would remain at the mercy of the Government's unbridled discretion.

However sound the principles embraced within the fourth amendment, its words have a hollow ring today. For those words have done little to restrain government at any level from engaging in surveillance of law-abiding citizens.

There are innumerable examples to demonstrate the scope of government spying and other invasions of privacy. Reference to a few is sufficient to expose the grave implications which this snooping has for individual liberty.

As early as 1967 Prof. Alan Westin reported in his book, "Privacy and Freedom," that—

> At least fifty different federal agencies have substantial investigative and enforcement functions, providing a corps of more than 20,000 "investigators" working for agencies such as the FBI, Naval Intelligence, the Post Office, the Narcotics Bureau of the Treasury, the Securities and Exchange Commission, the Internal Revenue Service, the Food and Drug Administration, the State Department, and the Civil Service Commission. While all executive agencies are under federal law and executive regulation, the factual reality is that each agency and department has wide day-to-day discretion over the investigative practices of its officials.

In short, there is an army of governmental agents engaged in surveillance activities who are, in large measure, accountable to no one but themselves. Congress has virtually no procedure to determine whether these surveillance activities are conducted in a manner consistent with constitutional rights and established law.

A 1973 report of Senator ERVIN's Subcommittee on Constitutional Rights detailed the extensive spying which the U.S. Army had conducted on more than 100,000 private citizens during the 1960's. This surveillance was directed principally at those suspected of engaging in political dissent. According to the subcommittee:

> Army surveillance of civilians engaging in political activities in the 1960's was both massive and unrestrained. At the height of the monitoring, the Army engaged over 1,500 plainclothes agents to collect information which was placed in scores of data centers around the country.

Needless to say, this Army surveillance well exceeded any legal authority granted to the Army. It was therefore important to determine who was responsible for initiating this unlawful surveillance. Incredibly enough, the subcommittee could not make that determination:

> The subcommittee has been unable to conclude what particular official or officials were responsible for ordering the expansion of the surveillance operation in the late 1960's.

On April 14, 1971, it was revealed that the FBI had conducted general surveillance of Earth Day activities on April 22, 1970. As the one who initiated and planned that first celebration of Earth Day in 1970, I cannot imagine any justification for FBI surveillance of those activities. Earth Day resulted in a genuine and peaceful demonstration by tens of thousands of American citizens of their overriding concern to preserve our natural environmental resources. There is nothing subversive or otherwise dangerous in expressing that concern. Indeed, it falls squarely within the American tradition and, for that reason, attracted the participation and support of 150 Members of Congress, more than 100 representatives of the Nixon administration, and numerous Governors.

In spite of its unquestioned legitimacy, Earth Day 1970 attracted FBI surveillance. There is still no satisfactory explanation as to why the FBI felt compelled to spy on those participating in the Earth Day celebration. Nor is there any reason to believe that the whole sorry episode cannot be repeated in the future.

In many cases, governmental agencies enlist the assistance of private organizations to help them to spy on private citizens. A 1968 article in Look magazine, for example, reported that governmental agents often requested and received information from American Airlines concerning the travel schedules of certain individuals. The article cited—

> A computer expert for the airline [who] says that 10 to 15 investigators a day (Federal, State, local and other) are permitted to delve into the computer for such information. Some of them want (and get) a print out of the entire passenger list of a certain flight to see who might be traveling with a particular person.

As another example, the State of Florida utilized the services of the Wackenhut Corp., a large private detective firm, to conduct a wide-ranging investigation into crime and corruption.

In many cases, the surveillance is as indiscriminate as it is unjustified. Law-abiding citizens often find that they are subjects of government surveillance merely to satisfy the whim of governmental officials. Columnist Joseph Kraft, for example, was no doubt surprised to learn that the government had burglarized his home in 1969 to install a tap on his phone and shadowed his foreign travels merely because his columns raised the ire of high-placed government officials.

These invasions of privacy by the government, in and of themselves, are, to say the least, disturbing. Even more disturbing, however, is the fact that most of us—and especially those of us in official positions of responsibility—have become so inured to government snooping that we often fail to appreciate its serious dangers.

We cannot afford to take individual liberty for granted. We cannot afford to ignore the dangers which government spying poses for that liberty—no matter how benign the government's motives. Government surveillance always poses great dangers to a free society. This is

especially true today since those dangers have been aggravated in recent years by two basic developments.

First, government snooping has been facilitated, and made more insidious, by advanced techniques of surveillance. Numerous articles have underscored the rapid pace at which new surveillance devices are developed.

An article in the January 1971 issue of Transactions on Aerospace and Electronic Systems, for instance, reported the proposal of an electric "transponder" system to help prevent crime. Under this system, any individual with a criminal record will be required to carry a small radio. The radio, in turn, emits waves which can enable enforcement officials to locate that individual at any time.

An article titled "New Bug Hears All," which was printed in the February 20, 1972, issue of Parade magazine, discussed another advanced means of surveillance now being used by the FBI. The new device is a bug which, when placed on an outside telephone line, can pick up all sounds through a telephone receiver, even when the receiver remains on the hook.

The ingenuity—and potential danger—of this new bug is perhaps surpassed only by the design of a new communications system which would enable the Government to turn on all television and radio sets on a moment's notice.

These and other new developments in surveillance techniques invoke the specter of a government which can intrude its eyes and ears into every nook and cranny of our private lives. None of us can afford to be insensitive to the reality of this spectre. For it raises anew the fundamental question of how willing and able we are to preserve those individual liberties for which our forbears fought.

Familiarized with the advanced techniques of surveillance, Justice William Brennan posed this fundamental question in his dissent in the 1963 case of Lopez against the United States. In Justice Brennan's view—

> Electronic aids add a whole new dimension to eavesdropping. They make it more penetrating, more truly obnoxious to a free society. Electronic surveillance, in fact, makes the police more omniscient; and police omniscience is one of the most effective tools of tyranny.

Justice Brennan then articulated the inherent dangers of a Government which can spy on its citizens with little or no restraint:

> Electronic surveillance strikes deeper than at the ancient feeling that a man's home is his castle; it strikes at freedom of communication, a postulate of our kind of society . . . [F]reedom of speech is undermined where people fear to speak unconstrainedly in what they suppose to be the privacy of home or office. If electronic surveillance by government becomes sufficiently widespread, and there is little in prospect for checking it, the hazard that as a people we may become hagridden and furtive is not fantasy.

These hazards of government snooping have been made more real by a second major development: the rapid growth of an intergovernmental system whereby the Federal Government acts in conjunction with the State and local governments to conduct and share the fruits of surveillance. Much of this growth can be attributed to title III of the Omnibus Crime Control and Safe Streets Act of 1968. That title, among other things, enabled State and local enforcement officials to seek court-authorized wiretaps for virtually any reason. As Prof. Herman Schwartz commented in an article, "The Legitimation of Electronic Eavesdropping: The Politics of 'Law and Order,'" which appeared in the Michigan Law Review in 1969—

> In fact, the list of offenses for which state eavesdropping is permitted [under Title III] is practically unlimited: "murder, kidnapping, gambling, robbery, bribery, extortion, or dealing in narcotic drugs, marihuana or other dangerous drugs, or other crime dangerous to life, limb or property, and punishable by imprisonment for more than one year . . . or any conspiracy to commit any of the foregoing offenses."

State and local enforcement officials have made extensive use of this provision. Statistics reported by the Administrative Office of the U.S. Courts show that between 1968 and 1972 the number of State-authorized wiretaps increased from 174 to 649. During that time period, it is also notewrothy that the Federal, State, and local governments wiretapped more than 1,623,000 conversations involving approximately 120,000 people.

All the information which the State and local governments acquire from these wiretaps is not retained in their exclusive possession. More often than not, that information is shared with innumerable Federal agencies, such as the FBI, the Law Enforcement Administration, the IRS, and the Secret Serivce.

In many cases, information acquired through wiretaps and other activities is not shared willingly with the Federal agencies. Frequently a Federal agency coerces a State or local goverment into sharing the information by dangling the threat of suspension of Federal funding for the particular government. As early as 1965, a report of the House Committee on Post Office and Civil Service summarized this insidious practice:

> Since federally supported State programs have mushroomed in recent years, we are faced with rapidly expanding reporting and paperwork programs which, for all practical purposes, fall outside of any Federal or State supervision. This situation lends itself to all kinds of abuses since the Federal agency can threaten the State agency by withholding funds unless all of its demands for information are met.

If the information were shared according to established standards for legitimate purposes, then the risks to constitutional rights might be minimal. But usually there are few standards and no assurances that the information will be used for lawful purposes. A recent letter from Gov. Francis Sargent of Massachusetts to then Attorney General Richardson offers a graphic illustration of the problem.

On June 13, 1973, Governor Sargent wrote to Mr. Richardson that Massachusetts would withhold its participation in the FBI's National Criminal Information Center, an interlocking computerized system enabling States to share criminal information on individuals with the FBI. Citing the 1967 Report of the President's Commission on Law Enforcement and Administration of Justice, Governor Sargent stated that Massachusetts would withhold its participation from this system until the Federal Government adopted standards adequate to safeguard individual rights:

> . . . I take very seriously the President's Commission warning that the application of computer technology for criminal justice information requires special precautionary steps to protect individual rights. The Massachusetts criminal information system has been designed to provide internal and external safeguards against potential abuse. Unfortunately, I have seen no similar action on the part of the Department of Justice, the Attorney General or the Federal Bureau of Investigation to construct equivalent safeguards for the national criminal information system.

Governor Sargent's comments underscore a situation which prevails at the Justice Department and virtually every other governmental agency engaged in surveillance activities; there are no safeguards to which the agency is held accountable to the public or the law to insure that surveillance activities are conducted in a lawful manner and for legitimate purposes.

II. THE NEED FOR CONGRESSIONAL ACTION

In defining the permissible scope of Government invasion of privacy, it is obviously necessary to strike a balance between the need to safeguard individual liberty and the need for the Government to acquire information necessary to protect the Nation from foreign hostilities and to serve other legitimate purposes. It should now be more than clear that we cannot rely exclusively on the executive branch or the courts to strike that balance.

The Government would of course prefer that implict trust be placed in its judgment. In 1971, then Assistant Attorney General William H. Rehnquist espoused this view in testimony before the Senate Subcommittee on Constitutional Rights:

> We believe that full utilization of advanced data processing techniques is by no means inconsistent with the preservation of personal privacy. . . . I think it quite likely that self-discipline on the part of the Executive Branch will provide an answer to virtually all of the legitimate complaints against excess of information gathering.

These basic statements were echoed by then Attorney General Richardson in a letter dated September 12, 1973, to the chairman of the Senate Foreign Relations Committee. Responding to the committee's justified concern with government wiretaps purportedly used to protect the national security, Mr. Richardson acknowledged that the Constitution and recent judicial decisions limited the Government's power to wiretap. But the Attorney General made clear that, in the end, he would be the one to decide whether a particular wiretap would exceed those limitations.

As a matter of history and as a matter of law, we cannot rely on the self-discipline of the Executive branch to safeguard of our constitutional rights. As a matter of history, the Government is not always able to judge dispassionately

when its urge to engage in surveillance should yield to the paramount importance of individual liberty. This is no less true even when the motives of the Government are beyond question. Justice Brandeis succinctly summarized this teaching of history in his dissent in the Olmstead case:

> Experience should teach us to be most on our guard to protect liberty when the Government's purposes are beneficient. Men born to freedom are naturally alert to repel invasion of their liberty by evil-minded rulers. The greatest dangers to liberty lurk in insidious, encroachment by men of zeal, well-meaning but without understanding.

Relying on this historical judgment, the Supreme Court in 1972 held in the case of the United States versus U.S. District Court that the Government cannot wiretap individuals for domestic security purposes without court authorization. In issuing this decision, the Court declared, as a matter of law, that the Government's self-discipline was inadequate to protect the individual liberties conferred by the fourth amendment. The Court's judgment was not premised on the malicious dispositions of those who inhabit the Executive branch. Rather, the judgment flowed from the conflicting interests which the Government is required to serve. Speaking for a unanimous Court, Justice William Powell examined the evolution and contours of the freedoms conferred by the fourth amendment. He then stated:

> These Fourth Amendment freedoms cannot properly be guaranteed if domestic security surveillances may be conducted solely within the discretion of the executive branch. The Fourth Amendment does not contemplate the executive officers of Government as neutral and disinterested magistrates. Their duty and responsibility is to enforce the laws, to investigate and to prosecute . . . The historical judgment, which the Fourth Amendment accepts, is that unreviewed executive discretion may yield too readily to pressure to obtain incriminating evidence and overlook potential invasion of privacy and protected speech.

The Court expressly declined to decide whether the same judgment would attach to cases where the Government was intent upon conducting surveillance to protect national security interests. In my view, however, the same considerations which underlie the Court's decision in the domestic security case compel a conclusion that the fourth amendment also protects American citizens when the Government's urge to wiretap is motivated by national security interests. In short, to ask the Government—however, well-intentioned—to protect the individual's right to privacy in cases of government surveillance is usually no different than to ask the wolf to guard the sheep. In either case, there is no assurance that the valued asset will be preserved.

Nor is there much reason to believe that the courts can provide blanket protection of an individual's privacy against unlawful invasions by the government. The inability of the courts to provide this blanket protection stems from the nature of wiretap procedures and the scope of existing laws rather than from any deficiencies in the judges.

To begin with, most wiretapping and other surveillance activities are anticipatory in nature—they are geared toward uncovering possible crimes or other information which the government might find useful. In these cases, an individual might never learn that the government is spying on him. Accordingly, that individual would have no incentive to seek judicial relief.

The case of Morton Halperin is illustrative. In 1969, when he was a member of the staff of the National Security Council, Mr. Halperin had his telephone tapped. For 4 years, Mr. Halperin remained ignorant of the tap and never sought judicial relief. A string of fortuitous circumstances at the recent trial of Daniel Ellsberg in Los Angeles led the Government to reveal the existence of the tap. Although the courts successfully exposed a wiretap in this particular case, the circumstances strongly suggest that there are many more individuals who will never learn that Government is spying on them.

For these individuals, the court's protection is nonexistent. A court will not act on its own to restrict Government surveillance activities. The courts only act when specific controversies are brought to them for decision by particular individuals. This is, in effect, a "Catch 22" situation. On the one hand, an individual cannot object to Government surveillance activities unless he himself is a subject of such surveillance. On the other hand, there is no law which would require the Government—absent a criminal indictment or some other proof—to disclose on its own whether an individual is in fact a subject of surveillance.

The law, of course, is not entirely powerless to protect individuals against unlawful Government surveillance activities. Title III of the Crime Control and Safe Streets Act does provide certain remedies for individuals who are the subject of Government abuses. There are also some Federal, State, and local laws which are designed to protect an individual's privacy from unlawful invasions by the Government in certain circumstances. But these laws are fragmentary and generally unable to provide any comprehensive protection.

Prof. Arthur Miller, an acknowledged legal authority in this area, examined these legal limitations in an article, "Personal Privacy in the Computer Age: the Challenge of a New Technology in an Information-Oriented Society," which appeared in the Michigan Law Review in 1969. Of particular concern to Professor Miller was the impact which the computer would have on the collection and dissemination of information acquired by surveillance or some other means. According to Professor Miller:

> The present legal structure, at both the state and federal levels, appears to be virtually unprepared to cope with the threats to privacy that rapidly are becoming part of our computer age. The fragmented, ad hoc approach that has been taken to informational privacy problems is disheartening, for it simply aggravates the existing system's unsuitability for solving the problems raised by the computer. The result is confusion concerning the scope of protection afforded by various common-law doctrines and legislative provisions, and, quite frequently, uncertainty regarding the source of law applicable to a particular invasion of privacy.

Professor Miller's view was endorsed by the HEW report, on "Records, Computers, and the Rights of Citizens." The report states flatly that—

> Under current law, a person's privacy is poorly protected against arbitrary or abusive recordkeeping practices.

The circumstances which I have described show that neither the courts nor the executive branch are always able to provide adequate safeguards for individual liberty. Congress, however, has done little to remedy the situation. This fact was perhaps reflected in the recent comment of John M. McDougal, the Army officer who provided the press with details of the U.S. Army's surveillance activities in Western Europe. In explaining his action, Mr. McDougal stated in a column which appeared in the op-ed pages of the New York Times of September 4, 1973:

> After long deliberation on what course of action to take, I decided to release this information to the press. I choose the press because I believe it to be the strongest force for political and individual freedom in America today.

With all due respect to the virtues of the press, it is a sad commentary on the U.S. Congress that it is no longer viewed as the strongest defender of individual freedom. This development is not surprising. Congress has exercise few checks over Government surveillance at the Federal, State, or local levels. Congress has done little to discourage the Government from trampling all over constitutional liberties when conducting surveillance activities. Congress has not established itself as a forum to remedy the indignities and abuses to which thousands of individuals become subject when the Government decides to spy and pry on them. In short, Congress has done virtually nothing to supervise the ever-expanding web of Government snooping.

This situation should be tolerated no longer. Ours is a government of laws. The integrity of those laws should not be entrusted to the unreviewed discretion of those charged with enforcing them. Otherwise, we accept the risk that the guarantees of the law will be sacrificed on the altar of expediency. That is a risk we cannot afford to accept, particularly when the guarantees involved are fundamental constitutional rights.

Congress must guard those rights with vigilance. It can do so only if it continually reviews the Government's surveillance activities and determines whether any changes are needed in the law or in the governmental structure in order to protect an individual's privacy against unlawful intrusions by the Government. To this end, Senator JACKSON and I are introducing legislation today to establish a joint committee of the Congress on the Study of the Need to Reorganize the Departments and Agencies Engaged in Surveillance.

III. THE PURPOSES AND RESPONSIBILITIES OF THE JOINT COMMITTEE

The joint committee will be a bipartisan assemblage of the majority and minority leaders of both Houses of Con-

gress, as well as the chairman and ranking minority member of all those congressional committees having jurisdiction over governmental agencies which engage in surveillance activities. Those Senate Committees represented would include Government Operations, Appropriations, Armed Services, Commerce, Foreign Relations, Judiciary, and Post Office and Civil Service. Those House committees represented would include Government Operations, Appropriations, Armed Services, Foreign Affairs, Interstate and Foreign Commerce, Judiciary, and Post Office and Civil Service. By having bipartisan representation from each of these House and Senate committees, the joint committee will benefit by the expertise which Congress has on those governmental agencies which engage in surveillance activities.

The basic purpose of the joint committee will be to provide a continuing review of those governmental agencies which conduct surveillance activities in order to determine whether the protection of individual liberties, and especially the individual's right to privacy, require any changes in the law or in the governmental structure. More specifically, the joint committee will have two basic responsibilities.

First, the joint committee will examine the nature and scope of the surveillance activities conducted by Federal agencies. At least once each year, officials from the IRS, the FBI, the military surveillance units, and other selected Federal agencies will be required to appear before the committee with all relevant documents and other evidentiary materials to testify under oath about their surveillance activities. The joint committee will also be empowered to subpena other individuals, private or public, who can give testimony or evidence relative to the surveillance activities of Federal agencies. This first responsibility is of particular importance since Congress presently has no means to determine the nature or scope of Government surveillance activities.

Second, the joint committee will review the intergovernmental relationship between the Federal, State, and local governmental agencies insofar as that relationship involves the conduct of surveillance activities and the sharing of information acquired from such activities. The committee will be authorized to subpena public and private witnesses as well as documents and other evidentiary materials, which are necessary to make this review. The focus of the joint committee's examinations here will be a determination whether any changes are needed in those intergovernmental relationships to protect individual liberties and, if so, whether such changes can be effected through the reorganization of relevant Federal agencies or enactment of laws.

The joint committee will issue reports as often as it deems necessary but in any event at least annually. The joint committee will also make recommendations for legislation concerning the reorganization of the Federal agencies or the reordering of intergovernmental relations if the committee determines that such changes are necessary to safeguard individual liberties from unlawful Government surveillance.

The creation of this joint committee will be a sound response to the numerous proposals from both public and private sources concerning the Government's collection and dissemination of information about a citizen's private affairs. As early as 1965 the Bureau of the Budget, concerned that the Government's informational policies posed serious threats to an individual's privacy, suggested the creation of a single Federal agency to collect and control the distribution of all such information in the Government's possession.

Professor Miller made a similar proposal in his article in the 1969 Michigan Law Review. Professor Miller premised his proposal on the establishment of clear standards to protect an individual's privacy:

> The more attractive alternative [to control the Government's acquisition and distribution of private information] appears to be a data center that is functionally circumscribed and is structured to place a heavy premium on privacy considerations. Prior to establishing such a center, the government's information policies must be comprehensively evaluated in the hope of achieving an over-all balance between the need for massive amounts of raw data that can be handled efficiently and used for a variety of purposes and the obligation of the national government to preserve the privacy of its citizens. Moreover, this evaluation must be a continuing one in order to keep pace with changing agency practices in the collection and use of data.

The HEW report on records, computers, and the right of citizens likewise concluded that the creation of a new Federal agency might be necessary to protect individual privacy against Government acquisition and distribution of information. According to the report—

> The "strongest" mechanism for safeguard [of individual privacy] which has been suggested is centralized, independent Federal agency to regulate the use of all automated personal data systems.

No doubt the joint committee will want to consider the proposals of the HEW report, Professor Miller, and others in determining what legal or structural changes are necessary to protect individual liberty against government surveillance and recordkeeping activities. Whatever proposals it finally recommends, however, the joint committee will provide the first, basic steps toward remedying the dangerous abuses of Government surveillance activities.

IV. CONCLUSION: A STEP TOWARD CONGRESSIONAL OVERSIGHT OF GOVERNMENT SURVEILLANCE ACTIVITIES

We should not underestimate the importance of taking these first steps toward correcting the abuses of Government surveillance. The individual's right to privacy is one of our most cherished liberties. It is fundamental to the concept of democratic self-government where each individual's private thoughts and beliefs are beyond the reach of Government. Without that right to privacy, the individual's freedom is placed in jeopardy. Government then becomes a monster to be feared rather than a servant to be trusted. As Justice Field declared in the 1888 case of In re Pacific Railway Commission:

> Of all the rights of the citizen, few are of greater importance or more essential to his peace and happiness than the right of personal security, and that involves not merely protection of his person from assault, but exemption of his private affairs, books and papers, from the inspection and scrutiny of others. Without the enjoyment of this right, all others would lose half their value.

Individual privacy, in short, provides the individual with the freedom to live his own philosophy without fear of retribution or repression by the Government.

The history of the past few years demonstrates that the Government has frequently accorded little respect for individual privacy when conducting surveillance of private citizens. The few examples I described earlier indicate that all too often the Government is willing to tolerate violations of individual privacy in the pursuit of information which it deems useful. As a result, many individuals have been and will be subjected to injustices in the name of government surveillance.

Congress cannot and should not stand idly by while this unjust condition continues to fester. Writing of the liberation of Paris from the Nazis in 1944, Albert Camus observed:

> Nothing is given to men, and the little they can conquer is paid for with unjust deaths. But man's greatness lies elsewhere. It lies in his decision to be stronger than his condition. And if his condition is unjust, he has only one way of overcoming it, which is to be just himself.

It is my hope that Congress will aspire to this standard of greatness and act to correct the injustices of government surveillance activities.

Mr. President, I ask unanimous consent to have printed in the RECORD a copy of the bill to establish a Joint Committee on the Continuing Study of the Need To Reorganize the Departments and Agencies Engaging in Surveillance.

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

S. 2738

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) in order to provide the Congress with an improved means for formulating legislation (1) involving reorganizations of certain departments and agencies of the United States engaged in the surveillance of individuals for the purpose of assuring the protection of certain rights, and (2) involving the intergovernmental relationship between the United States and the States as such relationship involves the areas of surveillance of individuals and the need to protect such rights, there is established a joint committee of the Congress which shall be known as the Joint Committee on the Continuing Study of the Need to Reorganize the Departments and Agencies Engaging In Surveillance (hereafter referred to as the "joint committee"). The joint committee shall be composed of the following Members of Congress:

(1) the majority and minority leaders of the Senate and of the House of Representatives; and

(2) the ranking majority and minority

members of the Committee on Government Operations, the Committee on the Judiciary, the Committee on Foreign Relations, the Committee on Appropriations, the Committee on Commerce, the Committee on Post Office and Civil Service, and the Committee on Armed Services, of the Senate, and the Committee on Government Operations, the Committee on the Judiciary, the Committee on Foreign Affairs, the Committee on Appropriations, the Committee on Interstate and Foreign Commerce, the Committee on Post Office and Civil Service, and the Committee on Armed Services, of the House of Representatives.

(b) The joint committee shall select a chairman and a vice chairman from among its members.

(c) Vacancies in the membership of the joint committee shall not affect the power of the remaining members to execute the functions of the joint committee and shall be filled in the same manner as in the case of the original appointment.

SEC. 2. It shall be the function of the joint committee—

(1) to make a continuing study of the need to reorganize the departments and agencies of the United States engaged in the investigation or surveillance of individuals, including, as a part of such study, the extent and the method of investigation or surveillance of individuals by any department, agency, or independent establishment of the United States Government as such investigation or surveillance relates to the right to privacy, the authority for, and the need for such investigation or surveillance, and the standards and guidelines used to protect the right to privacy and other constitutional rights of individuals;

(2) to make a continuing study of the intergovernmental relationship between the United States and the States insofar as the relationship involves the area of investigation or surveillance of individuals;

(3) to make a continuing study of the collection, processing, analysis, storage, and dissemination of information concerning specific individuals, collected by any department, agency or independent establishment of the United States Government, as it relates to the right to privacy, including the authority and need for such collection, processing, analysis, storage, and dissemination, and the standards and guidelines established to protect the right to privacy and the other constitutional rights of individuals and, as appropriate, to protect the confidentiality of the information obtained; and

(4) as a guide to the several committees of the Congress dealing with legislation with respect to the activities of the United States Government involving the area of surveillance, to file reports at least annually, and at such other times as the joint committee deems appropriate, with the Senate and the House of Representatives, containing its findings and recommendations with respect to the matters under study by the joint committee, and, from time to time, to make such others reports and recommendations to the Senate and the House of Representatives as it deems advisable.

(5) *Provided, however,* that nothing in the foregoing provisions shall authorize the joint committee, or any subcommittee thereof, to examine lawful investigative and/or surveillance activities related to the defense or national security of the United States conducted within the territorial boundaries of the United States. For purposes of this subsection, lawful investigative and/or surveillance activities related to the defense or national security of the United States means—investigative and/or surveillance activities carried on by the Central Intelligence Agency, the Defense Intelligence Agency, the National Security Agency, or other organizations or components of the Department of Defense authorized by and in accordance with court decisions, statutes, Executive orders, administrative regulations and other applicable guidelines describing the legitimate activities of those agencies.

(6) Provided further, nothing in this resolution shall give the Joint Committee, or any Subcommittee thereof, jurisdiction to examine any activities of agencies and departments of the United States government conducted outside the territorial boundaries of the United States.

SEC. 3. (a) The joint committee or any subcommittee thereof, is authorized, in its discretion (1) to make expenditures, (2) to employ personnel, (3) to adopt rules respecting its organization and procedures, (4) to hold hearings, (5) to sit and act at any time or place, (6) to subpoena witnesses and documents (in accordance with subsection (b)), (7) with the prior consent of the agency concerned, to use on a reimbursable basis the services of personnel information, and facilities of any such agency, (8) to procure printing and binding, (9) to procure the temporary services (not in excess of one year) or intermittent services of individual consultants, or organizations thereof, and to provide assistance for the training of its professional staff, in the same manner and under the same conditions as a standing committee of the Senate may procure such services and provide such assistance under subsections (i) and (j), respectively, of section 202 of the Legislative Reorganization Act of 1946, and (10) to take depositions and other testimony. No rule shall be adopted by the joint committee under clause (3) providing that a finding, statement, recommendation, or report may be made by other than a majority of the members of the joint committee then holding office.

(b)(1) Subpoenas may be issued under the signature of the chairman of the committee or of any subcommittee, or by any member designated by such chairman, when authorized by a majority of the members of such committee, or subcommittee, and may be served by any person designated by any such chairman or member.

(2) Each subpoena shall contain a statement of the committee resolution authorizing the particular investigation with respect to which the witness is summoned to testify or to produce papers, and shall contain a statement notifying the witness that if he desires a conference with a representative of the committee prior to the date of the hearing, he may call or write to counsel of the committee.

(3) Witnesses shall be subpoenaed at a reasonably sufficient time in advance of any hearing in order to give the witness an opportunity to prepare for the hearing and to employ counsel, should he so desire. The chairman of the joint committee or any member thereof may administer oaths to witnesses. The provisions of sections 102–104 of the Revised Statutes (2 U.S.C. 192–194) shall apply in the case of any failure of any witness to comply with a subpoena or to testify when summoned under authority of this section.

(c) With the consent of any standing, select, or special committee of the Senate or House of Representatives, or any subcommittee, the joint committee may utilize the services of any staff member of such House or Senate committee or subcommittee whenever the chairman of the joint committee determines that such services are necessary and appropriate.

(d) The expenses of the joint committee shall be paid from funds appropriated for the joint committee, upon vouchers signed by the chairman of the joint committee or by any member of the joint committee authorized by the chairman.

(e) Members of the joint committee, and its personnel, experts, and consultants, while traveling on official business for the joint committee within or outside the United States, may receive either the per diem allowance authorized to be paid to Members of the Congress or its employees, or their actual and necessary expenses if an itemized statement of such expenses is attached to the voucher.

By Mr. TOWER:

S. 2740. A bill to amend the Fair Labor Standards Act of 1938 to provide a cost-of-living index increase for certain enterprise and establishment exemptions under that act. Referred to the Committee on Labor and Public Welfare.

FAIR LABOR STANDARDS AMENDMENTS OF 1973

Mr. TOWER. Mr. President, I am today introducing legislation to gear the small business exemption under the Fair Labor Standards Act to the Consumer Price Index. The effect of such legislation would be to apply a cost-of-living escalator to the small business exemption provisions in section 3(s) and section 13 (a)(2) of the Fair Labor Standards Act.

This legislation authorizes the Secretary of Labor to determine whether during the preceding quarter the Consumer Price Index increased by at least 3 percent, and upon an affirmative finding to adjust the small business exemption so as to correspond with the increase in the Index.

This bill is similar to an amendment I offered during the debate on the minimum wage bill earlier in the year. While the amendment did not carry, it did receive significant support, and encouraged me to draft legislation to achieve the same objective as the amendment.

This bill is a modest proposal compared to the amendment I offered. The latter called for an immediate increase in the exemption from $250,000 to $325,000 in gross annual volume sales for a covered enterprise. The intent of the amendment was to increase the exemption so as to take into consideration inflation, dating back since the last time the exemption was amended.

Mr. President, I will only summarize the need for the bill I am offering today since I intend to have inserted the debate on my previous amendment. This legislation is greatly needed by the small business community which has been a forgotten segment of our economy anytime minimum wage legislation is debated. It should be recalled that it has only been since 1961 that the great majority of small businesses were covered by the minimum wage law. Since that time, with an inflation eroding the real value of the dollar, and with the Congress acting to reduce the dollar value of the exemption, the small business community has felt the wrath of a well-meaning but poorly economically conceived minimum wage law.

The end effect has been the closing of small businesses or the layoff of many of their employees. This has encouraged economic concentration, advantaging just those larger business establishments that have little or no problem absorbing minimum wage increases.

Mr. President, I urge my colleagues to give this proposal, which is a modest one, their careful consideration. I ask unanimous consent that the text of the bill and the debate and vote on my

amendment which I referred to earlier be printed in the RECORD at this time.

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

S. 2740

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act be cited as the "Fair Labor Standards Amendments of 1973".

SEC. 2. The first sentence of section 3(s) of the Fair Labor Standards Act of 1938 is amended by—

(1) striking out the words "and beginning" in paragraph (1) of such section and inserting in lieu thereof "during the period";

(2) inserting after "February 1, 1969" in such paragraph the following: "through the fifty-ninth day after the date of enactment of the Fair Labor Standards Amendments of 1973"; and

(3) inserting before the semicolon at the end of such paragraph a comma and the following: "and beginning on the effective date of the Fair Labor Standards Amendments of 1973 is an enterprise or a gasoline service establishment whose annual dollar volume of sales made or business done is not less than the amount (exclusive of excise taxes at the retail level which are separately stated) determined by the Secretary under section 4(f)".

SEC. 3. Section 4 of the Fair Labor Standards Act of 1938 is amended by inserting at the end thereof the following new subsection:

"(f) (1) For purposes of this subsection—

"(A) the term 'base quarter' means the calendar quarter ending on June 30, 1972 and every year thereafter:

"(B) the term 'cost-of-living computation quarter' means a base quarter, as defined in subparagraph (A), in which the Consumer Price Index exceeds, by not less than 3 percent, such index in the last prior base quarter; and

"(C) the Consumer Price Index for a base quarter, or a cost-of-living computation quarter, shall be the arithmetical mean of such index for the 3 months in such quarter.

"(2)(A) The Secretary shall determine each year beginning with 1974 whether the base quarter in such year is a cost-of-living computation quarter.

"(B) If the Secretary determines that such base quarter is a cost-of-living computation quarter, he shall, effective with the month of January of the next calendar year as provided in subparagraph (C), increase the amount of the annual gross volume of sales made or business done for the purpose of section 3 (s) and section 13 (a)(2) of this Act by an amount derived by multiplying each such amount by the same percentage (rounded to the nearest one-tenth of 1 percent) as the percentage by which the Consumer Price Index for such cost-of-living computation quarter exceeds such index for the most recent prior base quarter. Any such increased amount which is not a multiple of $100 shall be increased to the next higher multiple of $100.

"(C) If the Secretary determines that a base quarter in a calendar year is also a cost-of-living computation quarter, he shall publish in the Federal Register on or before November 1 of such calendar year a determination that an increase in the annual gross volume of sales which is less than the the purpose of section 3 (s) and section 13 (a)(2) of this Act is required and the percentage thereof. He shall also publish in the Federal Register at that time a revision of the amount of the annual gross volume of sales made or business done for the purpose of section 3 (s) and section 13 (a)(2) of this Act, and such revised amount shall be deemed to be the amount appearing in such sections."

SEC. 4. Section 13 (a)(2) of the Fair Labor Standards Act of 1938 is amended by—

(1) inserting immediately before the word "or" the last time it appears in such section the following: "during the period ending on the fifty-ninth day after the date of enactment of the Fair Labor Standards Amendments of 1973"; and

(2) by inserting immediately before the period in such section a comma and the following: "or beginning on the effective date of the Fair Labor Standards Amendments of 1973 such establishment has an annual dollar volume of sales which is less than the amount (exclusive of excise taxes at the retail level which are separately stated) determined by the Secretary under section 4 (f)".

SEC. 6. This Act shall take effect on the sixtieth day after the date of its enactment.

[From the Congressional Record, July 19, 1973]

Mr. TOWER. Mr. President, I call up my amendment No. 376 and ask that it be stated.

The PRESIDING OFFICER. The clerk will report the amendment.

The legislative clerk proceeded to read the amendment.

Mr. TOWER. Mr. President, first let me call attention to a printing error in the printed version of the amendment. On page 2, line 9, it should read "(2)" instead of "(12)".

The PRESIDING OFFICER. The amendment is so modified.

The amendment, as modified, is as follows:

"On page 5, between lines 21 and 22, insert the following:

"(2) The first sentence of such section 3(s) is further amended by—

"(1) striking out the words 'and beginning' in paragraph (1) of such section and inserting in lieu thereof 'during the period';

"(2) inserting after 'February 1, 1969' in such paragraph the following: 'through the fifty-ninth day after the date of enactment of the Fair Labor Standards Amendments of 1973'; and

"(3) inserting before the semicolon at the end of such paragraph a comma and the following: 'and beginning on the effective date of the Fair Labor Standards Amendments of 1973, is an enterprise or a gasoline service establishment whose annual gross volume of sales made or business done is not less than $325,000 (exclusive of excise taxes at the retail level which are separately stated)'.".

"On page 5, line 22, strike out '"(2)"' and insert in lieu thereof '"(3)"'."

Mr. TOWER. Mr. President, this amendment would increase the small business exemption for retail and service establishments from $250,000 to $325,000.

It should be noted that prior to 1961 all retail and service firms were exempt from the minimum wage provisions of the Fair Labor Standards Act. In 1961 firms with $1 million or more in gross sales were brought under the law. In February 1967, the exemption was lowered to $500,000 and 2 years after that to $250,000.

In the 92d Congress, the Senate Labor and Public Welfare Committee attempted to reduce this figure to $150,000 but it was deleted from the committee bill by a vote of 91 to 0.

Mr. President, this amendment is very much needed by the small business community in the United States. More than any other sector in the economy it is the small business community that is hurt the most by S. 1861.

There has been a lot of rhetoric in the Congress in the past few years about the evil of "big business" and the need to assist the small businessman and the family farmer. I cannot emphasize the problems which the small business community will face if S. 1861 is enacted in its present form. I introduced my substitute partially because of the terrible effect such a large minimum wage increase would have on small business. S. 1861 will, if enacted, result in closings of many small businesses all over the country, especially in the Midwest, the South, and the Northwest.

The argument put forth for the passage of S. 1861 is that such a large minimum wage increase is needed to restore the purchasing power of employees covered by the Fair Labor Standards Act. The proponents of S. 1861 state that a $2.20 minimum wage is required due to the rises in the consumer price index since the act was last amended in 1966.

The amendment raising the small business exemption to $325,000 is offered on the same theory. Using the Consumer Price Index to calculate the rate of inflation between February 1, 1969, and May 1973, approximately $307,000 would be needed to provide retail and service firms with the same degree of assistance as $250,000 did in 1969. Projecting the rate of inflation for the first 5 months of 1973 over the remainder of the year, this figure would increase to $318,750.

This information is confirmed by the Department of Labor, I ask unanimous consent that a letter from Mr. Benjamin Brown, Deputy Under Secretary for Legislative Affairs to me in response to an inquiry on this matter made by a member of my staff be printed into the RECORD at this time.

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

"U.S. DEPARTMENT OF LABOR,
"Washington, D.C., July 13, 1973.

"Hon. JOHN TOWER,
"U.S. Senate,
"Washington, D.C.

"DEAR SENATOR TOWER: This is in response to a request from Gary Lieber of your staff concerning the $250,000 gross annual volume sales test for enterprise coverage under the Fair Labor Standards Act. Mr. Lieber requested that the $250,000 be inflated to reflect the increase in the Consumer Price Index between February 1969 and May 1973 with the projection ahead to December 1973.

"The Consumer Price Index in February 1969 when the $250,000 enterprise test went into effect was 107.1 and in May 1973 was 131.5. Assuming that the rate of increase for the seven months from May 1973 to December 1973 will be the same as it was for the seven months from October 1972 to May 1973, the projected Consumer Price Index for December 1973 would be 136.6. This assumption does not take into account the current price freeze or the Phase IV control program.

"The percentage increase in the Consumer Price Index of 22.8 from February 1969 to May 1973 and the estimated increase of 27.5 from February 1969 to December 1973 would result in an enterprise test adjusted for these increases of $307,000 in May 1973 and $318,750 in December 1973.

"I hope this information will be helpful. If there is anything further you need please do not hesitate to call me.

"Sincerely,
"BENJAMIN L. BROWN,
"Deputy Under Secretary for Legislative Affairs."

Mr. TOWER. Mr. President, this amendment therefore is totally consistent with the past action of Congress in establishing and maintaining a business exemption under the Fair Labor Standards Act. It offers to the Senate an opportunity to maintain some equity of treatment for the small businessman. Surely, failure to adopt this amendment will represent a clear message to the small business community that we do not care about them despite our rhetoric to the contrary.

THE EXEMPTION IS CONSISTENT WITH CONGRESSIONAL POLICY

Over the last few decades Congress has recognized that small independent business has distinct problems and faces some forms of competitive disadvantage vis-a-vis the large

corporations in the country. This extends to areas such as financing, advertising, and access to specialized talent and expertise. The Small Business Administration, the Senate and House Select Committees on Small Business and special considerations and exemptions, like the one contained in the Fair Labor Standards Act, represent congressional recognition of and action to rectify these inequities.

Unless my amendment is approved, I fear that the disadvantages small businesses face in the economy vis-a-vis larger establishments will widen greatly, resulting in that type of economic concentration that many Members of Congress feel has already reached an intolerable level.

INCREASING THE EXEMPTION WILL MAINTAIN JOBS

I feel that increasing the exemption will maintain jobs. Most small retail and service firms are labor intensive, making the effect of an increase in the minimum wage relatively large. Economic theory suggests that small firms will use less of the factors of production that become relatively more expensive, indicating that it might become difficult for some workers, especially part-time and the unskilled, to hold their jobs.

In support of this point, witness the results of a survey conducted by the National Federation of Independent Businessmen which shows that almost half of the businesses between $200,000 and $400,000 would reduce their labor force or the man-hours of its employees if they were required to increase the minimum wage to $2 or $2.20 an hour. Significantly, the firms that indicated that they would react by reducing their work force, also reported that over 20 percent of their cutback would impact on heads of households.

INCREASING THE EXEMPTION WOULD EASE THE INFLATIONARY IMPACT OF A RAISE IN THE MINIMUM WAGE

The labor-intensive nature of most small retail and service firms, which are rarely in a position, because of a lack of capital, to take advantage of laborsaving techniques, suggest that they would either have to reduce their work force or raise their prices to compensate for an increase in the present minimum. In fact, most could be expected to raise their prices even if many of them were in a position to reduce their employee payrolls.

To appreciate the impact of this action on consumer prices, we must keep in mind that these small businesses are at the end of the production and marketing chain and must deal with their increased labor costs on their own. If they are forced to increase their prices proportionally, these increases will show up immediately in the Consumer Price Index, adding to inflation and wiping out gains made by those marginally and unskilled workers who directly benefited by the minimum wage increase.

Increasing the small business exemption would tend to ease this inflationary pressure. It would give these firms more time to search for alternative solutions and possibly enable them to actually absorb more of the increase.

IMPACT ON SMALL BUSINESSES IN RURAL AREAS

While I believe this amendment is a positive response to the economic difficulties which affect small business in all areas of the country, I believe it has special significance for rural America. The committee bill is based on the premise that there exists no economic differences based upon geographical classification in the country. It is simply not true that the economies of New York City and south Texas are relatively of equal character, let alone that they have any similar qualities at all. I know for a fact that many small businesses in the rural parts of Texas will have no alternatives at all if S. 1861 is enacted. The amendment I now propose at least gives many of these retail and service firms a chance of survival.

In summary, Mr. President, this amendment is based upon last year's unanimous endorsement by the Senate of the small business exemption under section 3(s) of the Fair Labor Standards Act. All it does is update the exemption in accordance with the Consumer Price Index—the same theory utilized by the proponents of S. 1861 for increasing the minimum wage by 37 percent.

It is an amendment seeking only equity in treatment for small businesses and moderate in the sense that it is only based upon increases in the Consumer Price Index from 1969 to 1973, instead of making the amendment in the CPI in 1974 when the $2.20 minimum wage under S. 1861 would go into effect.

I hope that the Senate has considered what I have said and will approve the amendment. I think our failure to approve it, Mr. President, would be tantamount to reducing the small business exemption, because the exemption as it now stands in reference to 1969 dollars, so to be completely equitably we must follow the same theory that we follow in raising the minimum wage 37 percent by allowing the same 37-percent increase in the exemption for small business. To fail to do so would be to actually endorse what the Senate unanimously rejected last year in the attempt to reduce the exemption to $150,000.

I urge the adoption of my amendment.

Mr. JAVITS. Mr. President, I yield myself such time as I may require in opposition.

Mr. President, there are two central themes to the amendment. One is the central theme that we are only maintaining the exemption at its parity in depreciated dollars, and the second theme is that it is a necessary acknowledgment of differences in economic circumstances between small business establishments in different parts of the country.

The Senator from Texas (Mr. Tower), if I got his words exactly, said, "We have the mistaken idea that there exists no economic differences," were his words, "between New York and, for example, the rural parts of Texas."

To answer that, first, we understand very well that there are those economic differences. That is why this minimum is not $3 or $3.50.

Mr. TOWER. Mr. President, will the Senator yield for a point of clarification?

Mr. JAVITS. I yield.

Mr. TOWER. What I said was that the bill apparently proceeds on that premise. I am not saying anyone automatically makes that assumption.

Mr. JAVITS. I appreciate that, but the bill does not proceed on that premise. We have established a national minimum which is the limit of decency and humanity. That is really what it comes down to, as far as we can see. If we were establishing a minimum, I suppose, for New Jersey or the industrial areas of New York, Michigan, Pennsylvania, or any other major State of the kind mentioned in the argument, we would set the minimum at what would be a realistic minimum, to wit, $3 or maybe more, based upon the requirements of living in those areas. But we are setting a national minimum precisely because we are selling a standard of decency, and we are setting a standard below which we do not want competition among States or among establishments.

So it seems to me, Mr. President, that that answers that argument. Our minimum must be tested by the base floor on a national level, no matter where it applies, and we believe that there we have sustained the burden of proof, and that it measures up.

Now, as to the particular fears involving small businesses: There is a $250,000 limit in terms of the applicability of the Fair Labor Standards Act to small businesses. There was strong sentiment in our committee to bring that down. It has been brought down progressively in earlier years. It was $1 million; and it is now down to $250,000. Mind you, we started way up, which would easily have taken account of the inflation Senator Tower speaks of, but we have been bringing it down and down and down, because we believe workers in small businesses are also entitled to protection, and there are millions of workers involved. This little old amendment of Senator Tower's will, the Labor Department advised us this morning, take 750,000 people out of the protection of the minimum wage, if the amendment passes—not put new ones in, but take them out. I doubt very much that Congress wishes to go that route.

So as I say, there was a lot of sentiment in the committee, Mr. President, to bring this figure down farther. It had been progressively reduced, and there was strong sentiment to bring it down to $150,000 as the new limit for a small establishment which would not be subject to the act. But that was rejected on the very ground Senator TOWER speaks of, to wit, that inflation really meant we were accomplishing, in substance, about what we wanted to accomplish, by keeping the figure at $250,000. That will obviously be nullified, Mr. President, if we adopt this amendment.

Interestingly enough, I have examined the letter which Senator TOWER has submitted on which he bases his figures, and I must say I find one interesting point in it. That is, the letter says that the estimate of the Department of Labor of the increase in the consumer price index for February 1969, which is the last time for which they have the figures, to December 1973, will be something in the area of 27 percent. It was 22.8 percent from February 1969 to May 1973. But it is estimated to be 27 percent instead of 22 percent. In short, an absolute rise of 5 percent in the intervening 7-month period. That is strictly an extrapolation but it bears on the figures.

The $325,000, is something like $18,000 in excess of the last ascertained figures is, according to this letter, $307,000 as the translation in May 1973, terms of the $325,000 figure. I only mention that because, obviously, the amendment has been pitched in the utmost upper range—to wit, well in excess of the Department of Labor estimates of the increase in the Consumer Price Index for December 1973.

But, Mr. President, the objection to the amendment, as I say, goes deeper. In summary, one, it takes three-quarters of a million workers out of minimum wage rather than putting new ones in. I cannot conceive of the Senate's doing that. Second, it fails to take into account the fact that we intentionally did not reduce the $250,000 figure, because we were giving a discount, as it were, to inflation. Third, because the absolute minimum we are setting, which will bind the retailers, is the national minimum conditioned on the lowest rather than the highest order of magnitude of what is necessary for a human being to survive in the country. Therefore, the disparity in the relative cost of living in different areas of the country has already been taken fully into account in bringing out this bill.

Also, my assistant reminds me that as this is on workers first covered in 1966, the rate of increase of the minimum wage goes up more slowly for them. It is $1.80 immediately and then it is $2 and $2.20. There is a year's lag for those particular workers. We feel that every equity has already been recognized in the bill.

For those reasons, Mr. President, I hope that the amendment will be rejected.

Mr. DOMINICK. Mr. President, will the Senator from Texas yield me some time?

Mr. TOWER. I yield to the Senator from Colorado such time as he may need.

Mr. DOMINICK. Four minutes will be enough.

Mr. TOWER. I yield 4 minutes.

The PRESIDING OFFICER (Mr. HOLLINGS). The Senator from Colorado is recognized for 4 minutes.

Mr. DOMINICK. Mr. President, I rise in support of the amendment of the Senator from Texas. We discussed this in committee, and I got the general impression that the distinguished Senator from New York and the distinguished Senator from New Jersey are really in favor of putting everyone under the minimum wage regardless of the size of the business involved. We retained the $250,000 enterprise test in committee, but that does not mean we have accomplished what the Senator from Texas wants.

Let me get into this a little bit.

Since almost any firm grossing less than $500,000 is eligible for assistance under Small Business Administration guidelines, there is little doubt that small businesses are, indeed, what we are talking about and what the Senator from Texas is talking about. The importance of this sector of the economy can hardly be overestimated.

There are approximately 5.4 million small businesses in this country, accounting for 95 percent of all businesses, close to 50 percent of all employment, and roughly 40 percent of the gross national product.

A reduction in 1966 of the enterprise sales test from $1 million to its present level of $250,000 per year extended minimum wage overtime coverage to about 649,000 smaller firms. The last minimum wage increase for employees of those newly covered firms—at $1.60 per hour—went into effect only on February 1, 1971. Under the committee bill, they would be required to pay their lowest paid employee $2.20 per hour a little more than 2 years after enactment.

This is an extraordinary high increase in just 2 years.

Inflation alone has already extended coverage to firms actually considerably smaller than those to which coverage was initially extended by the 1966 amendments, even though we have kept the $250,000 phase-in program.

Since the Consumer Price Index has increased 31.5 percent since 1967, a firm which grossed $250,000 in 1967 would gross $328,750 in 1973, without any real growth in sales at all. To put it another way, a firm which grossed $250,000 in 1967 is equivalent in size to a firm which grosses $171,750 in 1973.

The point is that if Congress retains the present $250,000 test for coverage of small business employees, inflation itself would operate soon enough to extend the coverage clear down to the "mom and pop" size firms.

That is really what the Senator from Texas is talking about. It is also what I am talking about. I have a great deal of difficulty, for example, in saying that the $250,000 enterprise test does not apply where one manufactures or produces any of his own products. So that a firm which is making, we will say, $50,000 in sales making ice cream and sells it to kids outside an amusement park, or whatever, would have to go under the minimum wage.

This makes absolutely no sense to me at all. I just cannot understand it. It would seem to me that although the amendment of the Senator from Texas does not hit that particular problem, if we could reach the problem of inflation with his amendment, we could then go on and do something about that other provision in the bill which is highly unacceptable insofar as most Senators are concerned, particularly if they have listened to this debate which, because of their other work, they are unable to do.

There is one other thing which I think is of interest in the committee bill, and I am very glad that the Senator from New York brought it up, and that is that for the first time we have been able to get all classifications of workers on the same plane with the new bill as opposed to the substitute which we put in which was defeated yesterday. We are splitting them again and saying to those under the 1966 coverage that they are second-class citizens because it will be 2 years before they catch up again. That makes no sense to me at all. If we are going to have them on the same plane now, why raise one group more than the other because they happened to be covered earlier? That makes no sense at all to me. But that is what the bill does.

So, all I can say is, we continue to hit this piecemeal to try to correct some of the defects. One of the things that can be corrected equitably and well would be adoption of the amendment of the Senator from Texas.

Mr. TOWER. Mr. President, I ask for the yeas and nays on my amendment.

The yeas and nays were ordered.

Mr. JAVITS. Mr. President, I just yield myself whatever time I may need. On the point the Senator from Colorado (Mr. DOMINICK) just made, that the bill does not treat all employees, those covered before and after 1966, the same, I might say that that has been the whole concept of minimum wage. We have always given the opportunity to agricultural employers, who are still behind the parade and also we have done it with respect to Puerto Rico, and we have done it, obviously, to retail and service employers, who were brought under the Act as one of the big changes in 1966. So there has been a traditional phase-in to give an opportunity so that that progress could be made.

I may say, too, that though I do not worship consistency, it is hardly consistent to make an amendment to raise the small business exemption and then to complain about the fact that we are giving small business a break. Be that as it may, the rationale for our action is the fact that traditionally this is the way in which the minimum wage structure and minimum wage legislation are adopted.

Mr. DOMINICK. Mr. President, will the Senator yield?

Mr. JAVITS. I yield.

Mr. DOMINICK. It is true, is it not, that all people who are now covered by minimum wage, prior to this bill, are now on the same minimum wage rate?

Mr. JAVITS. Except for agriculture. That has not yet caught up. All others are at the same rate. We have not raised the minimum wage for a rather long period of time.

Mr. DOMINICK. But at the moment they are on the same wage rate.

Mr. JAVITS. That is correct.

Mr. DOMINICK. Under the committee bill, that is changed, and two classes are created again, not just the newly covered but also the ones who have been previously covered.

Mr. JAVITS. We do not believe that we violate the principle we have always followed, which is to give an opportunity for the catch-up, which we are doing in respect of these small business establishments.

Mr. DOMINICK. This is not a catch-up in that respect. One group is just being raised more than another. If we were applying the differential to the people who are newly covered under this bill, that might be one thing, but we are not doing it.

Mr. JAVITS. We believe that this gives the bill an attractiveness because it is in accordance with the policy we have followed. I realize that the Senator does not like what we have done, and naturally he would like us to do something perhaps a little less attractive; but in this respect, so far as Senator WILLIAMS and I are concerned, we will not.

Mr. WILLIAMS. Mr. President, the net effect of this amendment, unbelievably, would take out from coverage under the minimum wage provisions of the law 750,000 workers. Close to 1 million workers would lose the protection if this amendment should prevail. Certainly, that is not what the Senate should be doing at this date.

I yield back the remainder of my time.

Mr. TOWER. Would the Senator from New Jersey like to reserve the remainder of his time?

Mr. WILLIAMS. I have yielded it back.

Mr. TOWER. Mr. President, it should be noted that S. 1861 removes the exemption for retail and service establishments that have gross sales under $250,000, but which are part of a chainstore operation. The reasoning for this exemption is that these stores are vital to their individual communities and that the repeal of the exemption would have the effect of encouraging the chains to consolidate.

I do not support the repeal of this exemption. I think that it will further erode the position of small business in our economy. However, my amendment increasing the small business exemption does not strike the chainstore repeal language in the bill. It affects only the gross sales enterprise exemption under section 3 of the act.

During last year's debate on the amendment to retain the $250,000 exemption by the Senator from Vermont, Mr. STAFFORD, the distinguished chairman of the Labor and Public Welfare Committee, Mr. WILLIAMS, made the important point that with the inflationary forces at work, the small business gross sales exemption was being reduced without Congress taking any affirmative action on it. On the small business exemption, he made the following point:

"We all know the struggles of small business, for a variety of compelling economic reasons. I have come to the point where I regret some employees will not be covered whom I would like to see covered but, on balance, this is, I believe, a wise answer and is in the best interests of the country."

I think those were words of great sagacity on the part of the Senator from New Jersey, and they are as true today as when he spoke them last.

The amendment I have proposed today is consistent with this responsible statement by the distinguished chairman. Taking inflation into mind, the small business gross sales exemption is equivalent to only $193,000 in May 1973 dollars and will be worth only $181,000 by the end of this year.

This amendment is designed to assist the mom-and-pop stores in our communities. Unless these small businessmen and businesswomen are given the relief called for in this amendment they will certainly not be able to compete with the much larger enterprises. I do not think the Senate wants to go on record as increasing economic concentration at the expense of the small business community.

Mr. President, the principal objections to the minimum wage bill do not come from big business. They come from small businesses. I have not had one big business or big businessman complain to me about the minimum wage. It has always been the small businessman. We are seeking to punish him now by in fact reducing his exemption from the effects of this bill.

We talk a great deal about small business; we have all sorts of legislation designed to help small business. We are now getting minorities into the mainstream of American business, through the Office of Minority Business Enterprise. We are punishing these ethnic minorities that are just coming into the mainstream of American business by making them liable to the provisions of this act.

So let us just note that in spite of all we are doing for small business, we are engaging in the hypocrisy of reducing their exemption so far as the applications of this minimum wage bill are concerned. Believe me, it is going to result in unemployment. I have already seen it happen with previous minimum wage legislation. Small businesses are going to close; more people are going to be unemployed.

There seems to be somewhat of a relationship between the minimum wage in various sections of the country and the unemployment rate. The minimum wage in New York

is $1.85; in Texas, it is $1.40. We have 2 percent less unemployment in Texas than in New York.

Of course, the cost of living is much lower in Texas, and the people who make these lower wages probably live as well as the people who make higher wages in the more congested areas of the country.

But things are not similar, and I do not think we should paint small business with the broad brush of the $250,000 exemption, which is going to work in extensive hardship on small business in my State and in other States, and it is going to result in more unemployment.

I am glad the unemployment rate in my State is 2 percent below the national average, and I want to keep it there. Therefore, I believe this small business exemption should be raised in terms of 1973 dollars.

Mr. WILLIAMS. I yield myself a couple of seconds on the bill.

Mr. President, what I said last year was in response to an effort by the Senator from Vermont to amend the bill that was before us which had $150,000 as the test. The Senator from Vermont wanted to return it to the level of law, to amend the bill to bring it back to $250,000, which was the level of the law. My hope, as I introduced the bill last year, was that we would reach out and bring more under coverage. I recognize that that was not to be last year.

But the arguments then, about going back to $250,000, was quite different from the arguments now, when, by this amendment, we would reach out and say to almost a million people that we are going to take the protections of the law away from them.

I appreciate the reference to last year, but it certainly does not apply when you are taking coverage away, and that was not what we were doing last year.

Mr. TOWER. This expressed my thought, but I wanted to give credit to the author of the thought, the Senator from New Jersey, who has said many wise things on this floor. I think he enunciated what might be called an eternal verity when he made that statement. I have often followed his leadership, and I am glad to follow it in that particular instance.

I yield back the remainder of my time.

The PRESIDING OFFICER. All time on the amendment has been yielded back.

The question is on agreeing to the amendment of the Senator from Texas. On this question, the yeas and nays have been ordered, and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. ROBERT C. BYRD. I announce that the Senator from Mississippi (Mr. STENNIS) is absent because of illness.

Mr. GRIFFIN. I announce that the Senator from Alaska (Mr. STEVENS) is absent by leave of the Senate on account of illness in his family.

The result was announced—yeas 37, nays 61, as follows:

[No. 304 Leg.]

YEAS—37

Baker, Bartlett, Bennett, Brock, Buckley, Byrd, Harry F., Jr., Church, Cook, Cotton, Curtis, Dole, Domenici.

Dominick. Eastland, Ervin, Fannin, Fulbright, Goldwater, Gurney, Hansen, Hatfield, Helms, Hollings, Hruska, Long.

McClellan, McClure, McIntyre, Packwood, Roth, Saxbe, Scott, Pa., Scott, Va., Stafford, Thurmond, Tower, Young.

NAYS—61

Abourezk, Aiken, Allen, Bayh, Beall, Clark, Cranston, Eagleton, Fong, Gravel, Griffin, Hart, Hartke, Haskell, Hathaway, Huddleston, Hughes, Humphrey, Inouye, Jackson, Javits.

Bellmon, Bentsen, Bible, Biden, Brooke, Johnston, Kennedy, Magnuson, Mansfield, Mathias, McGee, McGovern, Metcalf, Mondale, Montoya, Moss, Muskie, Nelson, Nunn, Pastore, Pearson.

Burdick, Byrd, Robert C., Cannon, Case, Chiles, Pell, Percy, Proxmire, Randolph, Ribicoff, Schweiker, Sparkman, Stevenson, Symington, Taft, Talmadge, Tunney, Weicker, Williams.

NOT VOTING—2

Stennis, Stevens.

So Mr. TOWER's amendment (No. 376) was rejected.

Mr. JAVITS. Mr. President, I move to reconsider the vote by which the amendment was rejected.

Mr. WILLIAMS. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

By Mr. BROCK:

S. 2741. A bill to provide for an investigation of the character and past activities of potential Vice-Presidential nominees by the Federal Bureau of Investigation. Referred to the Committee on the Judiciary.

Mr. BROCK. Mr. President, as everyone knows, we will soon be voting on the confirmation of a new Vice President. Events of the past 15 months amply demonstrate the need to take a hard look at the methods by which a Vice President is chosen.

When we examine both history and current events, we see that there is a vast difference between the scrutiny that a potential President and a potential Vice President receives. Normally, a man who desires the office of President of the United States must receive a great deal of publicity if he hopes to even have a chance of being elected. During the time period between a potential President's name being mentioned as a possible candidate and his actual nomination, the candidate is subjected to intense examination by the press and the general public. This examination keeps a Presidential candidate constantly in the public eye. Such scrutiny has often resulted in a candidate's withdrawing from the Presidential race.

This is not true of a potential Vice President, however. Under the present method of choosing the Vice President, the candidate who is selected is more often than not relatively unknown to the public. This means that a Vice-Presidential candidate virtually never receives the scrutiny that a Presidential candidate receives. Often, less than 24 hours passes between the time of a Presidential candidate's nomination and a Vice-Presidential candidate's nomination. Adequate investigation is impossible under such circumstances.

Today, I would like to introduce a bill which will eliminate many of the problems created by the present system of choosing the Vice President. This bill would allow, but not require, Presidential candidates with a reasonable chance of winning the nomination to submit the names of up to 10 possibilities for Vice President to the FBI. Reasonable chance of winning means that a candidate either has 10 percent of the delegate votes, or is among the top three contenders.

The investigation of the contenders shall consist of the normal procedures used for a top-secret clearance. The results of the investigations shall be released only to the winner of the Presidential nomination and only with the written consent of the person investigated. Also, only the Presidential candidate himself and one other staff member chosen by the Presidential candidate may view the records at all times.

An FBI agent would serve as custodian of the records. After the selection of the Vice President by the party convention, all investigation reports including the investigation of the Vice-Presidential candidate shall be destroyed. It will be a Federal offense of up to 5 years imprisonment and a $50,000 fine for unlawful disclosure of the results of any investigation.

Mr. President, this bill I am introducing will provide the means to prevent the recurrence of events such as the ones of this past 15 months. The investigations provided for by this bill should determine the fitness of the man who, if elected, would be a heartbeat away from the Presidency. At the same time, this bill forbids the leaking of information about the people being investigated, and thus it safeguards their rights of privacy.

SALIENT POINTS OF BILL

First. At the conclusion of the final Presidential primary of final nominating convention, but in any case at least 1 month prior to the party convention, those candidates with at least 10 percent committed delegates at that time, or the top three contenders, shall have the right to submit to the FBI the names of not more than 10 persons to be investigated for the office of Vice President.

Second. The investigation shall consist of the normal procedures used for a top secret clearance.

Third. These investigations shall be released only to the winner of the Presidential nomination, and only with the written consent of the person investigated. Also, only the Presidential candidate himself and one other staff member chosen by the Presidential candidate may view the records, and at all times, there shall be an FBI agent present as custodian of records.

Fourth. After selection of the Vice President by the party convention, all investigation reports including the investigation on the Vice-Presidential candidate shall be destroyed.

Fifth. It shall be a Federal offense of up to 5 years imprisonment and a $50,000 fine for unlawful disclosure.

By Mr. JACKSON (for himself, Mr. BIBLE, Mr. CHURCH, Mr. METCALF, Mr. JOHNSTON, Mr. ABOUREZK, Mr. HASKELL, Mr. NELSON, Mr. FANNIN, Mr. HANSEN, Mr. HATFIELD, Mr. BUCKLEY, Mr. MCCLURE, Mr. BARTLETT, and Mr. MATHIAS):

Senate Joint Resolution 175. A joint resolution to authorize and request the President to issue a proclamation designating the calendar week beginning May 6, 1974, as "National Historic Preservation Week." Referred to the Committee on the Judiciary.

Mr. JACKSON. Mr. President, I am introducing for appropriate reference a

joint resolution to designate the week of May 6, 1974, as National Historic Preservation Week.

Earlier this Congress I, together with the distinguished Senator from Nevada and Chairman of the Parks and Recreation Subcommittee (Mr. BIBLE) and the distinguished Senator from Maryland (Mr. MATHIAS), introduced similar legistion for 1973; and the results have been most gratifying.

The National Trust's sponsorship of the first Historic Preservation Week was, by all accounts, a major success. Hundreds of preservation-related activities were sponsored throughout the week by scores of member organizations—from as near as Washington to as far as Guam.

Mr. President, I feel that it is necessary that the American people give heightened attention to the preservation of the towns and villages, the buildings and places across the land which have shaped our lives and which are the tangible evidence of our past as a people.

In acknowledgment of the significance of historic preservation to our country today and in the Bicentennial era immediately before us, I consider this measure particularly appropriate in light of the dramatic growth in public interest in historic preservation in recent years.

The selection of the week of May 6 is designed to coincide with the national awards presentation of the National Trust for Historic Preservation.

ADDITIONAL COSPONSOR OF A BILL

S. 2559

At the request of Mr. SCHWEIKER, the Senator from Nevada (Mr. BIBLE) was added as a cosponsor of S. 2559, the Domestic Food Price Impact Statement Act of 1973.

ADDITIONAL COSPONSOR OF A RESOLUTION

SENATE RESOLUTION 173

At the request of Mr. MCINTYRE, the Senator from Massachusetts (Mr. KENNEDY) was added as a cosponsor of Senate Resolution 173, directing the Securities and Exchange Commission to examine its rules and regulations and make such amendments as may be appropriate in order to reduce any unnecessary reporting burden on broker-dealers and help to assure the continued participation of small broker-dealers in the U.S. securities markets.

FAIR CREDIT REPORTING ACT AMENDMENTS OF 1973—AMENDMENT

AMENDMENT NO. 703

(Ordered to be printed and referred to the Committee on Banking, Housing and Urban Affairs.)

Mr. BIDEN. Mr. President, I am today submitting an amendment to S. 2360 that would require, in clearly defined circumstances, automatic disclosure of investigative consumer reports to the individuals on whom they were prepared. The purpose of the amendment is the same as that of the Fair Credit Reporting Act, which S. 2360 seeks to strengthen. The explicit protections for consumers go beyond both the act and S. 2360 but I think they are necessary both to insure the correction of inaccurate or misleading information in investigative reports and to guarantee the fundamental right of privacy of the individual.

The amendment would apply only to "investigative consumer reports," which are written by consumer reporting agencies on the basis of personal interviews with the subject's neighbors, or acquaintances or anyone "who may have knowledge" of the consumer's "character, general reputation, personal characteristics, or mode of living." These reports are prepared unsystematically, and may contain allegations about the most personal aspects of an individual's life. The veracity of the person interviewed or the accuracy of the information supplied may never be double checked.

I have copies of actual reports that were randomly selected from the files of the Federal Trade Commission and forwarded to me with the names of the reporting agency and all individuals deleted. While I do not know the purpose for which any of these reports was prepared, knowledge of that purpose is not necessary. Once a report is drafted, it can be, and is, used for any of the purposes for which information may be requested. I expect that you will find these documents as startling and revealing as I did. Indeed, I believe that the structure of the reports, the questions they ask and the responses they permit, vividly illustrate the need for my amendment.

Unfortunately, because such unverified and unverifiable reports may contain false allegations, they may cause a specific individual substantial harm. More generally, events of recent years have convinced me that our fundamental freedoms are ever more seriously jeopardized by secret invasions of personal privacy, however accomplished. I profoundly believe that individuals have the right to control their own destinies. That right is meaningless, however, if a person can lose a job because of false information that he had no chance to correct. As a nation we value the integrity of the individual; our laws must safeguard that integrity.

The best way to correct the injustice that may result from the investigative procedures I have described is to provide citizens with a practical means to protect themselves. To do this, I propose to give everyone the opportunity to correct any misinformation in his consumer report before it is sent to a third party, before the damage is done. Requiring the investigative agency to make prior disclosure to the consumer is the ounce of prevention that will be worth infinitely more than a cure that will frequently, if not always, come too late.

Although no hard data is available to chart the use of these reports, I understand substantial numbers of them are prepared each year. I have taken into account the burden that providing this protection will impose, and have, therefore, called for disclosure only in those cases where misinformation is most likely to cause irreparable harm. The most acute problems arise in employment situations, which represent a small minority of the cases for which these reports are prepared. According to the testimony on S. 2360 given by the Nation's largest investigative reporting company, which furnishes approximately 20 million investigative consumer reports annually, only 9 percent, or 1.8 million, are furnished for employment purposes.

While investigative reports are most commonly used for credit and insurance purposes, in those cases the consumer is given an adequate chance to correct misinformation in the present legislation and in the additional procedures in S. 2360. Although credit and insurance may be subsequently reinstated when the misinformation is corrected, once a job is lost because an employer relied on false statements, it is almost certainly gone forever. Another job might be secured at a later date, but each position is unique and no one should be denied a unique opportunity because of false reports. Because few things are more important than a person's job, I believe that consumers are entitled to the additional protection that my amendment will provide.

However, to further focus the amendment, I have limited the applicability of its disclosure procedure to cases of "adverse" information. This term is presently incorporated in the Fair Credit Reporting Act and I intend that it be broadly construed in the context of this amendment in order to give individuals the maximum possible protection. The procedural requirements of the amendment might be superfluous if a report reflected favorably on a person's character, but I strongly believe that when the information is potentially damaging to an individual's chances for employment, the harm that may result from misinformation is so great that the need for added protection clearly outweighs any burden that might result from disclosure.

Mr. President, I ask unanimous consent that the text of my amendment be printed in the RECORD.

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

AMENDMENT NO. 703

On page 2, line 13, before "A person" insert "(a)".

On page 2, line 24, strike out the quotation marks and the period at the end of the line.

On page 2, after line 24, insert the following:

"(b) If an investigative consumer report contains information which may be adverse to the consumer to whom it relates, a consumer reporting agency may not furnish that investigative consumer report to any third party for employment purposes unless, at least 5 business days prior thereto, such agency mails or otherwise delivers without charge a copy of such report to the consumer to whom it relates, except that any medical information contained in the report shall be deleted and the consumer shall be advised of the existence of such information and of his right to have such information furnished to a licensed physician of his choice.".

TEMPORARY INCREASE IN PUBLIC DEBT LIMIT—AMENDMENT

AMENDMENT NO. 704

(Ordered to be printed and to lie on the table.)

Mr. PELL submitted an amendment in the nature of a substitute to amendment No. 651, intended to be proposed to the bill (H.R. 11104) to provide for a temporary increase of $10,700,000,000 in the public debt limit and to extend the period to which this temporary limit applies to June 30, 1974.

AMENDMENTS NOS. 705, 706, 707, 708, AND 709

(Ordered to be printed and to lie on the table.)

Mr. McGOVERN. Mr. President, I send to the desk five amendments to the Campaign Reform Amendment (No. 651) to the debt ceiling bill (H.R. 11104) and ask that they be printed.

These five suggestions are based upon the experience of the McGovern campaign last year in raising more than $25 million largely in small contributions. They are designed to strengthen the intent of this legislation to remove the influence of special interest money in political campaigns and to encourage future candidates to finance their campaigns by appealing for the support of many individual citizens. For simplicity's sake I refer to amendment No. 651 as "the bill" and to my amendments as "amendments."

MATCHING SMALL CONTRIBUTIONS

The first of these amendments would alter the ratio for matching small contributions with Federal funds in Presidential primary elections from 1 to 1 to 2 to 1. For the first $100,000, the ratio would be 3 to 1.

The purpose of this amendment is to put the candidate who seeks small contributions on an equal footing with the one who seeks large contributions. It would also provide the necessary "seed money" to commence the costly effort to raise small contributions. My amendment would retain the requirements that a candidate raise $100,000 in small contributions before he or she is entitled to matching funds. It would also permit matching only for the first $100 of each contribution.

Under the provisions of the bill, a candidate may opt for a strategy of seeking $15 million in $3,000 contributions from larger interests and wealthy individuals without seeking any small contributions at all. Thus, the bill would not achieve the kind of gross financing which is desirable.

Unfortunately, the candidate who sought small contributions from the people would have difficulty in competing with the fat cat candidate. Raising small contributions is an extremely costly and difficult operation. Many months and much effort are required to develop the lists. And the costs for direct mail may run between 25 and 33 percent of the money raised.

Raising small contributions for Presidential primaries is much more difficult than for the general election. In the case of the McGovern campaign, we raised something over $3 million in small contributions in the primaries and more than eight times that amount for the general election. Our experience indicates that, under the proposed bill, no candidate, no matter how good the fundraising operation, would be able to rely exclusively on small contributions.

An equality between these different kinds of candidacies can be achieved by matching small contributions on a ratio of 2 to 1 with Federal funds.

In addition, this change would create a strong incentive on the part of a candidate to seek small rather than special interest contributions. The candidate would know that he or she could raise the major part of the needed funds by going directly to the people. My judgment is that a candidate who was certain of the ability to do so would be less likely to incur the taint of special interest contributions. On the other hand, unless the change I propose is made, the candidate who sought to rely primarily on small contributions would ultimately raise much less money than the one who concentrated on large contributions.

The key to raising small contributions is to plow back into fundraising as much of the initial profits as possible. The problem the bill creates is that the candidate who sought small contributions would have to allocate much of the early profits to other campaign activities which in the past have been initially financed by a few large loans and contributions which the amendment would make unlawful. Thus, for technical reasons the effect of the bill will be to make raising small contributions more difficult than it has in the past.

The provision for matching the first $100,000 on a 3-to-1 basis would give the candidate the necessary seed money to develop a good small contribution fundraising operation. The initial profits from mail or media appeals could be reinvested in those efforts while the matching funds could be used to finance the other costs of the candidacy.

BANK LOANS

The second of these amendments would set a $250,000 ceiling on the amount of funds a Presidential candidate might borrow from national or State banks at any one time. In the case of congressional campaigns, the ceiling would be limited to $50,000.

The bill adopts the definition of contribution contained in title 18 of the United States Code, section 591(e), which includes loans. Since it is unlawful under other provisions of law for a corporation to make a political contribution, bank loans were specifically excepted from this definition. And since existing law does not limit the amount of campaign contributions, it has not been necessary to limit the amount of funds a candidate may borrow from banks.

The reason for setting a ceiling on the amount a candidate may borrow from banks is to insure that the candidate who is independently wealthy, or has an extremely productive small fundraising effort, does not obtain an unfair advantage over less fortunate competitors. An equally compelling reason is to avoid even the appearance of favoritism on the part of lending institutions toward one candidate or one political party. Under the terms of my amendment a candidate could borrow from banks up to the ceiling amount at any time. Borrowed funds could, of course, be repaid and further loans negotiated as needed.

LIMIT ON FAMILY GIVING

The present text of the bill limits individual contributions to $3,000 per candidate with a $25,000 ceiling on contributions to all candidates. The bill also makes indirect contributions unlawful.

During the debate on S. 372, a provision applying similar ceilings to families was deleted principally because of potential conflict among family members concerning the candidate to whom contributions should be given. While it was generally recognized that a vague prohibition on indirect contributions could lead to the abuse of a four-person family contributing what was in reality one $12,000 contribution to one candidate, it was felt that this potential abuse was not as serious as the family strife such a ceiling would cause.

The amendment I am proposing would prevent that abuse without causing family strife. It would limit the amount a husband, wife and their minor children might contribute to any one candidate and at the same time retain the $25,000 limit which each family member might contribute to all candidates. Thus if a husband, wife and their children each wanted to contribute to the same candidate, they could make a joint contribution of $3,000. But if each supported a different candidate, they could each give $3,000 to the candidate of his or her choice.

INCREASED TAX CREDIT

The bill would provide an additional incentive to small contributions by doubling the amount of the tax credit and deduction permitted under present law.

The fourth amendment I am offering would increase the present 50 percent tax credit to a full 100 percent credit. The purpose of this change is to put the worker or farmer in the lower tax brackets on an equal footing with higher bracket taxpayers.

In addition, this change would provide a substantially greater stimulus to small contributions. Middle and lower income taxpayers form the bulwark of any effort to raise small contributions. For many, particularly in this time of record inflation, a $25, $50, or $100 contribution means that they will be forced to cut their already overstretched budgets in some essential area. So by providing a full tax credit to the small contributor we will not only treat all taxpayers equally, we will also greatly increase the numbers of persons who are likely to contribute.

I view this change as extremely important to the purpose of the bill in seeking to encourage a candidate to rely on small contributions. For unless we insure that the people are likely to contribute, we run the risk of legislating a desirable goal which is impossible to fulfill.

DEFINITION OF PRESIDENTIAL ELECTION

The last amendment I am offering is essentially a clarification of an ambiguity in the present definition of a Presi-

dential election. Because of the possibility that the Constitution may be amended to provide for the direct election of the President, the definition should be clear that a person who has received a political party's nomination is a candidate for purposes of the bill whether or not the candidate has pledged electors in individual States.

In conclusion, Mr. President, I would like to take a few moments to explain why I support this bill even though I have not joined in sponsoring it.

One of the ironic consequences of the Nixon campaign was that it demonstrated more eloquently than the words of any reformer how a political campaign should not be financed. The $60 million Nixon-Agnew war chest was accumulated largely from wealthy individuals and special interest groups.

I do not know whether Mr. Nixon's fundraisers systematically shook down large corporations or accepted contributions in return for special treatment, as some of those contributors have charged. But I do know that it seems that way to many Americans who have seen corporate profits soar at three times the cost of living and oil companies increase their profits because of the energy crisis, in one case by 91 percent.

Most business executives, like most politicians are in Mark Anthony's phrase "honorable men." But because of the Nixon campaign abuses, the corrupt exception is perceived by many as the general rule.

The McGovern campaign, despite some mistakes, demonstrated what the experts doubted—that a campaign could be financed by small contributions without relying on special interest money.

I support this bill because it represents a first, good effort to build on that experience. If adopted, future campaigns would escape the charges of corruption which now cripple the present administration.

However, I have not joined in sponsoring this bill because I disagree with some aspects of the legislation. My principal disagreement concerns the failure to regulate House and Senate primary campaigns. This omission strongly favors incumbent candidates and gives the bill as a whole the appearance rather than the reality of reform. I recognize that there are reasons why an amendment to that effect could not become law this year and therefore have not offered an amendment to that effect. But I question whether it would not be better to leave the issue of congressional campaigns open until a future time when a consensus for meaningful reform in this area has emerged.

The second policy difference I have is over the question of whether the same kind of private financing the bill would permit in primary elections should not also be available in general elections. I feel that it is important for a candidate to remain dependent upon the people for financial support at all times. This would prevent the aloof candidate from running a slick media campaign as we saw one candidate do last fall. And since the McGovern campaign—despite our problems in the polls—showed that an amount greater than the proposed ceiling can be raised in small contributions, there can be no substantive objection to doing so.

However, I have refrained from offering amendments to that effect because I feel that the bill's strong points greatly outweigh its weak points. I hope it becomes law and I do not want to do anything which would impair its chances of success. I have accordingly limited the amendments I am offering to technical points based upon our efforts last year which would make the legislation function in accordance with the sponsors' intent.

So, Mr. President, I support this bill and strongly urge my colleagues to vote for it.

NOTICE OF HEARING ON RURAL UTILITY COOPERATIVES

Mr. McGOVERN. Mr. President, the Subcommittee on Agricultural Credit and Rural Electrification of the Senate Committee on Agriculture and Forestry will hear testimony on Tuesday, December 4, on S. 2150, a bill by Senator EASTLAND and others to expand the availability of capital to rural utility cooperatives.

The hearing will commence at 9 a.m. on Tuesday, December 4, in the board of directors room at the headquarters of East River Electric Power Cooperative in Madison, S. Dak.

ADDITIONAL STATEMENTS

SENATOR RANDOLPH URGES JOINT EFFORT TO COPE WITH FUEL SHORTAGES—PRESIDENT NIXON RECOGNIZES NEED FOR COOPERATION

Mr. RANDOLPH. Mr. President, the statement of President Nixon on the energy crisis recognizes that a joint effort by the Congress and the Executive, with the cooperation of all segments of our population, is essential to securing solutions to this critical issue.

The President's energy conservation measures are commendable. However, the proposed actions could easily prove inadequate to eliminate actual shortfalls in energy supplies. They are predicated on a 16- to 17-percent shortfall in petroleum supplies, while deficits as large as 30 to 35 percent have been reported from congressional research services' sources.

The National Energy Emergency Act of 1973 is vitally needed to assure an equitable distribution of anticipated shortages so that economic dislocation and unemployment are minimized. This measure has passed the Senate and is pending before the House Interstate and Foreign Commerce Committee.

Because of the close relationship between heating oil and gasoline production, action to increase the supply of one product reduces the supply of the other.

Needed programs were proposed by the President to reduce the demands for heating oil and transportation uses of petroleum products. For the first time, the administration has reflected priorities in allocation of available supplies. For industrial users of heating oil, there will be a 10-percent curtailment, for residential users 15 percent, and for commercial users some 25 percent. Such priorities have been actively sought by the Congress and myself for several months. This was the principal reason for passage of the Emergency Petroleum Allocation Act of 1973, against administration opposition.

The President's proposed transportation controls are needed. But consideration also should be given to modifying freight rates to encourage the long-haul transport of freight by railroads.

It is my genuine hope that the President's message will be followed by affirmative action and accelerated steps to insure the energy supplies to eliminate present and projected shortages.

GOVERNOR ROCKEFELLER ADDRESSES "TRUNK 'N TUSK DINNER" IN PHOENIX, ARIZ.

Mr. HUGH SCOTT. Mr. President, on October 25, 1973, Nelson Rockefeller, the distinguished Governor of New York, addressed the "Trunk 'N Tusk Dinner" in Phoenix, Ariz. In his speech, Governor Rockefeller expressed his great hope, one that I share deeply, that—

> The shock of Watergate can and must make all Americans realize that we must return to our basic belief in individual honesty and integrity—whether in private life or in public life.

Governor Rockefeller said:

> We must get back to the fundamental moral and ethical values on which this country grew to greatness.

In his eloquent address, Governor Rockefeller paid tribute to our colleague in the Senate, BARRY GOLDWATER, for his "integrity and frankness."

Mr. President, the views of Governor Rockefeller, so well stated, should inspire all of us to practice the kind of integrity and frankness of leadership that Senator GOLDWATER possesses, and to move forward to restore trust and confidence in each other and the Nation.

I ask unanimous consent that Governor Rockefeller's address be printed in the RECORD.

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

EXCERPTS OF REMARKS BY GOV. NELSON A. ROCKEFELLER

Let's face it: no political gathering these days is going to avoid the subject of Watergate—whether the gathering is Democratic or Republican. But there is one fundamental fact to keep in mind: The Watergate tragedy is a tragedy of individuals—not the Republican Party.

But all Americans have been shocked by this tragedy. And strangely enough, it could be that Watergate may prove in the long run to have been a very significant turning point for America. The hard reality is that throughout the country, there has been a blurring of our sharp focus on what is right and what is wrong. Tragically, this is true in all phases of American life.

There has been a growing tendency to cut corners, to think it's smart to beat the system: whether it's fixing a ticket or paying off organized crime; cheating on exams or lying to the public; padding expense accounts or chiseling on welfare.

The shock of Watergate can and must make all Americans realize that we must return to our basic belief in individual honesty and integrity—whether in private life or in public life. We must get back to the fundamental moral and ethical values on which this country grew to greatness. We can no longer condone corruption in any form. We must so conduct ourselves as to restore trust and confidence in each other and in our nation. Unless we do so, we will destroy the very fabric of our free society and our role of leadership in the world.

* * * * *

At a time when integrity and frankness are high priorities for America, no American stands higher than your own Senator, Barry Goldwater. This great man has become a symbol of integrity and the soul of frankness. The American people respect Barry Goldwater as a man who says what he means—and means what he says.

I know Arizona is proud of Barry, the Republican Party is proud of him, and I know that the people of the United States feel enormous gratitude, deep affection and profound respect for him. This also goes for Johnny Rhodes, another great Arizonan and the next Republican minority leader of the House of Representatives.

* * * * *

I'm delighted to be here with Arizona Republicans tonight. And I have to say that, despite all the problems, I'm optimistic about the future. Sure, it's a period of great change and uncertainty. But we as a free people have the capacity to look into the future, to understand the nature and impact of change, and to shape that change so it will contribute to the well-being of all and not overwhelm us.

We can no longer afford the luxury of moving from crisis to crisis, hoping to solve our problems by throwing money at them. There has been too much of this treatment of symptoms—and not enough tackling of basic causes.

I believe in the Republican Party. I believe in its purposes, I believe in the ideals that gave it birth in Lincoln's time, and that sustain it today. And let me say this: I believe in our party as a lifelong Republican, and as the leader of the Republican Party of New York State for 15 years. I am proud of the fact that Arizona and New York State are two of the most Republican states in the Nation. In both states, the Republican Party controls both houses of the Legislature, holds all statewide offices except for one, and is represented in Washington by two United States Senators. And all this despite the fact that in both states we are a minority party.

In considering the challenge and responsibility which confront us as Republicans—first we must face the fact that we are a minority party. We cannot win elections unless we understand the economic and social problems faced by people in all walks of life. We have got to be sure that they know we are aware of and concerned about their problems. We have got to be creative and imaginative in dealing with these problems.

Secondly, in order to do this, we cannot afford the luxury of a monolithic point of view. We have got to be a party that has the wisdom, the understanding and the courage to embrace different points of view—a broad spectrum of political thought—that is not afraid to be confronted with honest differences in its ranks—that can argue and debate and then come to sound, constructive solutions.

Third, with this approach and an "Open Door" policy we can truly be the party of the people—the party of Lincoln; and once again become the majority party of America.

Fourth, if we are to be an effective instrument of political leadership and action for this country during these critical times, we have to concentrate on the objective of unity within diversity. This is the ultimate strength not only of the Republican Party, it has been the basis of the strength of America.

Obviously, within state parties and between parties in different states, you won't find agreement on every point. But this is the strength and vitality of our system. It is in the great tradition of the Republican Party—a party that can reach out to people of many points of view and unite them—in the noble example of this great nation—for the good of all.

Moreover, it gives the people confidence in the conviction, integrity and effectiveness of our leadership. They like to feel that we can face our honest differences within the party and have the courage to fight them out—that we are people of integrity who say what we think; that we have faith in the democratic process; that the majority prevails and the minority waits for another day.

Fifth, at a moment in history when people feel overwhelmed by the pace of change with less and less power to control their own destiny, this kind of strength was never more needed. It is essential to provide effective leadership that will command the confidence of the people—leadership with a vision of the future; leadership with faith in America and our unique heritage.

One of the basic responsibilities of leadership is the well-being of the people. Let me give you two examples: welfare and drugs.

Welfare started out as a compassionate effort to help genuinely needy people during the Depression. But there were also those who looked on it as an opportunity to redistribute the wealth—to bring about a welfare culture totally alien to the work ethic that built this nation.

Combine this attitude with lax administration in some areas and you have a condition where too many people are both willing and able to take a free ride at the taxpayer's expense.

I decided in New York State that we were going to get the cheats and chiselers off the taxpayer's back. First, we made the welfare commissioner directly responsible to the Governor. We named a management expert to head the state welfare department. We created a Welfare Inspector General to root out fraud and chicanery. We put in reforms such as requiring able-bodied recipients to take available jobs and job training.

Those who can't get regular jobs are required to take part-time jobs in the public service to work off their welfare. We require every recipient to come in for a face-to-face review of eligibility every six months.

These welfare reforms are paying off. Thus far this year, the welfare rolls have been reduced by 160,000—the largest decline since World War II. And as for the taxpayer: if these rolls had kept rising at the rate of the late 1960's; if we hadn't introduced these reforms and reduced the rolls; it would have meant another total outlay of $400 million for state and local governments in New York State.

Drug addiction and the crime it generates have spread fear and terror. It has been so bad in some communities that the people are really in prison—while the pushers roam the streets free. I tried every possible approach to the drug problem—treatment, rehabilitation, education. New York committed over $1 billion trying to help the drug addict to help himself.

But that didn't stop the spread of drugs—and treatment had a lasting effect in only one case out of five. Eighty per cent of the drug addicts treated went back to drug addiction. The drug abuse went on. the pushing went on. The crime went on. And no wonder. Look at the odds.

In one recent year, out of 20,762 drug arrests in New York City, only 418 persons went to prison—that's a two per cent imprisonent rate—and a 98 per cent safety factor for the accused. This year I decided we needed a real deterrent for drug pushers. I proposed and the Legislature approved a mandatory life sentence for drug pushing—with stiff minimum prison sentences.

Furthermore, to show that we mean business, we are creating up to 100 more judges to meet any increase in narcotics cases. We already named 26 new judges, and will have 41 new courts in operation by the end of January.

But basically I feel that the best way to cope with these problems is to get back to fundamental values.

I believe our American society must revitalize the old American idealism and morality and reapply these qualities to today's problems.

And I believe the Republican Party must get back to the fundamental ideals and values of basic Republicanism—as exemplified by its Presidents and leaders from Lincoln onward.

We have got to regain our sense of integrity and sincerity; we have got to renew our respect for each other and for our fellowman; we have got to get back some of the plain old virtues that made this country great; a sense of friendliness, and compassion toward one another—the spirit of mutual help of pioneer days; a unity of purpose, as we worked together toward common goals and shared dreams.

And we need a new sense of self-discipline. We aren't going to save our environment or meet an energy crisis or solve any hard problem—if we expect to indulge every creature comfort and yield to every material desire. We are going to have to be a tougher people. And we are going to have to stop looking to Washington and the federal government for all our answers.

In fact, we're going to have to stop looking to government at any level for all the answers—and look more to ourselves.

The answer to the ills of this country aren't going to be found in Big Bureaucracy. They are going to be found in the hearts and minds of 200 million individuals—in the character of our 200 million people—in our willingness to assume responsibility and discipline ourselves.

* * * * *

For decades, not only Americans but also many in other nations, looked upon America as a model for the rest of the world in many respects.

We need once again to make this nation a model worthy of emulation—and this requires, among other things, a much clearer sense of the mission of the United States in today's world.

As we approach the 200th anniversary of this nation, we must become, once again, a beacon to all the world—an inspiration to men and women everywhere who are yearning for freedom and a better life. I cannot imagine a more exciting time to be a citizen of this country than now. I'm optimistic about the future of our party. And I'm optimistic about the future of this country.

I have faith that our underlying intelligence, our spiritual and moral strength as a free people, can see America through any challenge. In 1976, we will enter our third century as a Nation. If we are a united people, if we have a sense of pride and a sense of purpose, if we restore our sense of integrity, we will scale new heights in that third century—for the betterment of ourselves and the benefit of all mankind.

BETHEL BAPTIST MEMORIAL CHURCH

Mr. HARRY F. BYRD, JR. Mr. President, a historic landmark in Virginia is

Bethel Baptist Memorial Church in Clarke County, Va.

This little church has a history as rich as the beautiful country which surrounds it. Mr. Alex Mackay-Smith is chairman of the board of trustees.

I ask unanimous consent that Mr. Mackay-Smith's brief history of the church be printed in the RECORD.

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

BETHEL CHURCH

When the first pioneers crossed the Blue Ridge Mountain at what is now called Ashby's Gap, lying between Clarke, Fauquier and Loudoun Counties, they found a well marked trail made by the buffalo and followed by the Indians which led due west down the mountain until, half way down, it met and followed the stream which flows in a southwesterly direction and eventually empties into the river some two miles south of the U.S. Route 50 bridge. The buffalo crossed the river on what came to be known as the Swift Shoal and then fanned out to feed on the natural prairie grasses which were to be found in the Shenandoah Valley. Early in the 18th century there was established, just above the Swift Shoal, Kersey's Ferry. From here a road mounted to the ridge above and then went westward to Bartonsville, where the Shenandoah Valley's pioneer settler, Jost Hite, had established his headquarters. From the Shenandoah River to Bartonsville this road did not cross a single stream or water course which could have impeded traffic in wet weather.

Close to the river during the middle of the 18th century there was built a Quaker meeting house, abandoned soon after 1800 as larger meeting houses were built to the westward. In 1809 a Baptist congregation took over the old meeting house, holding services there until 1833 when a two story red brick church, with a gallery above, was built to house the much expanded congregation. Baptist services were held here until the late 1920's, by which time the concentration of population in the Clarke county towns of Berryville and Boyce had drained off most of the members of the parish.

Thanks largely to the efforts of the late Beverley Brownley McKay, the Board of Trustees of the Bethel Baptist Memorial was organised to undertake the restoration of the church. It now stands much as it did nearly 150 years ago with its original pews, the original church furniture and communion vessels, the church minute books dating back to 1809, and the handsome gallery, originally reserved for slaves in the second story. The building is a fine example of early 19th century religious architecture. Many of the leading figures in the Baptist Church, both clergy and laity, have worshipped there. Over the years it has played a major part in the religious and social history, first of Frederick, and, since 1836, of Clarke County.

EMERGENCY ENERGY LEGISLATION—THE CURE MAY BE WORSE THAN THE DISEASE

Mr. HATFIELD. Mr. President, in approving S. 2589, the emergency energy legislation, last week, the Senate abdicated its responsibilities in setting policies to deal with the energy shortages we face. Instead of facing up to hard policy decisions—knowing that some would be politically unpopular—we passed the ball to the President and put the burden on him to try and solve the energy crisis. The President's remarks last night are a hint of what may follow, and some of his actions, in fact, were prefaced with the comment that restrictions would be imposed after the energy bill passed.

Two respected columnists commented on the impact of the bill in their respective columns in the last week. James Reston and James Kilpatrick—neither of whom needs any introduction to my colleagues—discussed the emergency bill in terms with which I agree. While we have already considered this legislation, I hope their comments also are of interest to Members of the House, who will be voting on this legislation shortly.

As the only member of the Interior Committee to oppose the bill when we reviewed it, and one of only six or so to vote against it here on the floor, I fear that comments made by these respected columnists are too mild to describe what may occur after this bill is passed.

I ask unanimous consent that the articles referred to be printed in the RECORD.

There being no objection, the articles were ordered to be printed in the RECORD, as follows:

LEGISLATIVE ENERGY PROPOSALS SEEK TOO MUCH OR TOO LITTLE

(By James J. Kilpatrick)

WASHINGTON.—Twenty years after the nation should have launched a crash program of energy development, we seem to be rushing pell mell into one. I strongly suspect we are rushing the wrong way.

Two major pieces of legislation now are working their way toward enactment. The first is the National Energy Emergency Act of 1973; it may be too much. The second is the National Energy Research and Development Policy of 1973; it is almost certainly too little.

As to the first bill: So far as its general provisions are concerned, dealing with fuel conservation, the legislation plainly is needed to cope with the situation that confronts us at present. This much also should be understood: The bill is fraught with the most dangerous implications for the future. What is involved here is massive delegation of power to the President. What is further involved, or simultaneously involved, is a weakening of certain economic and political concepts that have been weakened too much already.

Patrick Henry laid down the sound advice, nearly 200 years ago, that in political matters power should be delegated sparingly: "If you give too little power today, you may give more tomorrow. But the reverse of the proposition will not hold. If you give too much power today, you cannot retake it tomorrow, for tomorrow will never come for that purpose."

The Energy Emergency Act pays small heed to Henry's warning. The bill calls for "prompt action by the executive branch" to deal with "severe economic dislocations and hardships, including loss of jobs, closing of factories and businesses, reduction of crop planting and harvesting, and curtailment of vital public services, including the transportation of food and other essential goods." The presidential responsibility would appear to be comprehensive.

Under this legislation, the President is directed to promulgate "a nationwide emergency energy rationing and conservation program." He is directed to fix priorities on fuel consumption. His authority is to extend to "transportation control." He is to impose restrictions against the use of fuel for certain uses he deems "nonessential." No such awesome powers ever before have been delegated in peace time to a president.

Given the gravity of the present situation, perhaps some such powers have to be delegated, but they ought to be subject to restraints and checks and balances. The bill provides very few.

There is this to consider too: "The bill opens the door to new and still more pervasive federal regulation of the marketplace; it imposes new federal authority upon the traditional responsibilities of state and local government. The bill appears to require, for one thing, federal subsidies for reduced fares on local transit systems, and we may be grimly certain, following Patrick Henry, that if such subsidies are provided today, tomorrow will never come for their removal.

The second of the two major bills prompts equal concern. If our nation truly is to achieve "energy independence," the major thrust of a research and development program must be directed less toward fossil fuels and atomic fuels and more toward what the experts call "the exotics"—the energy of the sun, the energy of the wind.

One hears pathetically little talk on the Hill of harnessing the sun and wind. The talk is chiefly of coal degasification, oil shales, offshore drilling, and expediting development of atomic energy plants. The talk, that is to say, is of further exploitation of resources that are either finite or hazardous. The sun and the wind, by contrast, are clean, safe and inexhaustible. If these resources could be mastered—and they can be mastered—much of the problem would be solved not merely for the here and now, but also for the world and for the future.

Our concerns this winter have to deal with power in two meanings—with political power, and with kinetic power also. The problem is to control the one and to expand the other. If we fail, we can look to the day when two lights grow dim—the light of freedom, and the light of industry as well.

TOUGH CHOICES FOR PRESIDENT BUILT INTO SENATE ENERGY BILL

(By James Reston)

WASHINGTON.—If you're trying to figure out what you should be thankful for over the holiday weekend, you might begin by being thankful that you don't have to handle the fuel shortage or administer the National Emergency Energy Bill (S. 2589) just passed by the Senate, 78–6.

This bill gives the President vast discretionary powers to conserve fuel of all kinds, but it raises more questions than Watergate. For example:

It authorizes the President to limit nonessential fuel consumption, but how do you cut consumption: By rationing fuel or taxing?

How do you make a fair choice between allocating furnace oil for New England as compared with gasoline for California and Florida?

How do you share the limited supplies even within a state like California, which is warm in the south and is often chilly north of San Francisco? Or between congested cities like New York which has a rapid transit system, and sprawling cities like Los Angeles, which relies almost entirely on the automobile?

What is "essential" in one area of the country, or even one part of a state, may not be "essential" in another.

S. 2589 empowers the President to reduce consumption by eliminating "non-essential recreational activities," but while the human race can probably struggle along without snowmobiles or lighted ski resorts or country inns, many communities exist by providing these services, and for some states "nonessential" recreation activities are essential to the economic life of the state. It is one of America's greatest dilemmas that it has turned nonessential activities into essential economic imperatives.

On a more frivolous but popular level, is

Howard Cosell and Monday night pro-football under the lights on television "essential" to America? Any congressman who votes that it's not will probably find that he's "non-essential" at the next election.

Under S. 2589, the President could control advertising, black out all lighted billboards or "pleasure driving" on Sunday, but do you permit advertising for little cars and ban it for Cadillacs and the other big gas-guzzlers?

These are awkward questions, for even going to church on Sunday is a "pleasure" for some and an agony for others, but once you start to control limited supplies of essential commodities like fuel in a vast continental country like the United States with different climates and attitudes, you are in terrible trouble.

It is interesting how the Senate has dealt with this problem. In the middle of trying to restore its own authority after Vietnam and Watergate—even while it was in the process of considering the possibility of impeaching the President for exceeding his constitutional powers—it tossed responsibility for handling the fuel crisis to the President, without defining the principles or the policy that should guide him.

Most senators were for conserving fuel, especially for conserving fuel outside their own states, and they were for reviving the declining power of the Senate, but when it came to handling the energy crisis, they passed the responsibility to a President they had been saying had too much power.

Only Senators Mark Hatfield, R-Ore., and Charles Mathias, R-Md., raised major objections. Hatfield told the Senate: "When we in Congress get into a crunch, as we are now, all the rhetoric about congressional responsibility goes out the window in our eagerness to pass the ball to the President. Congress need not become an administrative agency, but it should set policy."

Mathias noted before passage of S. 2589 that it didn't even make provisions for the President and his aides to give prior notice of their fuel regulations, so that the press could publish them and give the people time to testify on them, and, unfortunately, his amendment to the bill was accepted.

But under the pressures of the latest Middle East war and the Arab oil pressures on the United States, Western Europe and Japan, the Senate has rushed through a loose, imprecise and at some points even incoherent bill, and the House would probably have done the same thing if it had not been for the accident of the Thanksgiving recess.

This bill will have great influence on the social, economic and political life of the nation. As it now stands, it could add immeasurably to the divisions and differences between the regions, classes and races in America at a time when more trouble is not exactly what we need.

So maybe the Thanksgiving recess in Congress is a blessing that will give the Congress time to reappraise the situation. The House has not yet voted on the problem. It will be roughly a month before the issue can go to the floor for a vote and to the White House for the President's signature.

This will give the oil-producing nations of the Middle East time to think whether it is in their long-term interests to blackmail America, Western Europe and Japan. It will give the Congress time to think about the implications of S. 2589 and tidy it up a bit. And it will give the press time to make sure that it is ready to report on the new complicated federal regulations on fuel, so that the people will know what the government is doing before the regulations create even more divisions than we now have.

JOHN F. KENNEDY: THE PROMISE

Mr. CHURCH. Mr. President, much has been written in the past few weeks—and will continue to be written for weeks to come—on the brief Presidency of John F. Kennedy on the 10th anniversary of his tragic assassination in Dallas.

My views on the Kennedy presidency I have found largely enunciated by Joseph Kraft in his column in the Washington Post on November 20.

Writes Kraft:

I think the Kennedy style and the Kenedy substance were particularly well suited to curb the excesses of the past decade. I think many of our recent troubles could have been eased, and perhaps avoided, if the course of our political evolution had moved ahead normally. The tragedy of the assassination, in other words, finds its fullest expression in the pain that has come afterwards.

I ask unanimous consent, Mr. President, that Mr. Kraft's column be printed in the RECORD.

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

THE KENNEDY PROMISE

(By Joseph Kraft)

Everybody talks about the Kennedy tragedy, the promise of the young President cut off in his prime by the assassination 10 years ago. But what was the promise?

I think it was the promise of a cool approach to the central social, economic and foreign policy problems of the time. It was the promise of being spared the false expectations and inevitable counter-reaction, which in fact developed after the assassination.

To understand all this it is first necessary to say a word about the Kennedy style. "Camelot," with its evocation of something magic, misrepresented what it was all about. The term as Ben Bradlee, executive editor of The Washington Post, noted in this newspaper the other day, was foisted upon the public that wanted to believe it after the President's death.

But the true Kennedy style consisted in down-to-earth things. It was refusing to wear a Stetson or a headdress at political gatherings with cowboys and Indians. It was narrow lapels and informal ways of doing business.

It was laughing at Richard Nixon when he waxed sanctimonius about Harry Truman's profanity. It was preferring approaches that could be called "pragmatic." In taking stands on "matters of principle." It was what caused even sympathetic critics to charge that the Kennedys lacked heart. It was not glamour. It was cool.

The cool style expressed a genuine caution, a sense that politics was tough, not easy, which came naturally to a President vulnerable to the charge of inexperience who had been elected by a minority in the face of ingrained religious prejudice. The caution characterized—and to a degree camouflaged—the Kennedy approach to the major problems of his brief time in the highest office.

In foreign policy, Kennedy was never a peacenik prone to believe the Communists were the good guys. He thought the hardliners had a point in emphasizing effective defense forces, particularly against subversion. Probably he paid excessive deference to the military professionals in embarking on the Bay of Pigs and in going deeper into Vietnam.

But the central line of his policy was clearly the other way. The important point was keeping open a line of escape for Nikita Khrushchev in the Cuba missiles confrontation. It was the signing of the test ban agreement; and the refusal to take impulsive counter-measures against the Berlin Wall; the building up of Willy Brandt, the apostle of detente, over Konrad Adenauer, the cold war chancellor. In short, Kennedy was moving from confrontation to detente, and taking the hardliners with him.

Similarly in social policy, Kennedy was highly sensitive to the national division on civil rights. He wanted to preserve the support of white southerners, both in the Congress and the country at large. His feelings found expressions in some of his judgeship appointments, in his constant preference for mediating race conflicts, and in the distances he took from civil rights leaders.

But no one could doubt his central line of policy. When mediation efforts failed, he repeatedly used force to back up the law. The Civil Rights Bill of 1963 was a particularly far-reaching measure. More important it came with its majority built in. The Kennedy Justice Department devised the tactic for beating a filibuster by winning over the Republican leader in the Senate, Everett Dirksen.

Finally there was economic policy. Kennedy feared what the interests opposed to government intervention could do to him. He was slow to move against recession and inflation.

But when he moved, he moved in the right direction. He committed the country to an income policy with wage and price guidelines. The 1963 tax bill, representing the first use of fiscal policy to counter recession, set in motion the record prosperity of the mid 60s. When it went through it had the support of the conservative interest groups as well as the trade unions.

All this went awry after the assassination. Maybe it had to. Maybe there was no holding the forces that made for Vietnam, runaway inflation and the self-assertion of minorities. Maybe the reaction which set in in 1963 was written in the national psyche.

But for my own part, I doubt it. I think the Kennedy style and the Kennedy substance were particularly well suited to curb the excesses of the past decade. I think many of our recent troubles could have been eased, and perhaps avoided, if the course of our political evolution had moved ahead normally. The tragedy of the assassination, in other words, finds its fullest expression in the pain that has come afterwards.

INDIAN RESERVATION SCHOOLS

Mr. DOMENICI. Mr. President, as a life-long resident and now a Senator from a State with a high Indian population, I am well acquainted with the specific problems encountered by our Indian citizens. Certainly at the top of the list of priority problems is the deplorable condition of the reservation schools.

Recent research has shown that the fastest growing segment of the school population in the United States is the Indian. Enrollment in many Indian school districts has doubled in the last 5 years and is expected to double again in the next 5. This rapid population increase has combined with the deterioration of outdated school buildings to create a serious backlog for construction aid.

At the present time construction expenses for Indian schools are to be picked up under the provisions of Public Law 81-815. Inasmuch as these funds have been inadequate to meet the needs of those schools which were eligible for support under Public Law 815, the Bureau of Indian Affairs commissioned the National Indian Training and Research Center of Tempe, Ariz., to survey the construction needs of those public schools serving reservation children. The House Interior

Appropriations Subcommittee initiated the survey.

Senator FANNIN, the distinguished Senator from the State of Arizona, incorporated the entire report as released by the NITRC in the November 14, 1973 CONGRESSIONAL RECORD. I am pleased that the Senator had the report made public.

Facts as they concern Indians in the entire country as well as in New Mexico are now on record, alarming facts that illustrate the immediate need for action by Congress now. All children simply must have good educational facilities in order to learn properly.

DECLINING LOBSTER SUPPLY

Mr. MUSKIE. Mr. President, in recent years, I have been increasingly alarmed by the depletion of lobster stocks off the coasts of the United States. For various reasons—the pollution of our offshore waters, inadequate legislation, and, above all, increases in the foreign fishing efforts off our coasts—lobsters are becoming scarce and prohibitively expensive. The State Department has repeatedly said that nations that fish off our shores would respect our wishes and not fish for lobster. Yet, according to National Fisherman, foreign fishing vessels have taken between 16 million and 22 million pounds of the offshore lobster stock. And in my own State of Maine, in the last 11 years, the lobster yield has dropped by more than 30 percent even though the number of lobstermen has increased by more than 25 percent.

To help preserve our stocks as well as the livelihood of our fishermen, I joined several other Senators in introducing on April 10 of this year S. 1527, the Lobster Conservation and Control Act of 1973. This bill provides for the effective control of lobster fisheries off our coasts by amending existing legislation to make the lobster a creature of the Continental Shelf, such as was done with the Alaskan king crab. Under present Federal law, foreign vessels are prohibited from harvesting Continental Shelf fishery resources except in conformity with conditions prescribed by the United States or as expressly provided by an international agreement to which this country is a party.

Earlier this month, the House Subcommittee on Fisheries and Wildlife Conservation, after holding hearings, reported out favorably H.R. 6074, a bill designed to make the lobster a creature of the Continental Shelf. I am hopeful that the House Committee on Merchant Marine and Fisheries will soon act favorably on the legislation and that the bill will be on the House floor within the next few weeks.

The House subcommittee, by its action, seems to recognize the urgent need to preserve our offshore stocks by making the lobster a creature of the shelf. I do not believe we in the Senate can afford to do less. It is not sufficient to depend on the good will of other nations or the conclusion of a comprehensive international fish agreement to end the depletion of our stocks. We must enact legislation to preserve the lobster.

Mr. President, I ask unanimous consent that an article on this subject from a recent issue of the New York Times magazine section be printed in the RECORD.

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

WHERE HAVE ALL THE LOBSTERS GONE?

(By Elisabeth Keiffer)

POINT JUDITH, R.I.—Was it really only 15 years ago that a small boy appearing on my Rhode Island neighbor's veranda at cocktail time, demanded, "What am I having for supper, Ma?"

And she, passing the peanut-butter-on-Ritz *hors d'oeuvres* to her guests, absentmindedly replied, "Lobster, darling."

"Oh, no, not lobster *again!*" the small boy wailed. No one raised an eyebrow.

Unless he's made it big in the interim it may be a long time before that young man chokes down another lobster. Last summer, the price at our local dockside market was $2.65 a pound for "selects," those weighing one and a half to three pounds apiece. The prediction is that this winter the retail customer on the East Coast will have to pay $4.50 a pound and up to enjoy a "select" at home, and God only knows how much if he orders it in a restaurant.

It is true that in the memories of most of us, lobster, like porterhouse, has been considered a luxury food, unless you happened to live on the New England coast and knew a friendly lobsterman. But now, in addition to being so insanely expensive, lobster is scarce.

In 1889, the U.S. catch was 30,449,603 pounds, taken by men in small boats, working close to shore and using only hand equipment. Its value, incidentally, was $883,736. Last year, a far more efficient fleet, using the most sophisticated equipment and tapping the recently discovered and supposedly abundant stocks about 100 miles offshore, brought in over a million pounds less—29,278,000 pounds, with a value of $36,052,000. Everyone agrees that the size of the lobsters has been declining steadily since the colonists' times, when the animals are said often to have weighed as much as 25 pounds apiece.

Is the supply of *Homarus americanus*, which inhabits only a relatively narrow strip of the eastern coast of North America, really close to depletion? Will our children have to settle for shore dinners that include only steamers, chowder and corn on the cob?

The answer is that, barring some unforeseen ecological disaster that kills off the immature, sublegal stock, lobster will probably continue to be available to some of the people who are willing to pay the price—but not to all, by a long shot. A Canadian biologist estimates that as soon as 1980 there will be a demand for 20 million more pounds a year than can be landed. And scientists, lobstermen and marketers do not expect the price to do anything but rise in the immediate future.

The American lobster fishery as a separate industry began around the end of the 18th century, principally off the coast of Massachusetts. By 1812, the residents of Provincetown were sufficiently alarmed at the decline in the stock to pass a not particularly effective restrictive law. Till then, the lobster stock had been shown no mercy, the eggs being especially prized as "a capital article of food." According to a 1909 Bureau of Fisheries Bulletin, by 1880 "the period of prosperity had long passed and few lobsters were taken from the Cape. Only eight decrepit men were then engaged in the business and were earning about $60 apiece."

Attributing the scarcity to lack of conservation practices, coastal states in the lobster's range—Labrador to the Carolinas—began enacting protective laws. As early as 1900, biologists believed that the only way to keep the lobster population going was to establish hatcheries in which the eggs could be reared through the perilous larval stages and then released into the ocean. Hatcheries were set up in a number of states, though no one could possibly tell how many of their graduates survived in the wild. Today, Massachusetts is the only state operating a hatchery. Its longtime director, John T. Hughes, considers the research that has gone on there more important to the future of *Homarus* than the laboratory's supposed *raison d'être*—raising and releasing the young.

Meanwhile, it has been established that the lobster's growth rate is closely tied to water temperature—it grows, and therefore reproduces, faster in warm water than in cold—so fluctuations in the catch can be partly explained by warming or cooling trends in the Atlantic. But the steady decline since the days of abundance in the nineteen-sixties that followed the first exploitation of the offshore population can't be explained all that simply.

Pollution may be responsible in some measure for the decline. The lobster is extremely sensitive to water equality, and it has been demonstrated in the laboratory that only a few drops of oil or kerosene in a lobster's tank will make it stop eating for a week. Similarly it is known that oil or pesticides on the surface of the ocean can be lethal to the tiny lobster larvae, but to date there simply hasn't been enough documented evidence or enough research done to determine the immediate impact or possible subtle long-term effects of low-level pollution on the population.

Are foreign fishing fleets spiriting away vast quantities of American lobster as "incidental" to their fishing catch? A high State Department official says that most nations fishing off our East Coast have indicated they would respect our wishes and not fish for lobster. But, according to National Fisherman, it's been estimated that foreign vessels have taken between 16 million and 22 million pounds of the offshore stock. So far, the most publicized complaints of the New England lobstermen have been over the pots they have lost when foreign trawlers, presumably inadvertently, cut their lines. This may be because these complaints can be substantiated. It is harder to document the contention in the trade that substantial landings of undersize and egg-bearing American lobsters have been showing up at ports in other parts of the world.

But while the lobstermen blame the present scarcity on the foreigners, on the Federal Government and, to some extent, on the marine biologists for not having come up with more answers through research, many biologists point the finger at state regulations and the lobstermen themselves. John Hughes, director of the Massachusetts State Lobster Hatchery and Research Station at Oak Bluffs, who has probably spent more years studying lobsters than anyone in the world, firmly believes that the future of the natural supply depends most importantly on (1) an increase in the legal size to 3½ inches, and (2) a Federal law to replace the present crazy quilt of state regulations.

Lobsters are measured from eye socket to end of carapace, rather than by overall length, because of the difficulty of straightening out the tail for accurate measurement. The size at which they may be taken legally varies from 3 1/16 inches in Rhode Island, to 3 3/16 inches in Maine, New York and Massachusetts. Ninety per cent of the lobsters caught today fall within this size range. However, biologists claim, at this size they have only just reached sexual maturity and in all probability have not spawned even once, so a high proportion of the potential breeding stock is taken out of circulation every year. Five-sixteenths of an inch seems a very small fraction to fight over, but most lobstermen are prepared to fight, since if the legal size were raised to 3½ inches they would, for a few years at least, be forced to forgo 90 per cent of their present catch.

Given the magnitude of the scarcity, it is

not surprising that some unprincipled characters swell their catches via dirty tricks. Instead of throwing back "berried" lobsters—females with eggs—as the law requires, they "brush" them to remove the eggs and make the matrons look like legal maidens. "Shorts," those under minimum size, can also be doctored to look legal. With the carapace removed to prevent enforcement officials from making embarrassing measurements, they can be sold profitably to wholesalers as lobster tails. It is impossible to tell how widespread these practices are, but one spokesman for the fishery recently commented angrily that if government agencies would spend more time enforcing existing laws instead of planning new restrictions they would be making a greater contribution to the management of the stock.

Another claim by conservationists, poohpoohed by many lobstermen, is that "ghost" traps are helping to deplete the stock. Even after the bait is gone, lost pots on the bottom of the ocean can continue to allure and trap lobsters who venture into them simply for shelter. There was a suspicion a few years ago that the decline in the Alaska king crab fishery was attributable to lost metal pots which never deteriorated. Many conservationists and a few lobstermen would like to see traps manufactured with a "self-destruct" section through which lobsters could escape after a period of time.

So, there are probably many answers to the where-have-all-the-lobsters-gone question. An always heavily fished resource has been exposed to new pressures, and no one knows how many others may be added or how devastating their effects may be. But everyone, from scientist to consumer, is worried.

When you become acquainted with the lobster's life history, John Hughes once commented, it seems amazing that so many of them make it to our dinner tables at all. They are able to mate only when the female is newly molted and soft, usually within 48 hours of casting her shell, and this magic moment comes at best only once a year and usually much less frequently. Even then there are complications. It has been observed in the laboratory that though a small male can mate successfully with a much larger female, a big male who falls for a small female is plain out of luck: Anatomically, it just won't work.

Although the female may produce up to 60,000 eggs, it normally takes her from 15 to 18 months after copulation to release them as baby lobsters. These tiny creatures, a third of an inch long and looking more like mosquito larvae than lobsters, pass their first three larval stages drifting on the surface of the ocean, where they are helpless prey for birds, fish and tides that may carry them out to sea to perish. Only an estimated 0.1 per cent, or 10 out of 10,000, survive the first three weeks to reach the fourth larval stage. And maturity is a long way off. In the ocean it takes a lobster between five and eight years, depending on water temperature, to weigh one pound and become sexually mature.

Even the lobster's method of growth is perilous. Getting bigger and stronger is indeed, as an early writer described it, a "dangerous and expensive operation." Since the lobster's chitinous shell is inelastic, to increase its size the crustacean must cast off the shell periodically, perhaps 10 times during the first year and with decreasing frequency after that. While the lobster is performing this critical and occasionally fatal feat, and until its new shell begins the hardening process, it is, of course, absolutely without defenses.

When the struggle of molting is all over, within 5 to 20 minutes, every part of the old shell, down to a microscopic hair, has been reproduced in the new one, and unless one picks up the weightless empty shell it could be mistaken for an intact live lobster. Even the stomach, gills, mouth parts and eye stalks have been discarded. The newly molted creature, which feels as limp as wet paper in the hand, almost immediately gains about 15 per cent in length and 50 per cent in weight. Unlike crabs, which are prized in this state, soft lobsters are not considered good to eat by people. However, fish—their principal predators after man—and, sometimes, other lobsters, find them delicious. So it is not surprising that the lobster chooses to lead most of its life alone. In this it differs from its relative, the clawless spiny lobster, which likes to congregate in clubby groups.

It is true that scientists have learned a great deal about lobsters in the 80-odd years they have been studied intensively, but not anywhere near as much as they would like to. Even now, no one knows for certain the greatest age or size a lobster can achieve. It is believed the largest ever captured weighed 40-odd pounds and was perhaps 50 years old, but this is just a guess. Once a lobster has reached the fourth larval stage and sunk to the bottom of the ocean, never willingly to come to the surface again, its life-style becomes pretty much of a mystery to humans. A night animal, it hides in a burrow or shelter by day, waiting till dark to venture forth in search of food—walking, as a 19th-century biologist described it, "nimbly upon the tips of its slender legs." Scientists really can't do much more than speculate on the daily details of the lobster's early years in the ocean deep. And when they study the lobster's behavior in the laboratory, they are never entirely sure how much it is being altered by captivity.

One thing a reporter can learn about the scientists who study lobsters is that, inevitably, they come to regard the crustaceans with a mixture of wonder and affection. "They're so damn pretty," John Hughes commented fondly, leading the way past tanks of jewel-bright little creatures, some of which were brilliant blue and red mutants. Stanley Cobb, an assistant professor of zoology at the University of Rhode Island, became so attached to his research subjects as a graduate student that he hasn't eaten one since. These scientists are considerably annoyed by the popular misconceptions about lobsters, held by people who only see them pegged and thrashing in fish-market tanks.

Jelle Atema, a young Dutch biologist at the Woods Hole Oceanographic Research Institute, says impatiently, "Judging the lobster's personality by the ones you see in the market is like judging all human beings by the unfortunates penned up in a concentration camp." He resents the popular picture of them as the bullies of the deep, lurching about on the ocean floor, smashing and tearing everything that comes within reach of their claws. He pointed out indignantly a photograph in a magazine captioned, "Undersea gladiators duel to the death." No one has ever seen one lobster attack another from the defenseless rear, which would be the logical approach if death were the aim of the encounter. When lobsters do fight, to establish dominance in situations involving food, shelter and mating, their encounters have an almost stately quality. Standing on the tips of their walking legs, they lock crusher claws and pull and push each other back and forth in the sand until one is exhausted. Cobb describes it as looking more like a tango than a fight. When it is over, the dominant one chases the subordinate one from the contested prize and the loser, Atema reports, "flees and assumes submissive postures."

Although lobsters do eat each other when they are closely confined in tanks—those in the larval and juvenile stages being particularly voracious—most researchers believe this is determined by the artificial conditions, and may often be partly accidental. If a lobster in a crowded tank is injured, or newly molted, he will certainly be eaten—just because he is there, and eatable. "Not the same thing at all as the deliberate cannibalism humans know," Atema claims. Cobb says, too, that lobsters in his laboratory tanks at U.R.I. will co-exist peacefully at certain stages if they are not crowded together too closely, or frequently disturbed.

Another canard about lobsters is that they are scavengers, feeders on carrion and refuse. Not so, John Hughes says emphatically. Although he admits wistfully that we don't know and perhaps never will know all the components of the lobsters' natural diet, they have never been observed eating rotted food. They relish small crustaceans, little fish and the tiny mollusks that they dig out of the sand, and their stomachs are often found to be packed with eelgrass, an indication perhaps that they also feed on the minute organisms that inhabit it. In the laboratory they have been observed devouring their newly cast shells, probably filling a need for the lime contained in them.

How lobsters should be eaten, or what is the most humane way to cook them, has been debated for many years. Hughes says that Julia Child telephoned him not long ago to ask that question. When she repeated his instructions (place them in a pot with boiling water to cover them, and clap on the lid) on her TV program, she was deluged with protests from tender-hearted viewers. Later, though, she and Hughes were vindicated by an international humane organization which, after investigating the matter, wrote that death-by-boiling was almost instantaneous and certainly preferable to the alternative of slow suffocation, which is the fate of a lobster placed in cool fresh water that is then brought to a boil.

The more that is learned about lobsters, the more fascinating they seem. At Woods Hole, Jelle Atema and his colleagues were able to demonstrate that the female, just after molting, releases a sex pheromone, a chemical messenger that subdues aggression and triggers amorous behavior in the male. Here is what Atema wrote in a paper published in Nature magazine about lobster courtship:

"[The male] seems to be immediately aware of the presence of a sexually ready female. His claws are lowered and closed and he brings himself up on the tips of his walking legs. He approaches the soft-shelled female very slowly and gently, walking around her and stroking her continuously with his antennae . . . After about 15 minutes of this courtship dance, the male slowly mounts the female from behind and turns her over with his walking legs. Copulation takes about 8 seconds, after which the two animals separate and find a corner position in the tank. The male is still not aggressive to the vulnerable female." The gentleness required to avoid injuring the tender female at this time is remarkable.

Although the male transfers his sperm into the seminal receptacle of the female at this moment, the eggs are not fertilized until as much as nine months later. Then, the female arranges her body so that, while releasing the eggs, they spill over the receptacle containing the sperm, which has been waiting all this time. Once fertilized, the eggs are cemented to the underside of her tail to remain for perhaps another nine months before they hatch as tiny larvae. One way to distinguish a male from a female lobster is to compare the width of their tails: The female's is always wider.

One of the more sinister possibilities suggested by research into lobsters' chemical communication, says Atema, is the long-term effect of such substances as oil or chemicals introduced into the ocean environment. Even at levels low enough not to be immediately toxic, it is quite possible that these pollutants could disrupt the communication

that is essential to life not only for lobsters but probably for all marine animals.

Even before the lobster became as scarce as it is this year, the enormous increase in world-wide demand had led to the thought that perhaps it could be raised commercially like cattle or poultry. The mass-production of chickens is, after all, a relatively recent and enormously profitable enterprise. John Hughes was the pioneer in this research. In 1968, he published an article in Ocean Industry magazine called "Grow Your Own Lobsters Commercially" in which he described the work he and his associate, the late John Sullivan, had been carrying out at the Massachusetts hatchery since 1951. Because the lobster's first weeks are so hazardous and its growth in nature so slow, Hughes felt that man might well be able to improve on it. And indeed he did. By raising the larvae on a rich diet in tanks of his own design—conditions calculated to cut down on cannibalism—he succeeded in increasing their survival rate from one-tenth of 1 per cent to over 40 per cent some years ago. He was also the first to demonstrate that living in a year-round temperature of 70 degrees F., rather than in the fluctuating ocean temperatures, would bring the young to legal, one-pound size in less than three years, roughly half the time it takes in nature. Like all cold-blooded creatures, the lobster's metabolism depends on the temperature of its environment, and when the ocean water chills in winter it stops feeding almost entirely and becomes semidormant.

Although the state of Massachusetts showed little interest in the hatchery's research beyond its legislated purpose of raising and releasing the young, Hughes, after working on a minuscule budget for many years, made a happy alliance with scientists at the University of California at Davis, who received a $140,000 Federal Sea Grant in 1971 to work on the problems of raising lobsters successfully, quickly and profitably in captivity. With continuing Federal support, and a recent $1-million appropriation by the California Legislature for a new aquaculture laboratory at Bodega Bay, Calif., Dr. Robert Shleser, director of the research there, is confident they can develop the complicated technology required. Already his team has raised the survival rate of the larvae to 90 per cent on a brine shrimp diet and are sure they can produce a lobster that will reach market size in just over a year. And Hughes imaginatively suggests that, since there need be no legal restriction on the market size of hatchery-bred animals, a profitable consumer demand might be built for lobster tails the size of jumbo shrimp. Shleser, a geneticist himself, says that genetic selection and breeding—again a field in which Hughes did pioneering work—will play an important part in their program.

The commercial ideal might be described as a superdocile lobster (to cut down on cannibalism in captivity) that grows exceptionally fast, has consistently high-quality meat and larger than usual claws and tail. Whether the retail price of this paragon, if they succeed in creating it, will ever be comparable with that of chicken, is anyone's guess at the moment.

However, the number of obstacles to be overcome before commercial farming can become a reality seems staggering. Dr. Akella N. Sastry, who is directing related research at the University of Rhode Island's Graduate School of Oceanography, feels that space is among the foremost. It's been found that lobsters grow faster in a larger space, though no one knows why. His team is trying to find the answers, since space will be a vital cost factor. They're also trying to formulate a diet that will most profitably produce plump, meaty lobsters.

There is more behind the intense, countrywide research efforts in lobster culture than the simple aims of satisfying the demand for a luxury or turning a quick profit. Aquaculture, whose development in this country was one of the stated purposes of the 1966 Sea Grant Act, has never really gotten its feet wet here, in spite of the likelihood that eventually we will have to depend on cultivating certain marine animals to replace or supplement the wild stocks.

Although Sea Grant and other public funding agencies will finance preliminary aquaculture efforts, only industry is likely to put up the kind of money needed to support the technology that large-scale aquaculture calls for. To many, lobster, the most valuable American seafood, is the logical choice with which to attempt the commercial breakthrough. If industry is to be interested in so vast an investment, it has to be sure it has a hot property. That, lobster will undoubtedly continue to be.

But in the mind of this finicky consumer, one dismal thought arises, prompted by distant memories of that admirable creature, the farmyard chicken. What will the meat of a "farmed" lobster—raised on artificial foods, possibly in artificial sea water and forced to grow at a gallop—taste like? Will one still be able to say, as the early writer R. Brookes did: "Their Flesh is sweet and restorative and very innocent"? The scientists say they honestly don't know.

DIAL-A-RIDE

Mr. BROCK. Mr. President, the energy crisis that has developed has created many problems for our Nation, problems that are very real, and ones which we will continue to face and solve in the coming months and years. This Nation's thirst for fuel is ominous, and indeed, our production and our livelihood depend upon energy. Not only must we find ways of meeting the fuel crisis head-on, and finding new sources of energy, we must also devise ways to protect the precious fuel that we have left.

In the past months, the U.S. Department of Transportation has been assisting in a unique experiment in several cities across the country. This experiment has been labeled "Dial-A-Ride." And judging from the success of this pilot program, I think perhaps the Congress should consider this system for expansion in more cities and areas. There are several factors which indicate that a move in this direction would be a correct one.

First, Dial-A-Ride could help in the fuel crisis. The buses are programed to serve a specific area, as it actually goes to the front door of the passenger, and then delivers that passenger to their destination. The route that the bus takes in some instances is computerized, and several passengers can be picked up in the same general area.

Second, so far, Dial-A-Ride has proven very efficient and quick. The average pick up time has been less than 20 minutes from the time of the call, a rate sometimes better than that of taxi services. Deliveries have also been quick. Again, the average time is approximately 20 minutes.

Third, Dial-A-Ride is relatively cheap. At this time, fares are somewhat higher than ultimately anticipated by Department of Transportation officials. But the average cost even in the experimental programs is hardly twice that of fares on fixed route buslines, and certainly much, much cheaper than cab service.

Fourth, fuel conservation is perhaps at this time, one of the most important points. Most of the programs have only a few buses working in Dial-A-Ride, but they have been able to increase their workload as the program administrators become more familiar with the workings of the routes and pickups. This program obviously would allow one person to call a bus to his home or office, and be delivered directly to his destination's door, while at the same time riding with other persons, thus taking that number of people out of cars and saving fuel, cutting pollution, and making driving on our streets and highways safer. In fact, Dial-A-Ride has been very successfully used as a commuter service, and is heavily used on a regular basis from central carpool areas outside of the specific downtown areas to the downtown business district.

Fifth, Dial-A-Ride could also be of significant value to the poor and the elderly. As in any city, some people are just not located on a direct, fixed bus route. But these people also have to travel to the grocery store, to the doctor, and so on. Dial-A-Ride would give them the opportunity to do just that.

Sixth. Dial-A-Ride could also be the partial answer to some of the tremendous problems that are being faced by mass transit today. It would loosen fixed routes, and allow those companies to serve the needs of more of the community.

When we talk of the mass transit problems that we face not only in the future, but today, most would quickly think of rapid transit lines, or some similar type of transportation. But, the fact remains that even when you construct those rapid transit lines, you still have the problem of how to get people to the transit stations. Over and above that, rapid transit lines do not solve the problems of the innercity. Certainly rapid transit concepts could be helpful, but they are also very expensive, and we simply have to remember that we are spending money at a greater pace than ever before in our history, and we, the Government, are the worst offenders in feeding inflation.

What Dial-A-Ride may represent is a simple, cheap way to solve many of our problems. It is, in the simplest terms, a cheap taxi service, with all of the advantages money wise of a bus line.

To be perfectly honest about it, I simply cannot see where rapid transit systems are the sole answer to our transportation needs. Certainly in some cities, it is the answer, but, we cannot put all of our eggs in one basket, particularly one lined with the taxpayers dollars which could be more wisely spent. I would hope that the Congress would seriously consider the Dial-A-Ride concept, and perhaps we could not only solve some of our major transportation problems, but also save considerable money.

CHRISTMAS RUSH

Mr. McGEE. Mr. President, Postmaster General E. T. Klassen responded over the weekend to questions relating to this

year's "Christmas rush" and other postal matters, including the energy crisis and its repercussions on mail service.

Last year at Christmas time proved to be difficult, if not disastrous for the Postal Service. Since early summer the Postmaster General has put his top management staff to work to insure this will not happen again.

After listening to him recently before the Post Office and Civil Service Committee and reading the following newspaper articles I am hopeful that this Christmas will not be similar to 1972.

Mr. President, I ask unanimous consent that articles printed in the Washington Post and the Philadelphia Inquirer of November 25, 1973, be printed in the RECORD.

There being no objection, the articles were ordered to be printed in the RECORD, as follows:

PROMPT YULE MAIL DELIVERY PLEDGED

ENERGY CRISIS WON'T INTERFERE, POSTAL CHIEF SAYS

WASHINGTON.—Postmaster General Elmer T. Klassen says he has received top-level assurances that the nation's energy crisis should not interfere with his promise that nearly 9 billion Christmas cards and packages will be delivered on time.

"I expect every postmaster to be free of his mail by Christmas Eve," the 65-year-old former corporate executive said. "I expect the house to be clean."

He also said the country's nearly 700,000 postal service employees may be asked to work six or seven days a week in December in an effort to deliver the massive volume of mail which totals 600 million pieces a day in December, twice the normal flow.

Klassen said Interior Secretary Rogers C. B. Morton has personally promised that the 224,000 ground vehicles needed to move the mail will have the 45 million gallons of fuel it takes to operate them. The total is 50 percent above the normal monthly fuel totals.

Klassen, a former president of American Can Co., replied to charges leveled by syndicated columnist Jack Anderson last week that the postal service may use the energy crisis as an excuse for "mail slowdowns that are really the result of ordinary inefficiency."

Klassen said he wanted to make sure the public understands that the postal service "is not hiding behind any energy crisis" when it comes to performance. He said everything possible is being done to guarantee that the deluge of cards and packages will arrive at their destinations on time.

Klassen indicated a problem may still exist if the airlines decide to cut back any more flights due to a shortage of fuel.

"They've cut back some 300 flights (out of a daily total of 14,000), but during the month of November we've found ways of dealing with that problem without seriously hurting us," he said.

"With the increased volume we have in the month of December alone, we need for them to put on a couple of extra flights."

Aides to Klassen have said that standby plans were being drafted for "supplemental ground capacity" in case the reduction of scheduled airlines flights become more acute.

Klassen said he has also taken the additional step of contacting leaders of the unions which represent postal workers.

The leaders he said, "are as concerned as I am about our performance. I've said to them that we may have to ask everyone to work six or seven days a week . . . and if the volume warrants it we'll deliver mail three times a day.

With the kind of cooperation we're getting from people throughout the country, the dedication of the employees themselves, the cooperation I'm getting from the union leaders and the kind of cooperation we're going to get from Secretary Morton in the fuel crisis, I'm satisfied that we're going to deliver the mail."

CHRISTMAS MAIL CRUSH—KLASSEN HOPES TO OVERCOME IT THIS YEAR

(By G. David Wallace)

Postmaster General E. T. Klassen says this Christmas is going to be different.

Different, that is, from last Christmas. Personnel cutbacks, machinery snarls and what Klassen called "damn poor management" stayed the Postal Service's couriers then more surely than snow, rain and gloom of night ever did.

Reports of letters taking 25 days to go from New York to Albany or eight days to go 40 blocks in Baltimore were examples last January of the complaints that flooded the Postal Service in double the highest volume received in any month since the agency was launched on its mission to become self-supporting. "We perhaps lost track of service," Klassen told an angry Congress.

But this year, Klassen said in an interview, he has given district directors more authority to hire extra help and has been making the rounds of major post offices to make sure they're ready for the Christmas crush.

Lurking in the wings, however, is a gasoline shortage that could cripple the Postal Service and the airlines and truckers that carry the mail.

Following are the questions and answers from an interview in which Klassen talks of his agency's condition as its busiest season approaches.

Q. What sort of shape are you in for Christmas this year? Do you feel you have last year's problem licked?

A. We had some very severe problems last year. I think we're going to be all right this Christmas.

Partly because of the hiring freeze I imposed in March 1972, we did not have enough people in some locations to do a good enough job. Every year we have a problem with Christmas.

I have met with 15,000 managers since February. I've given them much greater authority. We've given them additional authority to hire new people.

Q. So you don't anticipate any serious problems?

A. A cutback in fuel will have a very serious impact on us. We have 100,000 vehicles. We have another 100,000 under contract. This fuel thing gives us real concern. It will have a serious impact on our ability to perform.

One contractor called and told us he'd be out in three days. An air taxi we use has fuel for a week. I realize there is much mail which is sent which need not be sent. But who's going to make that judgment?

(Klassen told the Senate Post Office Committee on Monday that the mail service hasn't been hurt yet by the elimination of 300 flights by scheduled airlines to save fuel. But by the peak Christmas mail season, "I can say with certainty that mail service will suffer unless the airlines add extra sections.")

Q. Could you foresee a situation when you might have to cut back delivery or delay certain classes of mail?

A. As far as we're concerned there is no junk mail. We move five million Christmas cards in December. No one is going to say you can't mail your Christmas cards.

Q. You've recently asked for a postal rate increase which will raise the price of a first-class stamp 2 cents to 10 cents. Why do you need the money?

A. We have a mandate under our reorganization act that costs and revenue have to be brought into balance. We're handling two billion more pieces of mail than we did last year.

Keep in mind that in 1972 and 1973 we had no price increases. I daresay there weren't many other businesses which didn't raise prices in that period.

We've had a very substantial cost increase. Wage rates account for 85 per cent of operating costs. When the wage rates go up—and were approved by the cost council—we have to do something.

Q. Will the money go for improving service or for maintaining the present level of service?

A. We're going to implement an extensive improvement program. We have 11,000 facilities we think are totally inadequate for people to work in. That's out of 40,000.

We're trying to mechanize our operations. The amount of mail we handle has gone up by 4 or 5 per cent a year. Yet we had 750,000 employees in 1969 and a little over 700,000 now.

If we had continued on without mechanization, by 1980 we'd have a million employees.

PRICE CONTROLS

Mr. BROCK. Mr. President, someone once quipped "When you can remain calm while all others around you are losing their heads, then you do not understand the gravity of the situation." This seemingly funny little bit of wisdom is not so funny when you take a long, serious look at our current economic situation. We are seeing inflation grow at rates comparable or larger than at any point in our history. And, at the same time, the supply of products falls much shy of demand. The reason: a very simple one, controls. Columnist Jenkin Lloyd Jones in a recent article, made some very interesting comparisons of controls as opposed to the laws of supply and demand, and I think his observations are important. I ask unanimous consent that Mr. Jones' remarks be printed in the RECORD, so that we might obtain a better view of what those controls are really doing to our Nation.

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

PRICE CONTROLS INSURE UNHAPPY ENDING

(By Jenkin Lloyd Jones)

In the evil old days when patent medicine manufacturers could get away with anything, it was customary to lace "consumption cures" with large dollops of opium. The results were marvelous.

The coughing stopped, for the cough mechanism was effectively anesthetized. The astonished and delighted patient fired off a glowing testimonial. Sometimes he had time to write two before lung congestion took him to the undertaker. By interrupting nature's effort to remove the infection, there was a brief appearance of health, and then zap!

Price controls are like the old consumption cures. They "cure" inflation. Prices suddenly cease going up. The consumer is delighted. But generally the producer, caught in a cost squeeze, stops producing. The controlled commodity vanishes from the shelves. So the buyer does without or hunts up a black market.

A classic example is what happened to housing in Germany and France following World War II. The French sought to ease rising rents by slapping on stiff ceilings. It became uneconomical to build housing. Rents were cheap enough, but you had to practically inherit an apartment. Today, 28 years after the war's end, the urban Frenchman is still scrambling for a place to live.

Most German cities were largely destroyed. People were living in cellars, boxes, tents. But the Germans didn't put on controls.

Rents rose astronomically. It was so profitable to produce rental space that the building business soared. Everyone rushed to bulldoze up the rubble and clean the bricks for reuse. The cement mixers churned.

In consequence, within five years the housing crunch vanished. People could become choosy and rents slipped back.

Cheaper beef is no good if there's no beef. We found that out last August. Still, there remains the wistful hope that if some bureaucrat writes a magic number on a price tab, without regard to demand, supply and production incentives, the consumer will be served.

Efforts to fix prices for everything go back 41 centuries to the kings of ancient Sumer. They probably caused the invention of counters so that business could be carried on under them.

It is a sad fact of life that free prices remain steady only as long as supply and demand are in perfect equilibrium. When inventories are drawn down, prices edge up, and when things gather dust in the stockroom, cut-rate sales are offered.

These fluctuations distress everyone, but they are nature's corrective. For, in general, higher prices encourage more production, which meets demand, which softens the market, which causes prices to fall, which increases demand, which strengthens prices.

But what we are beginning to run into in this country is the phenomenon of shortages we never felt before. In a time of higher-than-ever personal incomes, spaghetti eaters upgrade to ground round and ground-round eaters go for sirloin.

If there were limitless pasturage and limitless grain for feed yards, supply would eventually catch up to demand. But the number of head of cattle you can carry on any given acreage is not easily expanded, and the whole world is bidding for our grain supplies. So meat goes up. To artificially hold down the price and thus discourage breeding is nut-house economics.

The cheap energy days are drawing to a close in America. For years it was the Federal Power Commission's policy to hold down the price of natural gas. So most of America threw away its coal shovels and oil burners and hurried to tap into this lovely clean source of instant heat.

As the odds against hitting a good gas well went up and the cost of drilling went up and the price stayed the same, the chances for profitably exploring for gas went down. So wildcatting languished as the market soared. And now we have a gas crunch.

How much better off we would be if we had let the mechanism adjust itself—higher prices, slower conversion from more plentiful fuels, less incentive to waste this most versatile hydrocarbon in inefficient fireboxes, more incentive to find new reserves and a more gradual and orderly adjustment toward the inevitable day when natural gas is gone.

Monkeying with prices seems irresistible to Washington. But a rigged price is not the same as a true value. And value eventually triumphs. The kid who traded a $1,000 for two $500 cats stayed happy only until he tried to sell the cats.

FOOD AND ENERGY SHORTAGES—THEIR EFFECT ON TRADE, COOPERATION, AND THE FUTURE

Mr. HUMPHREY. Mr. President, on several occasions I have remarked on the importance of food, fuel, and foreign policy. The complexity of these subjects, their interrelationships with one another, and their growing effect on all segments of the world economy demand our immediate and continuing attention.

In the Washington Post of November 25, 1973, Lester Brown, a senior fellow at the Overseas Development Council, discussed the far-reaching effects of food and energy shortages throughout the world. Mr. Brown's article notes that significant increases in the price of petroleum coupled with a growing shortage of other basic trade items can have repercussions that range from changed consumption habits to export controls and revised foreign assistance policies. He also describes the potential strains on international relationships in general and the need for greater and continued attention to the management of population growth.

Mr. President, this excellent article also calls for an international system of food reserves as a means of coping with the problem of food scarcity. This is a concept which I will continue to support and encourage as a major element of any solution to the food and energy crisis.

In view of the timeliness and scope of Mr. Brown's discussion, I ask unanimous consent that this article be printed in the RECORD.

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

[From the Washington Post, Nov. 25, 1973]

GLOBE GOBBLING: THE WORLD SCARCITIES AHEAD

(By Lester R. Brown)

As we approach the final quarter of this century, global scarcity of many important resources is emerging. While the energy crisis has been occupying the headlines, scarcity of other resources is now apparent.

Global consumption of every important mineral required by a modern industrial economy is increasing dramatically. Having already depleted their own reserves of critical raw materials, industrial countries are turning increasingly to non-industrial countries for supplies. As global economic growth continues we can only anticipate growing international competition and rising prices for supplies of many key resources.

Accelerating world price rises and frequent shortages of forest products—lumber, fuel and newsprint—are arising from the fact that the earth is gradually being deforested.

Shortages of natural fibers, principally cotton and wool, are helping to drive up clothing prices. In the past, scarcity of natural fibers has been offset easily by increased production of man-made fibers. However, the rising cost of petroleum—a basic raw material for the synthesis of fibers—has severely reduced that possibility.

Skyrocketing food prices in 1973 resulted in part from a disturbing long-term trend: the global demand for foodstuffs generated both by population growth and affluence is gradually outrunning the productive capacity of the world's farmers and fishermen.

Food scarcity is being accentuated by energy scarcity. Energy is an important cost in the manufacture of chemical fertilizers, and the primary raw material for the production of crucial nitrogen fertilizer is natural gas. High yield agriculture in Western Europe, Japan and the midwestern United States depends upon the intensive use of energy.

In many nations, population growth and economic growth are rapidly increasing the demand for land suitable for living space and commercial purposes. The result has been soaring land prices. Recreational, industrial and residential uses are reducing the land available for food production—a dangerous trend in a food-short world which has little unused arable land.

One essential resource which is beginning to constrain the expansion of both agricultural and industrial activity in substantial areas of the world is the availability of fresh water. Within agriculture it is now the principal constraint on the spread of the new high-yielding dwarf wheats in countries ranging from Mexico to Afghanistan. It is hamstringing Soviet efforts to meet expanding consumer demand for livestock products.

In many nations we are seeing growing pressures on another resource on which economic activity depends: waste absorptive capacity. Increases in the incidence of environmentally induced illnesses, the change in oxygen content of lakes and a lengthening list of species threatened with extinction are among the symptoms.

A DOMINO EFFECT

The scarcity characterizing the world market for many important commodities in the early 1970s must not be viewed as a historical accident or a temporary situation which will shortly vanish. It is the product of continuing exponential economic growth within the physical constraints of a finite, rather small planet. And if we are to deal with this problem we must create new mechanisms of global cooperation, such as a world food reserve and international management of ocean fisheries.

We are, in fact, seeing a domino effect of resource scarcity in operation. A shortage of fresh water with which to restore strip-mined areas holds down the level of coal extraction, adding pressures not only on available coal supplies but on all other energy resources as well. A fall-off in the growth of the world fish catch raises global demand for soybeans in order to produce substitute protein products such as poultry. Scarcity of cotton pulls cropland needed for soybean production into cotton production, intensifying the protein shortage. The list of such extended chains or networks of resource interdependence is long.

Economists traditionally have regarded substitution as the panacea for scarcity of a particular presource. In today's world, however, the opportunities for substitution frequently ensure only that scarcity is contagious.

Scarcities are not merely national scarcities affecting a particular country or group of countries; they are global scarcities. Countries throughout the world are dependent on common supplies of petroleum, soybeans, marine protein, copper and natural fibers. As the global economy has become more integrated, as a result of growing monetary interdependence and rapidly expanding internationial trade, it has become exceedingly difficult for individual countries to isolate themselves from scarcities elsewhere.

The United States, historically blessed with relative resource self-sufficiency, is experiencing a growing dependence on imported minerals, closely paralleling that for energy. Of the 13 basic raw materials required by a modern economy, the United States in 1970 was dependent on imports for more than half of its supplies of six. By 1985 it is projected to be primarily dependent on imports for supplies of nine of the 13 basic raw materials, including three major ones: bauxite, iron ore and tin.

In no areas has American interdependence with the world been demonstrated more dramatically than with food. If there is any area in which the U.S. economy was believed to be invulnerable, it was in its capacity to provide an adequate supply of low-cost food for American consumers. But at present, American consumers find that they must share food scarcity with consumers in other countries, most importantly those in the Soviet Union. The United States could have avoided the politically painful food price rises of early 1973 by restricting farm exports, but unfortunately an adequate U.S. energy supply is dependent on expanded farm exports to pay the rapidly rising import bill.

The international consequences of the growing common dependence on geographically concentrated, and often increasingly scarce, global resources deserve far more attention than they have thus far received. Resource scarcities are altering the economic and political relationships among countries, changing the relative position and influence of countries in the international hierarchy. A given country may find its position abruptly strengthened in one sector of economic activity and weakened in another. World food scarcity has greatly improved the terms on which the United States makes foodstuffs available to the rest of the world, but its negotiating position in the world energy economy has deteriorated sharply. The converse is true for the Soviet Union, which is highly vulnerable in food but in a much better position with energy, which it produces in surplus.

Efforts by individual countries to expand their share of global output, employment and wealth are taking new forms. Linkage between global scarcities and internal policies affecting economic growth, inflation and employment are becoming both more direct. Stresses on the international political fabric are increasing. Cooperation among countries is needed in spheres of activity where none was needed before.

THE COINS' OTHER SIDE

Since World War II, the overriding objective of national trade policies has been that of expanded access to markets abroad for exports. The General Agreement on Tariffs and Trade (GATT) was created specifically with this in mind. Five successive rounds of GATT negotiations since World War II have steadily reduced tariff barriers, as evidenced by the healthy growth in world trade throughout the postwar period.

Scarcity is now bringing the other side of the international trade coin, the question of access to supplies, to the fore. Highlighting this question is the disturbing tendency for countries to limit exports of raw materials. Countries are limiting exports to cope better with internal inflationary pressures, to extend the foreign exchange earning lifetime of a nonrenewable resource, to increase the share of indigenous processing, to improve export terms and to take advantage of anticipated future price rises.

Countries with nonrenewable resources such as petroleum and minerals are beginning to ask themselves at what rate they want to exploit their resources. Historically, when potential supplies almost always exceeded prospective demand, and supplier countries were eager to maximize exports, this issue was seldom raised. But today it is a much more complex issue.

Should the growth in world demand determine the rate at which a given resource is exploited or should it be determined by some longer-term internal development strategy, which might argue for a much slower rate of exploitation and lower level of exports?

What should determine the rate at which Venezuela's remaining oil reserves are exploited—its own longer-term foreign exchange needs or the short-term consumption needs of the United States? The former may argue for a much lower level of petroleum production and export than the latter.

Exports of scarce commodities are being banned or restricted by a number of countries in order to cope with internal inflationary pressures. Brazil has limited the export of beef in 1973 to levels 30 per cent below the corresponding month in 1972. Thailand, a leading world supplier of rice, has banned exports in order to prevent inordinate price rises in its national food staple. The United States severely limited the export of soybeans this summer (the controls subsequently were lifted) and it is virtually the sole supplier of this critical protein resources to the rest of the world.

As lumber prices soar within the United States, a leading exporter of forest products, it is attempting to negotiate a voluntary quota for Japan on its imports of U.S. forest products. This represents a dramatic turnabout in U.S.-Japan trade relationships, where the focus over the past decade has been on the negotiation of voluntary quotas with the Japanese to limit their exports of textiles and steel to the United States. Under what conditions should a country be permitted to use trade policy to, in effect, export inflation?

Should a country be permitted to deny others access to an indigenous raw material of which it is the principal global supplier? We must begin to at least ask the question of how to cope with export limitation on raw materials which directly affect the well-being of people throughout the world. Guidelines governing terms of access to external markets and penalties for those countries which fail to comply have evolved within the framework of GATT, but there are no such guidelines on whether or when a country should be permitted to withhold a given resource from the rest of the world.

EXPORTING PROCESSED GOODS

Many developing countries see the improved market outlook for raw materials as an opportunity to substitute exports of semi-processed or processed raw materials for those of raw materials *per se*. They wish to abandon the "hewers of wood, drawers of water" role they have traditionally occupied in the world economy. Perhaps the best single example to date of the exercise of newly acquired bargaining power is an agreement between Japan and Turkey, wherein Japan has agreed to build a 50,000-ton-per-year ferro-chrome ore alloy plant in Turkey in exchange for agreement to supply a million tons of chrome ore over the next 11 years.

If the Shah of Iran gets his way, more and more of the oil leaving Iran will be refined rather than crude oil. Argentina, Brazil and India are taking advantage of the global scarcity of cattle hides by restricting or banning exports, thus furthering development of their domestic leather goods industry. In effect, they hope to shift the geographic focus of the leather goods export industry from Italy and Japan to the southern hemisphere. Indonesia is combining its favorable resource situation with mounting Japanese fears of pollution at home to persuade Japanese firms investing in mineral extraction to ship processed ore rather than crude ore to Japan.

Poor countries eager to acquire smokestacks and the jobs which they bring are likely to view their unused or underused waste absorptive capacities as a resource to be exploited in international economic competition, much like mineral reserves or fertile farm land.

The response of investors to pollution differentials among countries in some ways parallels that to wage differentials. In effect, firms are beginning to locate pollution-intensive phases of their operation in countries with low pollution levels much as they have located labor-intensive aspects of their operations in low-wage countries, most prominently Mexico, Taiwan, Hong Kong, Singapore and South Korea over the past decade.

COLLECTIVE BARGAINING

As the industrial countries turn increasingly to non-industrial countries for raw materials, their negotiating position is likely to weaken over time, altering the terms on which these raw materials are made available.

In the wake of the extraordinarily successful, highly visible collective bargaining by petroleum exporters over the past few years, the possibility of collective bargaining by suppliers of other raw materials is being viewed with more than ordinary interest. For them it is a tantalizing model. The prospects for successful collective negotiation by raw material exporters are influenced by a number of factors, including the number of suppliers, the ability and willingness to restrict supply, the availability of possible substitutes, alternative sources of foreign exchange earnings for the supplier and the possibility for collective bargaining by importing countries.

Efforts to bargain collectively fail far more often than they succeed but oftentimes a convergence of special circumstances can give the exporting countries the leverage to alter the terms on which a given raw material is made available. A prolonged strike in the mining or transport sector and interference with global transport arteries, such as blockage of the Suez Canal or the severing of a strategic rail or pipeline linking a major supplier with world markets, are but two of the events which can combine to strengthen inadvertently the hands of exporting countries.

One of the necessary, though far from sufficient, requisites for effective collective bargaining is that a relatively small number of countries control most of the exportable supplies. Four poor countries—Chile, Peru, Zambia and Zaire—supply most of the world's exportable surplus of copper. Three others—Malaysia, Bolivia and Thailand—account for 70 per cent of all tin entering international trade channels. Austria, Mexico and Peru account for 60 per cent of the exportable supply of lead. Cuba and New Caledonia have well over half of the world's known reserves of nickel. Known reserves of cobalt are concentrated in Zaire, Cuba, New Caledonia and parts of Asia.

Exportable protein feedstuffs are concentrated in even fewer countries. One country, Peru, supplies most of the fish meal entering the world market.

Exportable supplies of cereals are controlled by a few countries. North American dominance of cereal exports, both foodgrains and feedgrains, is even greater than Middle Eastern dominance in energy. Not only is the United States the leading supplier of wheat and feedgrains, but it is now the leading exporter of rice as well. The world is more dependent on North American food supplies than ever.

Suppliers of some raw materials are certain to attempt to emulate the Organization of Petroleum Exporting Countries. The four copper exporting countries are already doing so. There is concern within the aluminum industry that the politics of petroleum are becoming the politics of bauxite. Coffee exporters are now beginning to bargain collectively as a group whereas in the past they were dependent on the willingness of the importing countries to support prices of coffee.

While some poorer nations may be benefiting handsomely from resource shortages, others may suffer greatly. Global resource scarcity could threaten future economic progress in those countries which are densely populated and not blessed with any of the critical raw materials the rest of the world needs.

For example, a 40 per cent rise in the world market price of petroleum and cereals could bring economic development to a near standstill in those poor countries dependent on imports of both. The foreign assistance needs of resource-rich Indonesia, Algeria or Brazil no longer can be considered in the same light as those of Bangladesh, India or Colombia.

AFFECTING LIFESTYLES

Global resource scarcities impact heavily on economic and political relationships among countries, in part because they affect so directly the living conditions within a given country. They affect the very lifestyles

of people, their dietary habits, their mode of transportation. The level of protein intake in the Soviet Union and Japan are directly affected by U.S. farm export policy. The size of automobiles in the United States is inevitably affected by production decisions of Middle Eastern oil countries. It is this dimension of global resource scarcity that makes the terms of access to needed resources such a politically sensitive issue.

As global resource scarcity makes itself felt within the United States, it is generating a need to modify lifestyles. As long as the resources consumed within the United States were largely indigenous, how much was consumed was largely an internal matter, but as these resources come more and more from abroad, others will have some say over the rate and terms on which they are consumed.

Many of the technologies embodied in the U.S. economy evolved in a situation of resource abundance, of seemingly unlimited supplies of energy, land and water. The time has now come to re-examine these technologies in light of the growing resource scarcity. For example, the time may have come to redesign the transportation system, imposing limits on the size of automobiles and investing more in urban mass transit and less in interstate highways and urban throughways.

A similar situation exists with food. Claims on world food resources by the average American are nearly five times as great as those of the average Indian, Nigerian or Colombian. Whether Americans can continue to consume evermore animal protein, as existing economic projections indicate, in a protein scarce world is now problematic. It may become necessary for both economic and ecological reasons to begin to substitute high-quality vegetable protein for animal protein much as vegetable oils have been substituted for animal fats over the past generation.

NEEDED: GLOBAL COOPERATION

Coping with scarcity of some resources calls for specific new modes of international cooperation. Growing food scarcity is one such need. With world grain reserves now far below the desirable working level, and idled cropland in the United States rapidly disappearing, a major stabilizing influence on world food prices has been lost. Under these circumstances, an internationally managed world food reserve becomes highly desirable as a counter to the threat of famine and as a source of assurance and security to consumers everywhere, including the United States.

In some instances, such as in world fisheries, the failure to cooperate could leave all involved worse off. Unless an institutional framework can be created within which to cooperatively manage oceanic fisheries, we must face the prospect of depleted stocks, declining catches and soaring seafood prices. It is in this context that consumers have a direct stake in the forthcoming U.N.-sponsored Law of the Sea Conference.

Advancing technology has brought us to the point where national efforts to expand the supply of fresh water through river diversion or alteration of rainfall patterns may have international if not global consequences. Under these circumstances we need to think seriously of creating a supra-national institution to regulate national interventions in the hydrological cycle. When should a country be permitted to increase its rainfall at the expense of another, if at all? Should individual countries be permitted to divert river flows or deforest on a scale which will affect the global climatic system?

Scarcity manifested in rising prices and intensified competition among countries for access to and control of resources may make continuing global population growth a much more obvious threat to the future well-being and security of people everywhere than it is today.

One of the inevitable consequences of scarcity and, more importantly, the realization that it may not be temporary, is a growing doubt as to whether the currently projected world population of 6.5 billion by the end of the century will be considered tolerable. This in turn may impart a new urgency for putting on the demographic brakes, highlighting the importance of the U.N.-sponsored world population conference, now scheduled for Bucharest in August, 1974, and the World Population Plan of Action it is intended to produce.

TROUBLED YEARS AHEAD

The supply position of some raw materials will undoubtedly improve from time to time in the years ahead, but overall the prospect is for continuing scarcity. Over the longer term, technological breakthroughs may dramatically improve the supply situation. The energy crisis may one day disappear, but a technological breakthrough which might permit this, such as the harnessing of fusion power, is not likely to have an impact before 1990 at best. Advances in the technology of fish farming may some day permit growth in the supply of cultivated fish to offset the inevitable decline in growth in the oceanic catch. But progress on this scale almost certainly will be reserved for some point beyond the current decade, if it comes at all. And so it is with all too many resources plagued by global scarcity.

How to cope with global scarcity must be recognized as a global problem. The temptation at the government level will always be to act in the national interest, narrowly defined, and against a short-term time horizon. Political leaders often will be tempted to blame other countries for inflation, economic stagnation, rising unemployment or other ills deriving from scarcity. All too often, they will be tempted to use trade and monetary policy to export inflation and unemployment.

We delude ourselves if we think the years ahead will be an easy period in international relations. At best, they will be troubled ones. The complex resource issues which must be resolved, one way or another, will place great stress on the international political fabric. At issue is whether we can create a workable order for an increasingly interdependent world.

GLOBAL SCARCITIES OF ESSENTIAL RESOURCES

Mr. McGOVERN. Mr. President, one of the most sobering and important articles I have read in some time is the piece which appeared in yesterday's Washington Post by Dr. Lester R. Brown, a senior fellow with the Overseas Development Council in Washington. Dr. Brown is one of the world's leading authorities in the field of food and resource matters.

In his Sunday article he identified what I believe may become the No. 1 global challenge of the next 10 years—the mounting scarcity of essential materials. The hard truth is that we are increasing world population faster than we are increasing supplies of food, fertilizer, fuel, forestry products, minerals and fresh water. The shortages with us now and in the future require cooperation on an international scale. As Dr. Brown puts it:

> At issue is whether we can create a workable world order for an increasingly interdependent world.

I ask unanimous consent that Dr. Brown's article be printed in the RECORD.

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

[From the Washington Post, Nov. 25, 1973]

GLOBE GOBBLING: THE WORLD SCARCITIES AHEAD

(By Lester R. Brown)

As we approach the final quarter of this century, global scarcity of many important resources is emerging. While the energy crisis has been occupying the headlines, scarcity of other resources is now apparent.

Global consumption of every important mineral required by a modern industrial economy is increasing dramatically. Having already depleted their own reserves of critical raw materials, industrial countries are turning increasingly to non-industrial countries for supplies. As global economic growth continues we can only anticipate growing international competition and rising prices for supplies of many key resources.

Accelerating world price rises and frequent shortages of forest products—lumber, fuel and newsprint—are arising from the fact that the earth is gradually being deforested.

Shortages of natural fibers, principally cotton and wool, are helping to drive up clothing prices. In the past, scarcity of natural fibers has been offset easily by increased production of man-made fibers. However, the rising cost of petroleum—a basic raw material for the synthesis of fibers—has severely reduced that possibility.

Skyrocketing food prices in 1973 resulted in part from a disturbing long-term trend: the global demand for foodstuffs generated both by population growth and affluence is gradually outrunning the productive capacity of the world's farmers and fishermen.

Food scarcity is being accentuated by energy scarcity. Energy is an important cost in the manufacture of chemical fertilizers, and the primary raw material for the production of crucial nitrogen fertilizer is natural gas. High yield agriculture in Western Europe, Japan and the midwestern United States depends upon the intensive use of energy.

In many nations, population growth and economic growth are rapidly increasing the demand for land suitable for living space and commercial purposes. The result has been soaring land prices. Recreational, industrial and residential uses are reducing the land available for food production—a dangerous trend in a food-short world which has little unused arable land.

One essential resource which is beginning to constrain the expansion of both agricultural and industrial activity in substantial areas of the world is the availability of fresh water. Within agriculture it is now the principal constraint on the spread of the new high-yielding dwarf wheats in countries ranging from Mexico to Afghanistan. It is hamstringing Soviet efforts to meet expanding consumer demand for livestock products.

In many nations we are seeing growing pressures on another resource on which economic activity depends: waste absorptive capacity. Increases in the incidence of environmentally induced illnesses, the change in oxygen content of lakes and a lengthening list of species threatened with extinction are among the symptoms.

A DOMINO EFFECT

The scarcity characterizing the world market for many important commodities in the early 1970s must not be viewed as a historical accident or a temporary situation which will shortly vanish. It is the product of continuing exponential economic growth within the physical constraints of a finite, rather small planet. And if we are to deal with this problem we must create new mechanisms of global cooperation, such as a world food reserve and international management of ocean fisheries.

We are, in fact, seeing a domino effect of resource scarcity in operation. A shortage of fresh water with which to restore strip-mined areas holds down the level of coal extraction, adding pressures not only on available coal

supplies but on all other energy resources as well. A fall-off in the growth of the world fish catch raises global demand for soybeans in order to produce substitute protein products such as poultry. Scarcity of cotton pulls cropland needed for soybean production into cotton production, intensifying the protein shortage. The list of such extended chains or networks of resource interdependence is long.

Economists traditionally have regarded substitution as the panacea for scarcity of a particular resource. In today's world, however, the opportunities for substitution frequently ensure only that scarcity is contagious.

Scarcities are not merely national scarcities affecting a particular country or group of countries; they are global scarcities. Countries throughout the world are dependent on common supplies of petroleum, soybeans, marine protein, copper and natural fibers. As the global economy has become more integrated, as a result of growing monetary interdependence and rapidly expanding international trade, it has become exceedingly difficult for individual countries to isolate themselves from scarcities elsewhere.

The United States, historically blessed with relative resource self-sufficiency, is experiencing a growing dependence on imported minerals, closely paralleling that for energy. Of the 13 basic raw materials required by a modern economy, the United States in 1970 was dependent on imports for more than half of its supplies of six. By 1985 it is projected to be primarily dependent on imports for supplies of nine of the 13 basic raw materials, including three major ones: bauxite, iron ore and tin.

In no areas has American interdependence with the world been demonstrated more dramatically than with food. If there is any area in which the U.S. economy was believed to be invulnerable, it was in its capacity to provide an adequate supply of low-cost food for American consumers. But at present, American consumers find that they must share food scarcity with consumers in other countries, most importantly those in the Soviet Union. The United States could have avoided the politically painful food price rises of early 1973 by restricting farm exports, but unfortunately an adequate U.S. energy supply is dependent on expanded farm exports to pay the rapidly rising import bill.

The international consequences of the growing common dependence on geographically concentrated, and often increasingly scarce, global resources deserve far more attention than they have thus far received. Resource scarcities are altering the economic and political relationships among countries, changing the relative position and influence of countries in the international hierarchy. A given country may find its position abruptly strengthened in one sector of economic activity and weakened in another. World food scarcity has greatly improved the terms on which the Untied States makes foodstuffs available to the rest of the world but its negotiating position in the world energy economy has deteriorated sharply. The converse is true for the Soviet Union, which is highly vulnerable in food but in a much better position with energy, which it produces in surplus.

Efforts by individual countries to expand their share of global output, employment and wealth are taking new forms. Linkage between global scarcities and internal policies affecting economic growth, inflation and employment are becoming both more direct. Stresses on the international political fabric are increasing. Cooperation among countries is needed in spheres of activity where none was needed before.

THE COIN'S OTHER SIDE

Since World War II, the overriding objective of national trade policies has been that of expanded access to markets abroad for exports. The General Agreement on Tariffs and Trade (GATT) was created specifically with this in mind. Five successive rounds of GATT negotiations since World War II have steadily reduced tariff barriers, as evidenced by the healthy growth in world trade throughout the postwar period.

Scarcity is now bringing the other side of the international trade coin, the question of access to supplies, to the fore. Highlighting this question is the disturbing tendency for countries to limit exports of raw materials. Countries are limiting exports to cope better with internal inflationary pressures, to extend the foreign exchange earning lifetime of a nonrenewable resource, to increase the share of indigenous processing, to improve export terms and to take advantage of anticipated future price rises.

Countries with nonrenewable resources such as petroleum and minerals are beginning to ask themselves at what rate they want to exploit their resources. Historically, when potential supplies almost always exceeded prospective demand, and supplier countries were eager to maximize exports, this issue was seldom raised. But today it is a much more complex issue.

Should the growth in world demand determine the rate at which a given resource is exploited or should it be determined by some longer-term internal development strategy, which might argue for a much slower rate of exploitation and lower level of exports?

What should determine the rate at which Venezuela's remaining oil reserves are exploited—its own longer-term foreign exchange needs or the short-term consumption needs of the United States? The former may argue for a much lower level of petroleum production and export than the latter.

Exports of scarce commodities are being banned or restricted by a number of countries in order to cope with internal inflationary pressures. Brazil has limited the export of beef in 1973 to levels 30 per cent below the corresponding month in 1972. Thailand, a leading world supplier of rice, has banned exports in order to prevent inordinate price rises in its national food staple. The United States severely limited the export of soybeans this summer (the controls subsequently were lifted) and it is virtually the sole supplier of this critical protein resources to the rest of the world.

As lumber prices soar within the United States, a leading exporter of forest products, it is attempting to negotiate a voluntary quota for Japan on its imports of U.S. forest products. This represents a dramatic turnabout in U.S.-Japan trade relationships, where the focus over the past decade has been on the negotiation of voluntary quotas with the Japanese to limit their exports of textiles and steel to the United States. Under what conditions should a country be permitted to use trade policy to, in effect, export inflation?

Should a country be permitted to deny others access to an indigenous raw material of which it is the principal global supplier? We must begin to at least ask the question of how to cope with export limitations on raw materials which directly affect the well-being of people throughout the world. Guidelines governing terms of access to external markets and penalties for those countries which fail to comply have evolved within the framework of GATT, but there are no such guidelines on whether or when a country should be permitted to withhold a given resource from the rest of the world.

EXPORTING PROCESSED GOODS

Many developing countries see the improved market outlook for raw materials as an opportunity to substitute exports of semi-processed or processed raw materials for those of raw materials *per se*. They wish to abandon the "hewers of wood, drawers of water" role they have traditionally occupied in the world economy. Perhaps the best single example to date of the exercise of newly acquired bargaining power is an agreement between Japan and Turkey, wherein Japan has agreed to build a 50,000-ton-per-year ferro-chrome ore alloy plant in Turkey in exchange for agreement to supply a million tons of chrome ore over the next 11 years.

If the Shah of Iran gets his way, more and more of the oil leaving Iran will be refined rather than crude oil. Argentina, Brazil and India are taking advantage of the global scarcity of cattle hides by restricting or banning exports, thus furthering development of their domestic leather goods industry. In effect, they hope to shift the geographic focus of the leather goods export industry from Italy and Japan to the southern hemisphere. Indonesia is combining its favorable resource situation with mounting Japanese fears of pollution at home to persuade Japanese firms investing in mineral extraction to ship processed ore rather than crude ore to Japan.

Poor countries eager to acquire smokestacks and the jobs which they bring are likely to view their unused or underused waste absorptive capacities as a resource to be exploited in international economic competition, much like mineral reserves or fertile farm land.

The response of investors to pollution differentials among countries in some ways parallels that to wage differentials. In effect, firms are beginning to locate pollution-intensive phases of their operation in countries with low pollution levels much as they have located labor-intensive aspects of their operations in low-wage countries, most prominently Mexico, Taiwan, Hong Kong, Singapore and South Korea over the past decade.

COLLECTIVE BARGAINING

As the industrial countries turn increasingly to non-industrial countries for raw materials, their negotiating position is likely to weaken over time, altering the terms on which these raw materials are made available.

In the wake of the extraordinarily successful, highly visible collective bargaining by petroleum exporters over the past few years, the possibility of collective bargaining by suppliers of other raw materials is being viewed with more than ordinary interest. For them it is a tantalizing model. The prospects for successful collective negotiation by raw material exporters are influenced by a number of factors, including the number of suppliers, the ability and willingness to restrict supply, the availability of possible substitutes, alternative sources of foreign exchange earnings for the supplier and the possibility for collective bargaining by importing countries.

Efforts to bargain collectively fail far more often than they succeed but oftentimes a convergence of special circumstances can give the exporting countries the leverage to alter the terms on which a given raw material is made available. A prolonged strike in the mining or transport sector and interference with global transport arteries, such as blockage of the Suez Canal or the severing of a strategic rail or pipeline linking a major supplier with world markets, are but two of the events which can combine to strengthen inadvertently the hands of exporting countries.

One of the necessary, though far from sufficient, requisites for effective collective bargaining is that a relatively small number of countries control most of the exportable supplies. Four poor countries—Chile, Peru, Zambia and Zaire—supply most of the world's exportable surplus of copper. Three others—Malaysia, Bolivia and Thailand—account for 70 per cent of all tin entering international trade channels. Australia, Mexico and Peru account for 60 per cent of the exportable supply of lead. Cuba and New Caledonia have well over half of the world's known re-

serves of nickel. Known reserves of cobalt are concentrated in Zaire, Cuba, New Caledonia and parts of Asia.

Exportable protein feedstuffs are concentrated in even fewer countries. One country, Peru, supplies most of the fish meal entering the world market.

Exportable supplies of cereals are controlled by a few countries. North American dominance of cereal exports, both foodgrains and feedgrains, is even greater than Middle Eastern dominance in energy. Not only is the United States the leading supplier of wheat and feedgrains, but it is now the leading exporter of rice as well. The world is more dependent on North American food supplies than ever.

Suppliers of some raw materials are certain to attempt to emulate the Organization of Petroleum Exporting Countries. The four copper exporting countries are already doing so. There is concern within the aluminum industry that the politics of petroleum are becoming the politics of bauxite. Coffee exporters are now beginning to bargain collectively as a group whereas in the past they were dependent on the willingness of the importing countries to support prices of coffee.

While some poorer nations may be benefiting handsomely from resource shortages, others may suffer greatly. Global resource scarcity could threaten future economic progress in those countries which are densely populated and not blessed with any of the critical raw materials the rest of the world needs.

For example, a 40 per cent rise in the world market price of petroleum and cereals could bring economic development to a near standstill in those poor countries dependent on imports of both. The foreign assistance needs of resource-rich Indonesia, Algeria or Brazil no longer can be considered in the same light as those of Bangladesh, India or Colombia.

AFFECTING LIFESTYLES

Global resource scarcities impact heavily on economic and political relationships among countries, in part because they affect so directly the living conditions within a given country. They affect the very lifestyles of people, their dietary habits, their mode of transportation. The level of protein intake in the Soviet Union and Japan are directly affected by U.S. farm export policy. The size of automobiles in the United States is inevitably affected by production decision of Middle Eastern oil countries. It is this dimension of global resource scarcity that makes the terms of access to needed resources such a politically sensitive issue.

As global resource scarcity makes itself felt within the United States, it is generating a need to modify lifestyles. As long as the resources consumed within the United States were largely indigenous, how much was consumed was largely an internal matter, but as these resources come more and more from abroad, others will have some say over the rate and terms on which they are consumed.

Many of the technologies embodied in the U.S. economy evolved in a situation of resource abundance, of seemingly unlimited supplies of energy, land and water. The time has now come to re-examine these technologies in light of the growing resource scarcity. For example, the time may have come to redesign the transportation system, imposing limits on the size of automobiles and investing more in urban mass transit and less in interstate highways and urban throughways.

A similar situation exists with food. Claims on world food resources by the average American are nearly five times as great as those of the average Indian, Nigerian or Colombian. Whether Americans can continue to consume ever more animal protein, as existing economic projections indicate, in a protein scarce world is now problematic. It may become necessary for both economic and ecological reasons to begin to substitute high-quality vegetable protein for animal protein much as vegetable oils have been substituted for animal fats over the past generation.

NEEDED: GLOBAL COOPERATION

Coping with scarcity of some resources calls for specific new modes of international cooperation. Growing food scarcity is one such need. With world grain reserves now far below the desirable working level, and idled cropland in the United States rapidly disappearing, a major stabilizing influence on world food prices has been lost. Under these circumstances, an internationally managed world food reserve becomes highly desirable as a counter to the treat of famine and as a source of assurance and security to consumers everywhere, including the United States.

In some instances, such as in world fisheries, the failure to cooperate could leave all involved worse off. Unless an institutional framework can be created within which to cooperatively manage oceanic fisheries, we must face the prospect of depleted stocks, declining catches and soaring seafood prices. It is in this context that consumers have a direct stake in the forthcoming U.N.-sponsored Law of the Sea Conference.

Advancing technology has brought us to the point where national efforts to expand the supply of fresh water through river diversion or alteration of rainfall patterns may have international if not global consequences. Under these circumstances we need to think seriously of creating a supra-national institution to regulate national interventions in the hydrological cycle. When should a country be permitted to increase its rainfall at the expense of another, if at all? Should individual countries be permitted to divert river flows or deforest on a scale which will affect the global climatic system?

Scarcity manifested in rising prices and intensified competition among countries for access to and control of resources may make continuing global population growth a much more obvious threat to the future well-being and security of people everywhere than it is today.

One of the inevitable consequences of scarcity and, more importantly, the realization that it may not be temporary, is a growing doubt as to whether the currently projected world population of 6.5 billion by the end of the century will be considered tolerable. This in turn may impart a new urgency for putting on the demographic brakes, highlighting the importance of the U.N.-sponsored world population conference, now scheduled for Bucharest in August, 1974, and the World Population Plan of Action it is intended to produce.

TROUBLED YEARS AHEAD

The supply position of some raw materials will undoubtedly improve from time to time in the years ahead, but overall the prospect is for continuing scarcity. Over the longer term, technological breakthroughs may dramatically improve the supply situation. The energy crisis may one day disappear, but a technological breakthrough which might permit this, such as the harnessing of fusion power, is not likely to have an impact before 1990 at best. Advances in the technology of fish farming may some day permit growth in the supply of cultivated fish to offset the inevitable decline in growth in the oceanic catch. But progress on this scale almost certainly will be reserved for some point beyond the current decade, if it comes at all. And so it is with all too many resources plagued by global scarcity.

How to cope with global scarcity must be recognized as a global problem. The temptation at the governmental level will always be to act in the national interest, narrowly defined, and against a short-term time horizon. Political leaders often will be tempted to blame other countries for inflation, economic stagnation, rising unemployment or other ills deriving from scarcity. All too often, they will be tempted to use trade and monetary policy to export inflation and unemployment.

We delude ourselves if we think the years ahead will be an easy period in international relations. At best, they will be troubled ones. The complex resource issues which must be resolved, one way or another, will place great stress on the international political fabric. At issue is whether we can create a workable world order for an increasingly interdependent world.

TOUGALOO COLLEGE

Mr. KENNEDY. Mr. President, the November issue of Encore, a new monthly magazine featured a special report on Tougaloo College, a private institution located in Tougaloo, Miss. Tougaloo, like other black colleges and universities with financial problems, is in the midst of a severe financial crisis. Inadequate funding and decreasing student enrollments threaten the growth and the existence of this school that has devoted over 100 years to the educational growth of black people not only in the State of Mississippi, but in other parts of the country.

Mr. President, I ask unanimous consent that the series of articles from this special report be printed in the RECORD so that others may be made aware of this fine school, and the excellent job it has done in the past and how the school is planning to continue its fine record.

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

PROFILE OF TOUGALOO

One hundred and four years ago, a Mississippi plantation became the site of Tougialoo College. Considered by many to be the finest Black college in Mississippi. Tougialoo today retains many elements from its past, while offering students an education which prepares them to deal realistically with the modern world.

The consensus is that Tougaloo provides a teacher-student relationship not found at the big universities, or even at many smaller schools, and that this is what makes Tougaloo special. This supplement is about that relationship, and about the need for Black people to ensure the continued growth and survival of this and other Black colleges, where young people can receive an education relevant to the Black experience in the twentieth century.

TOUGALOO COLLEGE: EMPHASIS ON GROWING

(By Lynn Sharpe)

There are 120 Black colleges in the United States. These institutions are perennially plagued by lack of funds and attacks on the validity of their existence.

Funding comes from the government, foundations, corporations, and the United Negro College Fund, which aids 40 Black colleges. Each year the Black colleges seek to meet their projected needs and each year funding falls short. The United Negro College Fund reported that out of $223 million given to colleges by corporations in 1971–1972, Black colleges received only $4 million. During this period, federal aid to higher education totalled $4.9 billion; only $170 million went to Black colleges.

When White colleges began to increase their enrollment of minority students and hiring of Black professors, many educators felt that Black colleges would soon become obsolete. But it was an empty fear. Black

students dropped out of White colleges, and many enrolled in Black colleges. As the number of potential Black students rose, White schools didn't have the funds to take in these students, and in some cases they claimed that the Black students weren't qualified. Black colleges, however, were increasing their enrollment and needed more money so they could help more students. Seventy percent of Black graduates receive diplomas from Black colleges.

Tougaloo college is an example of one Black college which is trying to counter these problems. ENCORE feels, that Tougaloo deserves a closer look, not just a pat on the back, for what it has done for hundreds of Black students.

A private college with a present enrollment of only 750, Tougaloo is seeking funds so that it can increase the number of its students, increase its staff, and improve its campus.

The emphasis at Tougaloo a hundred years ago was to each young Blacks to teach. But today Blacks have career opportunities in the fields of business, law, and science which were unavailable then. Tougaloo has changed the emphasis of its curriculum. Intern programs allow students, to assess their commitments to particular fields. The Intensive Summer Study Program, sponsored by Harvard, Yale and Columbia, gives Tougaloo students the chance to see what graduate school is all about. The Career-Related Summer Experience provides on-the-job apprenticeship.

Tougaloo also gives students the opportunity to work in the surrounding community. There is a special internship in sociology, and students are encouraged to participate in a program wherein they tutor selected elementary school students in their homes.

Tougaloo has the reputation for being the first Black school in Mississippi. Many of the students are the sons and daughters of alumni. Many of the faculty are alumni who felt a commitment to return to Tougaloo and help educate young Blacks. The number of Tougaloo graduates going on to graduate school has increased, as has the number who return to Mississippi.

There is a strong student-teacher relationship on Tougaloo's campus. No student is a number. Special programs are available to help students with academic, financial and social problems. Constant dialogue takes place between the administration and the students. President Owens encourages the students to talk to him about the college's policies or anything else on their minds.

Tougaloo students, like their brothers and sisters in other Black colleges, are concerned about their education and the world they live in. Unlike Black students in the sixties, who were preoccupied with militant extracurricular involvements, Black students today are concerned with learning skills so they can fulfill their commitments to the Black community. The Black campus provides the best education possible to prepare them to face these commitments.

Each year Black colleges shrug off the doomsday reports and continue to maintain themselves on whatever funding is available. Black college administrations, professors, and students realize that the Black college experience is unique and necessary. Tougaloo College is an important asset to our community. It is not becoming obsolete, but it does need more of our support.

HISTORY

What happened during Tougaloo's first hundred years: 1869–1969?

1869: American Missionary Association purchases 500-acre plantation near Jackson, Mississippi and establishes a training school.

1871: Mississippi State legislature grants the institution a charter under the title of Tougaloo University.

1875: Home Missionary Society of the Disciples of Christ obtains a charter for a school known as Southern Christian Institute.

1901: First Bachelor of Arts degree presented to a graduate of the institution.

1954: Tougaloo College and Southern Christion. Institute merge as one institution and become Tougaloo Southern Christian College.

1963: The Board of Trustees of the College, with the agreement of the supporting bodies, votes to change name to Tougaloo College.

1964: The cooperative program between Tougaloo and Brown University is established, with a grant from the Ford Foundation.

1965: George A. Owens is named 12th President of Tougaloo College and becomes the first alumnus and first Negro to hold the office of President.

1969: 38% of Tougaloo's Centennial class admitted to graduate schools with several national honors. 34% take positions in government and industry. College launches Centennial Development Fund, its first nationwide appeal.

PRESIDENTS OF TOUGALOO COLLEGE

Rev. Ebenezer Tucker, 1869–1870.
Mr. A. J. Steele, 1870–1873.
Rev. J. K. Nutting, 1873–1875.
Rev. L. A. Darling, 1875–1877.
Rev. George S. Pope, 1877–1887.
Rev. Frank G. Woodworth, 1887–1912.
Rev. William T. Holmes, 1913–1933.
Mr. Charles B. Austin (Acting) 1933–1935.
Rev. Judson L. Cross, 1935–1945.
Dean L. B. Fraser (Acting), 1945–1947.
Dr. Harold C. Warren, 1947–1955.
Mr. A. A. Branch (Acting) 1955–1956.
Dr. Samuel C. Kincheloe, 1956–1960.
Dr. A. D. Beittel, 1960–1964.
Dr. George A. Owens (Acting), 1964–1965.
Dr. George A. Owens 1965–

THE FIRST HUNDRED YEARS

The Reconstruction era was an ambiguous time for Blacks. On the one hand they were free; on the other hand they were existing under de facto slavery in the South and in some instances in the North. The American Missionary Association, like many Northern abolitionist organizations, was interested in helping freed Blacks help themselves through education.

The association established many of the Black colleges in the South. In 1869 it purchased a plantation of 500 acres about three miles north of Jackson, Mississippi, and established a school there (in what is now known as the town of Tougaloo). The mansion on the property served as a school building and home for the first principal, Rev. Ebenezer Tucker, and his family. The building still stands, but today it houses the business and administrative offices.

The school's stated purpose was "to be accessible to all, irrespective of their religious tenets, and conducted on the most liberal principles for the benefit of our citizens in general." In 1871 the Mississippi state legislature granted the institution a charter under the title of "Tougaloo University."

The normal department, which trained teachers and maintained a private elementary school, was supported as a state normal school until 1892, when Tougaloo ceased to receive state financial assistance and ended its formal connection with the Mississippi school system. The elementary school was terminated in 1952. Until 1957, however, the high school department of Tougaloo contiued to receive textbooks and financing for a lunch program from the state. The university offered course credit for the first time in 1897, and the first Bachelor of Arts degree was awarded in 1901. In accord with Black educational needs immediately following Reconstruction, most students were trained to be teachers and ministers.

In Tougaloo's library is an unapproved, detailed history of the school that reports its early years as having been quite unsettled. Apparently, many Northern Whites became bored by the Black cause and it was difficult to obtain funds. But the White ministers and missionaries were determined to keep the school alive, often going without necessary books, food, and medical supplies. There was a farm, but it made only enough money to keep the school population from starving. However, in the 1920's the Board of Home Missions of the Congregational Churches became the agent for the American Missionary Association, and aid to Tougaloo became a part of the program of the Congregational Christian Churches. A few more philanthropic groups and individuals contributed to the support of the school, and things improved financially.

Not long after its inception. Tougaloo began to get a reputation as a hot-bed of impudent Blacks. Many White Mississippians became upset and irate, and a great debate evolved as to what kind of education Blacks should receive. The response of Tougaloo was the Blacks should be educated not to "know" their place but to "find it."

The school's philosophy was that a faculty member or student was a citizen and had the right to participate fully in the community as long as he did his duties on campus. A school president, having been counseled to cane a smart-alecky student, refused to do so because the student had not broken any school rules. In 1938 the choir chaplain was one of the organizers of the Mississippi chapter of the NAACP, in the eyes of White Mississippians a crime worse than organizing the Communist party. Under pressures to have the chaplain fired, the president of the college refused to do so.

In 1931, the Mississippi Department of Education and the Association of Colleges and Secondary Schools of the Southern States granted full accreditation to the high school department. Tougaloo was the first institution for Mississippi Black students to receive this rating.

In 1954, the American Missionary Association and the United Christian Missionary Society, consolidated the educational activities and financial support of Tougaloo University and Southern Christian College (founded in 1875 in Hemingway, Mississippi) under the name of "Tougaloo Southern Christian College." In 1963, the college's board of trustees and supporting denominations renamed the institution "Tougaloo College" to remove any suggestion of sectarian or regional restrictions.

During the late fifties and early sixties Tougaloo College became the cornerstone of the Mississippi civil rights movement. It was Tougaloo students who often led demonstrations and sit-ins and helped fill the Mississippi jails. When civil rights leaders came through Mississippi, they usually could rest and find comradeship at Tougaloo. Martin Luther King, Jr., Medgar Evers, Stokely Carmichael, and others often used the campus as headquarters for strategy meetings. In 1970, when Black students were fired upon at Jackson State, Tougaloo students went there to demonstrate their support.

In 1969, Tougaloo celebrated its 100th anniversary. The college has been part of Mississippi history and in some ways has helped to shape it. After 100 years, Tougaloo still reflects the desire of its founders to provide the people with education of high quality accessible to all and free of ecclesiastical control.

INTERVIEW—THE BUSINESS OF RUNNING TOUGALOO

(It was news in the sixties when a Black educator or businessman took over the job traditionally held by a White minister or philanthropist—the presidency of a Black college.

George Owens was Tougaloo College's first Black president. A Tougaloo graduate, Owens dreamt of moving up through the corporate structure instead of the college bureaucracy. But in 1949, after a year as a Saks Fifth Avenue junior executive, Owens was asked to become business manager for Talladega College in Alabama. Six years later Owens became Tougaloo's business manager. "I felt it was time to pay my dues," he recalled. In 1964 the board of trustees asked him to serve as acting president. After a year of searching for someone with all of Owens' qualifications, they appointed Owens himself.

Associate Editor Lynn Sharpe interviewed President Owens last June.)

SHARPE. Do you feel that the students have given you an easier time than they gave your White predecessors?

OWENS. I've had to earn the respect of the students here like anyone else would have had to. In the beginning there was the challenge to old ways and the use of civil rights tactics against the administration, which means against the president. I'm not easily intimidated. If I don't agree with you, I'm not going to agree with you unless you have documentation. So we argued things out.

No student was arbitrarily ousted. We never had any demonstration or protest last more than 24 hours because we did a lot of talking together. We will talk and continue to talk until we reach some agreements over the table.

SHARPE. What specifically changed as a result of those challenges to your authority?

OWENS. We went from a total faculty-administrated student judiciary committee to a total student administrated student judiciary committee. The students themselves decided that this wasn't working effectively, and they came up with the idea to have a student-and-faculty-administrated student judiciary. Students became full voting members of the majority of the faculty committees. The whole in loco parentis relationship has changed to adults relating to adults.

SHARPE. What do you think you as a Black president have brought to this Black college?

OWENS. It's hard to say. I graduated under a White president and I served under two as a business administrator. I knew those three as fine men who did a good job in their time. When I came the times were different. I wasn't here to prove that a Black could be president of a college. We've had outstanding Black presidents of colleges before. What I brought as an individual is what I would hope is very important.

I think it important to build quickly a cadre of young Black people who are skilled and will be able to liberate Black people from the oppression we have lived under so long. I have an obligation to use the influence that I have to really selfishly multiply the number of hands and hearts to help Black liberation. The more young people we can graduate with skills, the better it is for me personally. And for everyone who we've graduated I feel that we've added another strong warrior to help do the job.

I thought it very important that we have a program that would prepare our students for a new day of equal opportunity. So we set up a career counseling and placement center. We didn't need a placement center when 95 percent of our students were going into teaching. When industry opened its doors, it was important that Tougaloo give its students the necessary guidance. We increased our students entering graduate and professional schools from five percent to 45 percent.

SHARPE. The one thing that impressed me about the students here was their expressed desire to come back to Mississippi after they have finished graduate school. It is interesting that you returned to help your alma mater.

OWENS. This institution helped me get the preparation that I have. I enjoy this job. I am pleased that many more Blacks are doing the same, returning to the South with their skills. I would guess that right now 20 percent of the graduates of Tougaloo actually have come back. The five top administrators of this school are graduates of Tougaloo. I would estimate that, of the recent graduates in lawyers, 50 percent who are from Tougaloo come back to the state. Many of those going to medical school promise me that they will return, and I really think they will.

But it is important that our students go to other places as well, like White institutions. White kids need their help and need to see Blacks in leadership-type positions.

SHARPE. How many of the teachers are Tougaloo graduates?

OWENS. We have a number of them. I can appreciate the fact that they need more money than we can offer. I told the seniors this year that I wanted all of them to get good and rich so they could give us some money. I don't want to have to go to the Ford Foundation all the time.

SHARPE. How is the school financed?

OWENS. Most of our support is from the government. We also get a percentage of money from the United Negro College Fund. We get money from two church denominations—United Church of Christ and the Christian (Disciples of Christ) Church, foundations, and corporations, as well as individual gifts. We try to raise at least 15 percent of our budget. When I came here in 1955 the budget was $400,000 a year. Now it's about $4 million. Our student body has grown from 300 in 1955 to 700. Since we have no endowment, we really pinch pennies.

SHARPE. Why is that?

OWENS. People are not willing to invest in Black institutions, and especially a small, Black college in Mississippi. I think the reasons are racist. So we live on a year-to-year basis. We don't have rich alumni. We have to exploit our faculty and administrators. God has been good to us; we have people here who are talented and willing to work for the joy of seeing young Blacks get the necessary skills.

SHARPE. Not having a lot of money, however, does not in this case mean a lower quality in education. But the rumor does persist that the only good education can be found in White colleges.

OWENS. When you start looking around and seeing where our Black leaders graduated from, Black colleges have more than a fair representation—Thurgood Marshall, Martin Luther King, Jr., Stokely Carmichael, to name a few. If I recall correctly someone said that the majority of the Black doctors in this country came out of Black colleges. If you close all the Black colleges, our movement for full participation in this society would be set back a hundred years. I think the people who believe and nurture the theory that Black colleges are on the wane may have a grand design to weaken us. We have the church and our Black colleges. An individual can't do much; you've got to have groups and institutions.

SHARPE. But doesn't it seem a bit ironic that many of these Black colleges have a good number of White instructors? The students here are very much aware of this, and in the interviews I had many of them express resentment about it.

OWENS. My preference is for an integrated faculty. I think that it's an experience that our students need as preparation for entry into the broader world. I do know that at one time many of the White people who were working in the South wanted to control and maintain their reputations as White liberals by associating themselves with Black movements and institutions. But I think that Black students are aware enough to realize where people are coming from.

SHARPE. During the late sixties White colleges were flaunting their numbers of registered Black students. Many of them implied, obviously in order to get more federal aid, that their increased enrollment of Black students meant Black students were leaving the South—meaning Black colleges. Is this true?

OWENS. Let's look at some facts. Ten years ago you had 90,000 Blacks enrolled at Black colleges. Five years ago there were about 135,000. Presently there ar 150,000. It's projected that in ten years 250,000 Black students will be enrolled in Black colleges. There are twice as many enrolled in White institutions. But there is a trick of statistics here that people are not aware of. Many of these Black students are dropping out; I haven't seen any figures on how many Black students are graduating from White institutions. Many of the White institutions set quotas higher than they were going to maintain. There is no institution in this country that is going to literally, spiritually, or figuratively change its complexion.

Black students never left Black colleges. During the sixties these White institutions went out and grabbed as many Black students as they could. Often these schools took Black students we wouldn't have, and if we had we wouldn't have let them sink. The pressures at these schools for Black students to be Black 24 hours was a bit ridiculous. Black students have come to understand that on a Black college campus you don't have to be super-Black.

We are proud of our background and intellectual setting in the sense that here a student can hear it all. He is in close proximity to conservative and segregationist views. At the same time, all kinds of Black idealogy are brought on campus for the student to examine. Our students have developed a sophistication because they can see and hear and discern for themselves what is important for them to understand.

LADY ENCORE

"I'm a Mississippian; I grew up here. I felt that I was given a great opportunity here and should share that with other Blacks," states Dr. Naomi Townsend, dean of academic affairs at Tougaloo and one of the few women who are academic deans of American coeducational colleges.

An alumna of Tougaloo (class of '38), Dr. Townsend returned to the college in 1945 to teach. "It had nothing to do with a missionary zeal. I could make money at other places, but here I could make a contribution."

Dr. Townsend is responsible for the January "mini-semester" at Tougaloo, a three-week term during which instructors are encouraged to develop innovative teaching methods for use during the regular semester. "I took on the responsibility because I wanted the challenge of seeing some of my programs through," she explained. "I also want to help establish Tougaloo's place in higher education in Mississippi."

In 1964, when she graduated from Tougaloo, Joyce Ann Ladner would not have believed she would return nine years later as the commencement speaker. But she was in for a lot of surprises. The Tougaloo National Alumni Association selected her as 1973's Alumna of the Year in a secret balloting.

After completing her undergraduate work, Dr. Ladner earned her masters degree and doctorate from Washington University. At present, she is a professor of sociology at Howard University, the author of Tomorrow's Tomorrow, a revealing book about the Black woman, and has recently completed her second book, The Death of White Sociology, a collection of essays and articles on what is right about Black sociology.

Born in Hattiesburg, Mississippi, Dr. Ladner asserts that "the 20 years I spent being socialized by my family and the broader Black community prior to entering graduate

school shaped my perception about life and enhanced my ability to survive in a society that has not made survival for Blacks easy."

Alice Walker—poet, essayist and novelist—taught at Tougaloo for several years. Her love for the students is expressed by the Alice Walker Literary Award, given each year to a promising young writer at Tougaloo. Ms. Walker herself attended Spelman College and Sarah Lawrence. She is the author of several collections of poetry and other works. *In Love and Trouble*, her latest book, consists of 13 short stories dealing with Southern Black women who are bound together in terms of their vulnerability, both to life and to their men, present or absent.

Encore also salutes the many other Tougaloo alumni who have made their college proud.

The majority of Mississippi's Black doctors and lawyers are graduates of Tougaloo. For example, Alphonso Willis (summa cum laude, '73) started his medical studies at the Harvard University Medical School this fall and plans to return to Mississippi to practice.

Tougaloo has had more Danforth Scholars than any other Southern Black college. Danforth Scholars are given tuition and a small allowance so that they can work on their graduate degrees. Sandy Dwayne Martin (summa cum laude, '73) was this year's Danforth Scholar from Tougaloo and he also appears in the 1973 *Who's Who in American Colleges*. He will study church history at Union Theological Seminary in New York City.

And last, but not least, Encore salutes Tougaloo's committed instructors, who over the years have motivated and inspired their students.

STUDENT LIFE

(By Larry Robinson)

I'm a native of Greenville, Mississippi, and a music major in my senior year at Tougaloo College.

Talented Black musicians usually attribute their natural ability to heredity. My father, now deceased, was a Baptist minister who possessed a marvelous baritone voice. He fathered thirteen children, ten by his first wife and three by my mother. My two brothers and I used to travel with our folks throughout northern Mississippi to churches where my father would preach. I was young and I hated going on those trips, but I've since learned to appreciate the foot-stamping, the shouting, the "amens" in response to my father's preaching, and of course, the singing, especially my father's singing of "Amazing Grace."

Since the age of five I've had some kind of interest in music. I would sit at the kitchen table or at the dresser and just peck away. Once, a neighbor dumped his old piano in his back yard, and I guess that was the very first piano I played—by ear, of course.

Along with piano playing came singing, and in elementary school I sang soprano, which is how a lot of male singers begin. Later I sang tenor in a high school choir.

Remembering my high school days, one thing that has always stood out in my mind is that clubs and groups meant a great deal to me. Our high school choir was considered the best in the state, so I truly respected the thoughts and judgments of the talented lady who directed it. She told me: "Playing the piano by ear isn't all it takes. Unless you can read the printed page along with that ear, you can't pursue what is destined for you in the future."

I had heard about Tougaloo College and its involvement with the civil rights movement in the early sixties, but had never given any thought to what role the college might play in my life. At any rate, I was fortunate to have the opportunity to come to Jackson one spring weekend and see Tougaloo and for a short time grasp the warm atmosphere of friendship. I say "friendship" in an overwhelmingly positive sense of the word because that is what I sensed in those few hours I spent on campus.

My decision was made in favor of Tougaloo College over other schools which would, as I saw it, only give me financial aid and a registration number.

I believe that the purpose of the institution is humane; not just to educate social security numbers, but to show concern for students as individuals who are seeking myriad goals in life. The fact that in 1969, 43 percent of Tougaloo graduates went on to graduate school or some professional institution of higher learning may only be a statistic to most outsiders, but inside one can see the effort of the administration, faculty, and staff to help others help themselves to get those things that Blacks have been deprived of for centuries.

No institution is totally free as far as campus life is concerned, but at Tougaloo each individual learns to take responsibility. Students are treated as adults, and are allowed coed visitation, fraternities, sororities, and those various other things which give one "enough rope to hang or save yourself."

I changed schools for one semester. This only confirmed my devotion to Tougaloo, where I was taught to measure myself not only in terms of grades, but on the basis of my development—what I would be capable of in the future.

Tougaloo College, along with two other institutions, is the founder of Opera South. I had the privilege of participating in this group, as well as making choir tours throughout the United States, and going to many auditions and concerts. In this, as in many ways, Tougaloo College has served as an asset in the development of my musicianship, character, and the relationship I have with others on campus. The idea of being a part of this group still lingers in my mind, but now I must use my talents and education to help children, especially Black children, who have been crippled musically, to feel the beauty of rag, jazz, blues, soul and gospel music.

OUR COLLEGES MUST SURVIVE

(By Edgar Smith)

Where roses bloom in bowers,
And where the moss hangs grey,
Where tall the oak tree towers,
There steals my heart today.

As every loyal alumnus knows, these are the opening lines of the Tougaloo College Alumni song—a fitting tribute to the small, predominantly Black, private college that in 1969 celebrated its 100th anniversary.

A review of Tougaloo's record of performance clearly indicates that its first century has been an extremely productive one, as attested to by the success of the college's graduates in various fields of endeavor. Needless to say, this is no small task for a Black, private college in the state of Mississippi.

Having been invited to elaborate on the subject of "What Tougaloo Means To Me," my response will be strictly personal and specific. But I am confident that it will approach the feelings of numerous graduates from other predominantly Black colleges.

As a child growing up in the Mississippi Delta in the pre-civil rights days, I was keenly aware of my "place." My education through secondary school was in the "separate but equal" system of that day. In spite of the obvious shortcomings, however, that system was not all bad. This might sound strange to someone not familiar with how things were done.

The point is that were certain benefits derived from the "forced togetherness" of segregation. For example, in my high school a great deal of attention and encouragement were given to individual students by sympathetic teachers. These ingredients are lacking in many of the Northern school systems with which I have been connected. This is not to imply that to achieve these qualities schools must be segregated, but it does suggest that the nation's secondary schools could benefit from more Black input at the teaching and administrative levels.

While in grammar school I became familiar with Tougaloo because our school principal was a proud alumnus. In high school my interest was heightened by teachers and students, by visits to the campus, and last but not least, by the mighty Tougaloo College Choir. The choir interested me because I wanted so much to be part of a proud tradition that had been maintained through the years. Thus, this was the school for me.

At Tougaloo I found a continuation of the high school phenomenon to which I alluded earlier, namely, an effort to give each student as much individual attention as possible. This time, however, it was on a more integrated basis, since many of the faculty members were White. My anticipated problems of adjustment to this situation never arose. The obviously sincere interest of the entire faculty, coupled with the warmth of the Tougaloo community, dispelled any fears I might have harbored about what was going to happen to me in the next four years.

My educational experiences at Tougaloo gave me both the academic background and the all-important encouragement I needed to pursue graduate study, as well as experiences that contributed to my overall growth as a person. In many small, subtle ways it made me begin to realize the worth of every human being. I am grateful for the concrete education I received at Tougaloo—both in and out of the lecture halls.

No statement about a predominantly Black, Southern college would be complete without some expression of the pitiful financial state in which all such colleges currently find themselves. Tougaloo is certainly no exception. As a member of the board of trustees, I can say with authority that we are in the midst of a struggle for survival. We have seen rough days in the past, but at no time has the life of our beloved college been more threatened.

To meet the money crisis, we have intensified our appeals to the traditional sources of funds: the government, foundations, alumni, and so forth. But we desperately need long-range commitments from all Blacks. We, as Blacks, cannot afford the intellectual luxury of debating whether or not our institutions should exist; rather, we must concern ourselves with assuring their survival. It is indeed appalling, in these days of increased Black affluence, that our schools cannot rely on us for a *major portion* of their support. This situation must change!

The Tougaloos of this nation must survive and hold to their programs of growth and productivity. Without these we lose the option of Black, private, higher education in the South—a loss we can ill afford. If this appeal is interpreted as a challenge to Blacks, it will have achieved its purpose.

TOUGALOO'S BLUES

(By Lou Holloway)

The spirit of Tougaloo's three-week January term is innovative. During the 1973 January term I got into the spirit of things and offered a course on a subject rarely explored in academia: The Blues.

Books have been written on the blues; blues artists have been the subject of learned treatises. But, to the best of my knowledge, my course was unique in that not only explored the blues of the past, but, taking the blues as "a mirror reflecting the Black experience," we attempted to deal with contemporary Black experience through present-day artists suggested by the students themselves.

The course needed a title, and I came up with the weighty, intellectually subversive *JT4, B. B. King, Ray Charles, Nina Simone, Curtis Mayfield, etc.* I didn't want to narrow the course down in advance: if it was to

be really innovative, with all the freedom implied in that term, the students would have to decide for themselves on what to emphasize.

I wrote a course description and a rationale (a proposal for the course which must be approved before it can be put into the curriculum), in which I advocated the peaceful coexistence of the three B's (Bach, Beethoven, Brahms) with the three B's (B. B. King and Blues). No overthrow of traditional music was implied, but just as classical music represented the aspirations of eighteenth and nineteenth century European civilization, the blues represent, in the words of Ralph Ellison:

. . . the heritage of a people who for hundreds of years could not celebrate birth or dignify death, and whose need to live, despite the dehumanizing pressures of slavery, developed an endless capacity for laughing at their painful experiences.

I reasoned that culture which relates to the Black experience is entitled to a niche in our school as secure as that occupied by the culture of White society. I was determined to legitimize the blues in academia.

The course was approved and got underway. After the second class we had twenty-five regulars and nine or ten visitors attending two hours a day, four days a week, for two weeks. It didn't take long for the students to narrow down the subject matter: they zoomed right in on B. B. King.

Relating to King as a Mississippian, as one whose own experiences must be close to theirs, students referred to King as their "home-boy." With intense concentration, they focused on his lyrics, pulling out his message and analyzing its relationship to Black life, past and present.

Needless to say, the course was a success. It was discussed on campus; it was recommended in the student newspaper for its approach and content. Students who attended classes indicated that they had acquired not only a deeper understanding and appreciation of the music they listened to every day, but a feeling for the importance of Black music as it relates meaningfully to the Black experience—to their own lives.

Rob Roblin of WLBT-TV, Jackson's NBC affiliate, happened to see the course announcement and did a three-minute story on it which ran on several Mississippi news programs. NBC picked up the story and distributed it nationwide, adding an editorial which praised Tougaloo for offering such a course. Roger Wood of NBC in New York received numerous inquiries from other colleges on how other courses dealing with such nontraditional subject matter could be implemented.

As the end of the course drew near, the class became aware that its analysis of B. B. King's work had impressed us all with the fact that he was a very important artist indeed. I suggested that we carry our project one step further by awarding King the honor accorded many people who have made outstanding contributions to an institution of learning: an honorary degree.

Both the class and the Committee on Honorary Degrees gave my proposal their unanimous approval, and the May 4 issue of the student newspaper was headlined: "Tougaloo Now Has a King! B. B. King in TC Class of '73."

Although the degree was awarded at the end of the spring, 1973 term, because of King's unavailability at that time the presentation ceremony did not take place until September 30. This was an advantage, for a Spring presentation would have taken place at the commencement ceremony, attended mostly by graduates. The fall ceremony was attended by the entire student body of 750, an indication of the seriousness and enthusiasm of the students for the course, the man, and the message.

Hopefully, the curriculum committee will now approve my proposal for a full-semester course, *B. B. King, Blues, and the Black Experience*. And, hopefully, other Black colleges, recognizing the importance of contemporary Black music as a measure of our experience, past and present, will follow Tougaloo's lead.

ALLIANCE FOR OPPORTUNITY

(By Donald E. Cooper)

The "Tougaloo Community," as defined by the college's president, George A. Owens, encompasses not only students, alumni, faculty, and administrators, but also individuals and organizations actively working to assist the college. General Foods was welcomed into this community a little less than two years ago with a healthy mixture of hope and skepticism.

Our involvement with Tougaloo was triggered by the corporation's long-standing objective of expanding opportunities for Black and minority groups. While several programs involving corporate donations were under way, a number of us felt that a good means to accomplish our objective would be the utilization, by the college, of the skills possessed by the people in the corporation.

The first and very critical step was to determine how the needs of the college could be matched up with the resources of the firm. Tougaloo Vice-President A.A. Branch and Professor Larry Morse of the Economics Department, among many others, were particularly helpful during this somewhat groping stage of the relationship. After several months of discussion we agreed that the primary objective would be to "build an awareness among students, faculty, and administrators that business offers a challenging and rewarding career option to Blacks." There were a number of reasons for the selection of this overall objective.

First, until recently business was, in general, not a viable career option for Blacks in the South. As a result, few students came to Tougaloo with an inclination towards business as a career, and few companies came to the campus to recruit.

Second, in the past the majority of Tougaloo graduates have gone into teaching. However, the demands for teachers has fallen off in recent years, creating a problem for students who wish to enter teaching right after graduation.

Third, and most important, businesses are now looking for Blacks to fill managerial level positions.

We agreed on two operating principles. First, a long-term commitment by General Foods to Tougaloo was essential. A one-shot approach would be a mutual waste of time; several years were needed to maintain an effective, ongoing program. Second, we agreed that the initial year should be looked upon as a "building and learning" year: despite our best efforts, there were probably going to be mistakes.

A Co-op Program and a Seminar Program were the major means selected to achieve the overall objective of building an awareness and understanding of business.

The Co-op Program was a real first for both Tougaloo and those of us from General Foods who set it up. Open to all students who have completed four semesters at Tougaloo, it consists of a six-month period during which the students work at General Foods on a full-time basis. At the end of six months a report containing a formal evaluation of their work is forwarded to the appropriate faculty advisor.

Currently, there are three co-op positions available: one in Marketing, one in Technical Research, and one in Marketing Research. Initial difficulties in recruiting students were overcome as students became familiar with and interested in the program, and as student interest increases on a long-term basis we hope to expand the number of co-op positions.

The first participants in the Co-op Program have done well. Several have graduated and have either entered the business world or continued their postgraduate studies with a business orientation.

To date, the Seminar Program has been implemented twice at Tougaloo, with plans for more seminars in the future. Each seminar lasts four days and involves approximately fifteen people from General Foods who spend one or two days apiece on the campus.

The seminars center around case discussions led by separate two-man teams in selected classes. Each case relates, in a general way, to the particular subject matter being discussed in the class. The students are involved in the development of solutions to the kinds of problems with which we deal. The cases are sent to the students a week ahead of time so they can familiarize themselves with the key issues.

We've received good feedback from the students on these seminars and some excellent suggestions on how we can improve them in the future. In addition, the Seminar Program provides us with the opportunity for informal discussions with the students while we're on campus. Several of our Black managers have been particularly effective in this area.

The three-week January term is also a good opportunity to expose some of the students to business. This past January, three students spent the term in our Tech Research labs working on carefully structure projects. In addition, two of our people spent several days on the campus coaching students in interviewing techniques. In the future we plan to expand our January term activities.

We've had a number of other activities with Tougaloo ranging from instructions on how to conduct idea-generating sessions to a research grant. All in all, we feel that by working closely together we have begun to make real progress towards increasing the awareness of business as a viable career option.

TOUGALOO'S SPECIAL PROGRAMS

Special programs are important to the college community. They provide extra funds, and both help the staff and allow the college staff to service segments of the community, such as residents of the Choctaw Indian Reservation. Tougaloo also has programs that allow students to obtain extra help in their studies or expand their experience in certain fields. There are normal departmental programs such as the French and African studies programs, and a Career Counseling program, headed by Vice-President A. A. Branch, which helps a student if he wants to work for a corporation.

TEAM COUNSELING

This program, started in January 1972, offers tutorial and counseling services to acknowledged "underachievers" referred by public schools in Jackson, Mississippi. The tutors—mainly students from Tougaloo College, some from Jackson State College—are supervised by Mrs. Jacqueline Dedeauz. "The kids are committed. They find that they are not only in a teaching position, but also in a learning position."

After four weeks of training, the tutors, in teams of two, visit the students' homes. "They soon learn," said Mrs. Dedeaux, "that they aren't just visiting teachers."

Often the teams find that it is not the student's mind that must be modified, but his environment. They have helped families get proper clothing, proper medical care, and legal help. For such work, they receive $50 a month, and the warm appreciation of parents, children and teachers.

PREHEALTH PROGRAM

Mississippi desperately needs doctors who are sensitive to the needs of the state's Blacks, Indians and poor. Tougaloo has initiated a strong program to recruit Black students for the health field. "Once we get these students interested in the health field," said

Dr. Richard McGinnis, associate professor of chemistry at Tougaloo, "we work on getting them committed to coming back to Mississippi."

To complement the school's academic program, there is a Pre-Health Club, funded by the Macy Foundation of New York. The club sponsors seminars and field trips to broaden the students' knowledge about medicine. Doctors from all over the country come in and speak. Also available are summer programs. More participants in the Harvard Health Careers Summer Program have come from Tougaloo than from any other college in the country. However, students are encouraged to work in their home towns when possible. In 1972, Tougaloo began its own summer program in cooperation with doctors in Jackson as well as throughout the state. The students earn $1,100 for this work.

"Through all the extra effort we put into this program," said Dr. McGinnis, "we are able to change students' attitudes about the health field, help them get financial aid so that they can study, and place all of them in some summer program or medical school when the time comes."

Madison County Project. In an effort to develop a stronger relationship with the community, Tougaloo initiated the Madison County Project in 1972. The project's main focus is to encourage students to become involved with the community and to help the college and the community and get first-hand experience.

Trio Program. "We want to help you help yourself," is the Trio Program's motto. The program is called Trio because it consists of three separate government-funded programs.

Talent Search is a guidance program that covers a large geographical area and serves junior high and high school students as well as adults. It helps veterans to obtain their benefits, students to get into trade schools, and adults to earn their high school diplomas.

Upward Bound—a pre-college cultural enrichment program—is designed to help high school students make the transition from high school to college, through on-campus residential sessions during the summer and followup sessions during the school year.

The program also helps students choose a college and obtain necessary financial aid. "We don't encourage the students to come to Tougaloo, because it is more expensive than the state school or the junior colleges," says Elijah Slaughter, director of the Trio Program. "But Tougaloo is dedicated to helping students, as attested to by the fact that over 80 percent of the student body here receives financial aid and a large number of the students have come through the Trio Program."

Special Services assists Tougaloo students who need special help to stay in college. It offers a modified curriculum, social counseling, and tutorial services. Mrs. Alice Anderson, a Special Services counselor, is convinced the program is a success: "I can't help but think of Doris Clay when I'm asked about the program. This shy girl, who had very little confidence in her ability when she started, is now completing her four-year college program in three years—and with honors!"

Tougaloo's president, George Owens, sums up the special programs at the college this way: "Tougaloo is about helping a student survive in this world."

FROM A BLACK PERSPECTIVE

(By James M. Pool)

As part of a predominately Black college, Tougaloo's Department of Afro-American Studies was never intended, from its inception, to be autonomous. Its plan is to be interdisciplinary, merging inconspicuously into the total structure of the small college, offering the student who is interested an added perspective, not to the exclusion of, but supplementary to, the traditional disciplines.

Nor can Tougaloo's program in any way be considered merely a sop to appease militant students. Although the Department of Afro-American Studies did grow originally out of student demands, the students do not feel bound to remind the teachers of this fact. This is due to the depth and scope of its program; contrary to the practice at many schools. Tougaloo's Afro-American studies are not merely a scatter-shot accumulation of courses.

Set up in 1969, the department offers a student the chance to major in Afro-American studies through a systematic program of interrelated courses, which develop not only an in-depth knowledge of African and Afro-American people, but a body of skills with which the student can continue his studies.

Thus, the major in Afro-American studies offers an interdivisional concentration, or a concentration in either the Social Sciences Division or Humanities Division. Courses in these areas explore the literature, language, philosophy, religion, art, music, and dance of the African and Afro-American, as well as the depth and range of experiences, social situations, cultures, and economic and political positions of Africans and Afro-Americans—all this against a background of humanities and social science skills. In addition, the student is provided with seminars and independent study opportunities so that he can do original research on his own. This allows him to bring together insights from many disciplines, while helping to correct the biased scholarship which in the past has affected this field of study.

The department is staffed by Blacks and non-Blacks, none of whom has changed his professorial status; i.e., a professor of English retains his position in the English Department, and simply teaches, in addition to his assigned courses in the traditional discipline, courses whose scope includes or centers on the Black experience. Instructors who are invited to span two areas in this manner have done extensive researh in the Black experience beyond their preparation in their traditional major area.

For example, the instructor of a course in African Literature at Tougaloo is a non-Black with a Ph.D. in English from Notre Dame. I doubt that there are too many professors who have researched this area more thoroughly than the professor in question, even to the extent of exploring works not yet published in this country, and others that require translation from a foreign language. This suggests that Tougaloo's Department of Afro-American Studies is attempting to add another dimension to the student's knowledge.

African Literature may only be taken by upper-level students; a junior or senior will already have studied, in his sophomore year, Shakespeare, Emerson, Dante, Wright, Baldwin, Ellison and others. He can then broaden his perspective by being able to place in juxtaposition with the above-mentioned writers such artists as Achebe, Diop and Choonara.

The sequence of courses in Afro-American studies has been carefully planned with all the foregoing goals in mind. The freshman who expresses an interest in majoring in Afro-American studies is advised to combine them with one of the traditional disciplines. He will, in most cases, decide on his major before he completes his sophomore year. With this in mind, the student takes his basic skills courses, required of all students in the college, along with an introductory course in Afro-American studies. This introductory course is designed to familiarize the student with what is loosely called the "Black experience"—the African heritage and Afro-American experience.

In his sophomore year the Afro-American studies major, in addition to courses in his co-major, takes Afro-American Literature, a survey of the major Black writers from 1760 to the present; either Afro-American music or art; and either philosophy of Black Americans or Black religion. In his junior year the major takes Black history, and either economics or politics of Afro-Americans, or the sociology of racism.

The senior major takes anthropology (Peoples of Africa) and a senior seminar, in which he writes a major paper bringing together his two chosen disciplines. For example, the student having a co-major in political science/Afro-American studies may, after a period of collecting data, write a paper discussing the Black vote in a selected area of Mississippi. Also, the senior major is required to take a comprehensive examination drawn up by all professors who have taught courses in the Afro-American studies program. In addition to these required courses, students may elect in-depth author courses on Richard Wright and James Baldwin, and other courses dealing with the Black experience, such as African literature, African politics, and the Afro-American in the Caribbean.

Tougaloo has graduated seven students with combined degrees in Afro-American studies and either economics, political science, history, or psychology. All seven are in graduate schools, continuing their work in their traditional disciplines from a Black perspective.

GENOCIDE TREATY

Mr. PROXMIRE. Mr. President, as we know, genocide is the systematic, organized planned extermination of an entire people by murder. It has been practiced throughout the ages, and never with greater or grimmer ferocity than in this century when Adolph Hitler directed the systematic murder of more than 6 million Jews and 2 million Poles.

The Convention on Genocide was unanimously adopted by the General Assembly of the United Nations on December 9, 1948, and signed in behalf of the United States on December 11, 1948.

On June 16, 1949, President Truman submitted the Genocide Convention to the Senate for ratification. It was immediately referred to the Foreign Relations Committee. A subcommittee of the Foreign Relations Committee considered the convention on January 23, 1950. In the intervening years, there has been neither explanation nor excuse from the committee on its failure to act.

One historical fact should be of special interest to the Senate, the State Department, and the administration. On January 23, 1950, the State Department sent to the Foreign Relations Committee as its advocate in behalf of ratification, a most articulate and persuasive spokesman, the then Deputy Under Secretary of State—Dean Rusk.

Secretary Rusk's case for ratification was compelling in 1950. In 1973 it is irrefutable.

It is a cruel paradox as well as a national disgrace that the United States, which has proved conclusively to the world the practical effectiveness of our own Bill of Rights, must hang our national head in shame at our irresponsible unwillingness to lead the fight for the establishment of basic human rights for all men.

The fundamental human protection guaranteed by the Genocide Covenant, to prevent the organized destruction of human beings on racial, religious, or cultural grounds, remains unratified by this Senate.

The responsibility cannot be placed with others. We cannot criticize the usual whipping boys; the State Department, the Executive, the House. The Senate and each of us as Senators must accept individual responsibility for our collective failure to act. The time is here for this Senate to fulfill our pledge to all Americans, to the United Nations, and to all humanity by moving immediately to ratify the Genocide Convention.

ATTENTION TO FUTURE WORLD FOOD PRODUCTION

Mr. HUMPHREY. Mr. President, as we enter a time of year traditionally devoted to Thanksgiving, holidays, and celebration, it is important that we take some time to consider the sobering thoughts on world food supply. The time has come for us to take stock of future food supplies, or future holiday celebrations may be bleak and barren.

In an article in the Washington Post on November 23, Mr. Stephen Rosenfeld discussed the critical subject of world food supply. Mr. Rosenfeld makes several important points, among them the fact that even though grain production has increased this year, population growth rates over the same period have negated the net effect of that increase. He goes on to note that increases in production are very much dependent upon weather conditions and technical input and that current projections for increased production next year will do little more than fill the gap left by the use of our reserves this year.

Mr. President, these are critical concerns that have been stated before and must be stated again. The adequacy of world food supply and our efforts to arrive at solutions to this problem are a subject to which we must devote continuing attention and for which we must devise practical and effective courses of action.

I believe that Mr. Rosenfeld's article succinctly states many of these concerns, and I ask unanimous consent that the article be printed in the RECORD.

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

A WORLD FOOD CRISIS

(By Stephen S. Rosenfeld)

Enjoy your turkey yesterday? You may take a modest bow for having eaten a kind of meat relatively efficient to produce: it takes only three pounds of grain (in feed) to produce a pound of turkey, against seven for a pound of beef. Eating poultry is like driving your car at a patriotic 50: it saves on a resource in increasingly short world supply.

But, you may say, didn't the paper just say that the world grain production has hit an all-time high, and that the United States, Russia and even India have produced record harvests? The paper did say so and the paper, of course, was right. But that's not the end of the tale.

After a fall in 1972, grain production around the globe rose this year by about three per cent over the previous peak in 1971. But because world population rose by about the same rate in the same time, per capita grain production probably only held even, if it did not actually decline.

In fact, the diet of many, perhaps most, people in the world may have deteriorated as production climbed, for the reason that the rich—among countries and within countries—are better able to buy food than the poor are. Good news in gross production does not translate literally into good news in personal consumption. Since food prices have retreated only nominally from the peaks of 1972, many poor people may be worse off than they were in 1971.

We laymen in this field, looking at food production numbers, still tend to blame weather for disappointments, to credit technology for successes, and to assume more or less that technology will beat the weather over time. But this may be American provincialism, false. Productivity increases flowing from technology are no longer considered automatic. Indeed, in such a key crop as soybeans, advances are coming so slowly that one expert, Lester Brown, urges creation of a research institute by us and the Chinese, the two big producers.

Bad weather, however, is considered automatic. Russia's location and geography ensure it other onslaughts of drought. South Asian deforestation ensures other years of flooding there. Pacific overfishing ensures empty anchovy nets, and so on.

Moreover, a big chunk of the increment in American wheat production this year is owed to the one-shot fact that after 1972, good acreage long held out of production to discourage the growing of unmarketable "surpluses," was put back in production. There is little such good acreage left. Putting marginal acreage into production, here or elsewhere, is so costly that food raised on it would be beyond the reach of the poor.

Worst of all, while world food reserves were decimated by the effects of bad harvests in 1972, these reserves are not being rebuilt in the good harvests of 1973. Instead, production gains are going into current consumption. The annual increment needed just to keep up with demand, swollen by population increases and improvements in diet, rises apace.

So there will not soon again be huge wheat stocks available if Russia comes back into the international grain market in a big way. There will not be large stocks available for humanitarian emergencies. Last year, after a bad crop, the world was on the brink of duress or catastrophe, depending on national situation, and this year after a good crop the world is also on the brink of duress or catastrophe.

In 1972 people could accept, at least intellectually, the harsh Malthusian reality that population growth was exceeding growth in the available food supply. It takes more mental effort to accept the same harsh reality in 1973 but it remains true.

Perhaps it's being a spoilsport to even bring the matter up in a week including the national day of gorging. But here we are, pushing farm exports like crazy rather than expanding our effort to replace food stocks and to help other countries grow more food themselves, permitting nutritional disparities to widen not only between the world's rich and poor but between our own rich and poor.

The country seems prepared finally, if belatedly, to cope with the fact that consumption and production of energy in the world have gotten badly out of whack but it has been slow to grasp the analogous fact that the same may be coming true of food.

In food, of course, the United States has the great advantage of being a marvelous producer. But we have yet to decide, or to discuss adequately, whether we regard this capacity as a national asset or as an international trust. It is the difference in broad terms between using food as a lever for our own purposes, economic or political, say, to counter the Arab oil boycott, or as one of a number of valuable commodities whose use must somehow be determined by nations acting in concert for their common good.

It is a fiercely difficult choice which can be made only step by step over a period of time, which cannot be avoided, and which will determine the kind of people we are.

UNITED FARM WORKERS' STRUGGLE

Mr. KENNEDY. Mr. President, during recent months, along with many other Senators, I have followed closely the dispute in the fields of California where the United Farm Workers Union has sought to give credence to the constitutionally protected rights of workers to organize and to select a union of their own choice.

The past months' struggle is only the latest chapter in a long history of the efforts to secure those rights for the Nation's farmworkers.

In that struggle, the Farm Workers Union has maintained its commitment to nonviolence despite often violent and brutal tactics employed by its opponents. Two farmworkers have been killed in that process. Many have been injured.

The response of the farmworkers has been to continue their organizing, to continue their tactics of nonviolence, and to continue their struggle to build a union.

Last week, the National Conference of Catholic Bishops adopted two resolutions in support of that effort.

I ask unanimous consent that these two resolutions be printed in the RECORD.

There being no objection, the resolutions were ordered to be printed in the RECORD, as follows:

RESOLUTION

The National Conference of Catholic Bishops go on record in support of the right of the field workers in the agricultural industry to free secret ballot elections which will determine whether or not they want union representation and which union they want to represent them. The NCCB calls upon the growers and the Teamsters to accede to this demand of the United Farm Workers of America without further delay.

RESOLUTION

The National Conference of Catholic Bishops endorses and supports the United Farm Workers' consumer boycott of table grapes and head lettuce until such a time as free secret ballot elections are held.

Mr. KENNEDY. Mr. President, the tragic events of the recent past in the agricultural valleys of California have not yet come to an end.

The Teamsters Union apparently has turned its back on an agreement that might have spelled a final conclusion to the California jurisdictional dispute that has produced bitterness and violence in its wake.

Under the leadership of George Meany, president of the AFL–CIO, negotiations were held involving Mr. Meany, Mr. Frank Fitzimmons, president of the Teamsters Union, other Teamster officials and Cesar Chavez, president of the United Farm Workers Union. On September 28, news reports detailed that agreement. It represented

a recognition of the right of the United Farm Workers to organize and represent agricultural fieldworkers.

Weeks passed in which many of us awaited the finalizing of that agreement. Because of the special interest of members of the Committee of Labor and Public Welfare, Senator WILLIAMS, Senator JAVITS, and I sent letters to Mr. Meany, Mr. Fitzsimmons, and Mr. Chavez requesting information as to their intentions with regard to the ratification of the agreement which appeared to us to be a reasonable way to remove the potential for violent conflict which already had cost the lives of two men.

We received responses from Mr. Meany and Mr. Chavez indicating their willingness to ratify the agreement. We received a negative response from Mr. Fitzsimmons.

I ask unanimous consent that the correspondence be printed at the conclusion of my remarks along with the summary of the proposed agreement as reported in an AFL–CIO statement.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. KENNEDY. Mr. President, I ask unanimous consent that a news article reporting the Teamster rejection of any agreement and an editorial in the New York Times on the same subject be printed in the RECORD.

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

[From the Washington Post, Nov. 16, 1973]

TEAMSTERS REOPEN FARM LABOR BATTLE

SAN DIEGO, November 15.—Teamsters union President Frank E. Fitzsimmons, denying his union ever had a farm labor peace treaty with the AFL-CIO, today said most contracts negotiated this year with California growers will be honored.

His announcement, an apparent reversal of an earlier agreement with the AFL-CIO, followed a 30-minute meeting with representatives of California growers now operating under Teamsters contracts. Between 30,000 and 40,000 field hands are covered by the pacts.

In affirmation of what he said last week in Washington, D.C., Fitzsimmons told newsmen, "We assured the growers we have a moral and legal obligation in reference to all contracts, and we intend to enforce them."

Fitzsimmons' announcement sets the stage for a renewal of hostilities between the Teamsters and the United Farm Workers of America, which claims jurisdiction over farm labor.

When asked why the Teamsters had broken a tentative agreement with the AFL-CIO, announced Sept. 28, Fitzsimmons said, "There was no tentative agreement. It was a discussion of the facts. There was no agreement to be broken."

At that time, the labor federation announced that a tentative treaty in the bitter farm labor struggle had been reached and that it awaited only ratification by Fitzsimmons, AFL-CIO president George Meany and attorneys for both unions.

The agreement provided that the Teamsters would give up all contracts signed with grape growers this year and that they would not renegotiate contracts with lettuce growers that expire in 1975. The UFW was to have jurisdiction over organizations of farm field hands and the Teamsters jurisdiction in canneries, processing plants and packing houses.

As for contracts with Delano grape growers, which Fitzsimmons personally repudiated on Aug. 9, the Teamsters president said, "They remain in a status quo position."

He said there would be further discussions with the Delano growers to resolve the issue of whether the Teamsters hold binding contracts.

Lee Shaw, a Chicago attorney speaking for a number of the Delano grape growers position on those pacts. "Based on what he said today, they will not honor them," he said.

AFL–CIO spokesman said the labor federation would have no immediate comment.

Flanked by Western Conference of Teamsters head Einar Mohn, Fitzsimmons said he did not know if the Teamsters would continue to organize California farm work ers.

"What our future activities are going to be, you'll just have to wait and see what comes about," he told newsmen.

The Teamsters boss asserted it was now up to the growers to honor their part of the contracts. Some of them have already begun paying five cents an hour to the Teamsters pension fund and the Delano growers are scheduled to begin making such payments Dec. 1.

UFW attorney Jerry Cohen said from union headquarters near Bakersfield that Fitzsimmons' assertion that there was no agreement was false. "I've got a copy of it in my hands," he said.

The farm labor situation, which flared into violence this past summer, reverts to the position it occupied earlier this year when the Teamsters signed up virtually all the growers who once held contracts with the UFW. The struggling farm workers union now holds only 12 contracts, and its membership has dropped from more than 30,000 to about 6,000 members.

[From the New York Times, Nov. 19, 1973]

TEAMSTER FAKERY

In line with a long string of broken promises, the giant International Brotherhood of Teamsters seems well on its way toward repudiating its latest pledge to stop blocking the organizational progress of the United Farm Workers, a tiny union rich only in idealism.

Two months ago the Teamsters' president, Frank E. Fitzsimmons, assured George Meany of the A.F.L.–C.I.O. that his union would leave the organizing of laborers in California's vineyards and lettuce fields to the farm union. That commitment implied a readiness by the Teamsters to junk the shabby partnership some of its local leaders had formed with the large growers to exterminate the U.F.W. and discredit its crusading leader, Cesar Chavez.

Ever since the supposed promise to Mr. Meany, however, Mr. Fitzsimmons has been edging away, declining explicitly to reaffirm it. His evasiveness continued last week at a California meeting with leading growers. The result has been a decision by Mr. Chavez to widen his boycott of grapes and lettuce grown under Teamster contracts and also of wine made from such grapes.

The consumer boycott is a poor weapon; but the continued deceit practiced by the Teamsters and the gross imbalance in the forces aligned against Mr. Chavez leave him no other instrument of resistance. The basic need remains for passage by Congress of a law extending to farm workers the same machinery for free elections and enforcement of fair labor practices that other American workers have had for nearly four decades.

EXHIBIT 1

The text of the agreement reached on September 27 and referred to earlier, follows:

TEAMSTERS-FARM WORKERS

1. The Teamsters are to retain the contracts which they hold in lettuce and other raw crops with the exception of Finnerman and D'Arrigo, until July 15, 1975, at which time such contracts will not be renewed. The UFWA will not boycott the companies holding these contracts.

2. The Teamsters will not recognize any contracts they have signed in the grapes (table or wine), neither will they recognize the contracts which they signed with the D'Arrigo and Finnerman companies. They will immediately make this known to the companies involved by letter renouncing and unilaterally rescinding these contracts and disavowing further representation of the affected workers upon assurance by the AFL–CIO that through the UFWA it will undertake the protection and advancement of the welfare of such workers. Copies of said letters will be sent to the AFL–CIO.

3. The Teamsters will immediately announce that they will not organize in agriculture as defined in the jurisdictional pact of August 12, 1970. In instituting a boycott the UFWA will comply with the rules and policies of the AFL–CIO.

4. George Meany and Frank Fitzsimmons will be the final determiners of all differences between the Teamsters and the UFWA as to the application of this pact which remain unresolved on the local level.

[Telegram]

KEENE, CALIF.

Senator EDWARD KENNEDY,
Capitol Hill, D.C.:

The United Farm Workers of America, AFL–CIO, has been prepared since September to sign the agreement which was reached in principle with the teamsters. We are still prepared to do so, although we have learned via the press that the Teamsters are now reneging on the agreement.

Sincerely,

CESAR E. CHAVEZ,
President.

AFL–CIO,
Washington, D.C., November 13, 1973.

Hon. HARRISON A. WILLIAMS, Jr.
U.S. Senate,
Washington, D.C.:

DEAR SENATOR WILLIAMS: I have received the letter jointly signed by you, Senator Javits and Senator Kennedy with reference to the problems of the California farmworkers.

I know I do not need to recite the long history of our support for the farmworkers because you are familiar with that and I know that you are up to date on the latest developments on this matter.

As the situation stands now, I am waiting to hear from Teamster President Frank Fitzsimmons advising me of the final determination made by the Teamsters' Union with reference to the agreement which had been negotiated.

I note from the newspaper reports that President Fitzsimmons has said he will have some definite word and will consult with me on this matter some time next week.

Thank you for your continuing interest in this problem.

Sincerely,

GEORGE MEANY,
President.

INTERNATIONAL BROTHERHOOD
OF TEAMSTERS,
Washington, D.C., November 21, 1973.

Hon. EDWARD M. KENNEDY,
U.S. Senate, Committee on Labor and Public Welfare, Washington, D.C.

DEAR SENATOR KENNEDY: I have your letter of October 24, 1973, in which you inquire as to the status of the attempt to work out an agreement between the Teamsters and the United Farm Workers Union.

I am sorry to report that I must reply in the negative as I announced today at a news conference in my office. I am enclosing a copy of the statement which I released to the press in answer to your letter.

Respectfully,

FRANK E. FITZSIMMONS,
General President.

COMMITTEE ON LABOR
AND PUBLIC WELFARE,
Washington, D.C., October 24, 1973.

Mr. GEORGE MEANY,
President, AFL–CIO,
Washington, D.C.

DEAR MR. MEANY: As members of the Senate Labor and Public Welfare Committee, we have maintained a deep and continuing interest in the labor conditions of the nation's farmworkers. In that regard, we have watched with grave concern the escalating violence in the fields including the deaths of two men, the beatings of many more and the forced confrontation between strikers and local law enforcement officers.

All of these events have created a situation which can only lead to further tragedy and further denial of the rights of workers.

The only bright light in the dark history was the announcement on September 28, 1973, that an agreement had been reached between the United Farm Workers Union and the Teamsters Union, under the joint aegis of yourself and Frank Fitzsimmons, President of the International Brotherhood of Teamsters. The agreement reported in the Los Angeles Times, September 28, 1973, would appear to successfully represent a peace settlement which would protect the rights of farm workers affected by the current jurisdictional dispute.

Since this reported agreement appears to represent a step toward removing the potential for violence which has been present in the current dispute, we would be most interested in learning of its status and details, and would also appreciate your advising us as to whether you anticipate that it will be signed by your organization.

We are sending similar inquiries to Mr. Fitzsimmons and Mr. Chavez.

Sincerely,

JACOB K. JAVITS.
EDWARD M. KENNEDY.
HARRISON A. WILLIAMS, Jr.

COMMITTEE ON LABOR
AND PUBLIC WELFARE,
Washington, D.C., October 24, 1973.

Mr. CESAR CHAVEZ,
President, United Farm Workers,
Keene, Calif.

DEAR CESAR: As members of the Senate Labor and Public Welfare Committee, we have maintained a deep and continuing interest in the labor conditions of the nation's farmworkers. In that regard, we have watched with grave concern the escalating violence in the fields including the deaths of two men, the beatings of many more and the forced confrontation between strikers and local law enforcement officers.

All of these events have created a situation which can only lead to further tragedy and further denial of the rights of workers.

The only bright light in the dark history was the announcement on September 28, 1973, that an agreement had been reached between the United Farm Workers Union and the Teamsters Union, under the joint aegis of Frank Fitzsimmons, President of the International Brotherhood of Teamsters and George Meany, President of the AFL–CIO. The agreement reported in the Los Angeles Times, September 28, 1973, would appear to successfully represent a peace settlement which would protect the rights of farmworkers affected by the current jurisdictional dispute.

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COMMITTEE ON LABOR
AND PUBLIC WELFARE,
Washington, D.C., October 24, 1973.

Mr. FRANK E. FITZSIMMONS,
President, International Brotherhood of Teamsters, Chauffeurs, Warehousemen and Helpers, Washington, D.C.

DEAR MR. FITZSIMMONS: As members of the Senate Labor and Public Welfare Committee, we have maintained a deep and continuing interest in the labor conditions of the nation's farmworkers. In that regard, we have watched with grave concern the escalating violence in the fields including the deaths of two men, the beatings of many more and the forced confrontation between strikers and local law enforcement officers.

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EXPORTS OF COAL AND NO. 2 FUEL OIL

Mr. HARTKE. Mr. President, on Wednesday last, I introduced a bill, S. 2737, the proposed Energy Export Control Act of 1973, to stop all unnecessary exports of coal, fuel oil No. 2, propane gas, and methane gas. At the present time, the Federal Government continues to permit their exportation. These exports have continued to expand even during the emergency energy crisis which we are now facing at home.

The Cost of Living Council predicts that 1.5 million barrels or 53.3 million gallons of heating oil will be exported from the United States during 1973. This represents a 284-percent increase in heating oil exports over those of 1972.

While coal exports this year are just slightly less than in 1972, the significance of these exports now is much greater because we are now reconverting our electrical generating plants from oil to coal. This will mean increased American production of coal which is possible. The problem is that most of our coal is already tied up in long-term export contracts with the Japanese and Canadian steel industries. The result will be a continued shortage of a commodity of which we have rich and plentiful sources, if we do not pass export control legislation.

In the first 10 months of 1973, our exports of natural gas have increased almost 20 percent over the same period of 1972. By September 1973 we had already exported 67.2 billion cubic feet compared with 57 billion cubic feet for the same period in 1972.

The export of propane is also up over the 1972 figures. By September we had exported over 2.5 million barrels of this commodity which is in great demand in our country. Over the same period in 1972, we exported 2.3 million barrels.

Concern for this problem was reflected in the debate on S. 2589, the National Energy Emergency Act of 1973, and by the adoption of export control provisions in that bill, as offered by Senators DOLE and MCINTYRE.

S. 2737 would have the Secretary of Commerce estimate the domestic production of fuel oil, coal, propane, and natural gas quarterly, in the case of emergencies or shortages. He would then determine those amounts necessary for domestic consumption in the United States, including a reasonable amount for a carryover to build up U.S. stocks, and the remainder would be allocated for export to foreign countries.

The Secretary of Commerce then would allocate such exports among countries on a quota system, based upon past exports and such other criteria as are necessary to produce a fair and equitable quota.

Based upon what is available for export, the Secretary would set up a system for the sale of export licenses through an auction system. Licenses would be sold to the highest responsible bidders with special exceptions for the developing countries. The fees collected would be used to set up a trust fund for the research and development of present and new sources of energy.

The Secretary would be able to lift this licensing system on any of the above energy fuels that he determines is produced in sufficient quantities to meet both U.S. demand and normal world requirements from the United States without any quota system.

Exception to this quota system is any shipment of these energy fuels for temporary export for processing abroad and reshipment back to the United States. This is necessary because some high sulfur content fuel oil is sent abroad to be mixed with less polluting low sulfur oil and then shipped back to the United States.

In a time of nationwide emergency, we

cannot countenance the export of these essential energy resources. Without legislation, these exports could increase. Their absolute amounts may not be gigantic, but they are in dire need in this country and should be utilized here in keeping our factories and schools in operation and our homes heated.

Mr. JACKSON. Mr. President, I assure the distinguished Senator from Indiana that his bill has a great deal of merit, and the Interior Committee would like to take up this matter in hearings which I promise the Senator will take place within the next 3 to 4 weeks.

The whole export question raises a number of very important issues not the least of which is who is shipping oil from our shores to whom, and for what reasons.

I am also very concerned about the whole issue of coal. I recognize, along with the Senator from Indiana, that our domestic production will have to increase, particularly in light of our policy of converting electrical generating plants from burning oil to coal. How much coal do we not have readily available? Will this amount be sufficient to satisfy our domestic needs in the coming months? What is the nature of the long-term export contracts of American coal to the steel industries of Canada and Japan? Will any action taken by the United States cause these countries to retaliate? Should we grant quotas to our historical trading partners to prevent disruptions in the international marketplace?

I compliment the Senator from Indiana on his attempt to find answers to these questions and others. I assure him that hearings will be held on this subject. S. 2737 is an important contribution to our efforts in dealing with these problems.

Mr. HARTKE. I thank the Senator from Washington (Mr. JACKSON) for his comments, and at this time, Mr. President, I am heartened by his assurances that hearings will be held within the month on this critical legislation.

BOSTON IS SHARING CITIES' TROUBLES WITH A DIFFERENCE

Mr. KENNEDY. Mr. President, I would like to bring to the attention of this Senate, an article from the Washington Post, describing some recent tragic events in Boston, Mass.

Last month after a series of tragic occurrences in that city, the people of Boston were gravely concerned about these troubling assaults.

I believe the account of these events as presented by Stephen Isaacs in the Washington Post is quite well done and deserves the attention of this Senate.

Mr. President, I request unanimous consent to print in the RECORD the article, "Boston Is Sharing Cities' Troubles With a Difference," by Stephen Isaacs, from the Washington Post, Sunday, November 11, 1973.

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

BOSTON IS SHARING CITIES' TROUBLES—WITH A DIFFERENCE

(By Stephen Isaacs)

BOSTON.—Cradle of the American Revolution. Founded in 1630. Now one of the oldest cities in the land. Citadel of Anglo-American high culture and learning. Spawning ground of colorful Irish ethnic politics and flamboyant politicians like James Michael Curley and "Honey Fitz" Fitzgerald. The preserve of the Cabots and Saltonstalls and Lowells.

Boston today, minus sentimentality, is the largest city in New England (pop.: 659,230), the center of America's academic establishment, a locus of modern electronic innovation and manufacturing, a growing focus of the insurance and banking industries and a city in grave trouble.

Elma Lewis, a 50-year resident of nearly all-black Roxbury, says, "Boston is now more like the rest of America. It is amazing here, but it's not amazing for America."

Mrs. Lewis' frustration may be an indication of the hostility afoot in Roxbury when she says:

"When you start saying Boston's a bad city, hell, America's a bad country. My white people aren't worse than your white people (in Washington). Agnew didn't come from here. Nixon didn't come from here. It's the system. It doesn't work any better here than there. It's the same everywhere."

But it is not the same everywhere. Boston is unique in many ways, and one of those is in its racial crisis.

For Boston has ethnic neighborhoods whose rigidity is legendary. It has a per capita tax burden amassed by no other city. Its per capita annual household income is lower than any other big city's—thousands of dollars lower, for instance, than Washington or Newark or Philadelphia or Buffalo.

And, with a tenacity that has been a hallmark of the American Irish, Boston has hung on by its fingernails to keep "the others" out. In particuar, its local politicians have blatantly flaunted their opposition to those "others," have successfully pandered to fears in ways that would probably be shocking in comparable cities in Alabama or Mississippi.

And all in the city that was the fount of the American abolitionist movement, the home of William Lloyd Garrison, the first major American city to prohibit segregation in its schools, in 1855. And all in a state that has the only black United States senator (Edward W. Brooke), and that was the first state to enact a law forbidding racially imbalanced schools.

"A DEEPLY CONSERVATIVE PLACE"

Boston's city election system, installed by "Yankee" reformers years ago to dilute the power of Irish ward bosses, now requires nonpartisan, at-large contests for all city council and school committee posts. This has translated into the Irish majority's domination of elections and, because elections fall every two years, into incessant, fear-baiting political rhetoric.

As a result, says political scientist and State Rep. Barney Frank, "The candidates are desperate for headlines. They can't build any record with a particular district. It's a random lottery in which names are everything. Issues are rarely discussed. The whole system puts a premium on irresponsibility."

Frank, Mayor Kevin White's liaison with black community groups during White's first three years in office here, says, "People are misled by the voting image of Massachusetts and of Boston. They think of Ed Brooke, of the McGovern vote, of the Kennedys. But this is a deeply conservative place socially. It's probably got the most left-wing congressional delegation in the country, but on social issues, it's the other way.

". . . I think people vote for people 'like them' for city council and for the school committees. But they vote 'up' for mayor, for governor, for senator, for President."

Voting for people "like them" has evolved into an acrid racial tenseness isolated primarily in inner Boston and perceived hardly at all in the more comfortable Boston outside the technical city limits nor in the image of the city held by the rest of America.

When one thinks of Boston, the imagery is likely to be of neighboring Harvard University and of Massachusetts Institute of Technology; of Paul Revere and the old North Church; of the basketball Celtics and the hockey Bruins and the baseball Red Sox; of Beacon Hill and the lovely Public Gardens downtown; of the Isabella Gardner Museum and the Museum of Fine Arts; of the Boston Symphony Orchestra; of the 700-plus electronics firms ringing the city along Route 128.

THE REAL BOSTONIANS

All of that means little or nothing—except for frustrating unattainability—to the real Bostonians, the Irish, Italians, blacks and growing numbers of Puerto Ricans who rub up against one another in this 47-square mile city.

The real Bostonians are the ones who have to contend with the immense tax loads of a city so institutionalized that more than half of its lands is tax-exempt.

And they are the ones left behind to pay the dues of urban tension. Only slightly more than a fifth of metropolitan Bostonians actually live within the boundaries of Boston, where the skirmish lines are manned perhaps more intently than they were in Revolutionary War days.

The weapons now are the baseball bat and the tire chain, the racial taunt and epithet and—more and more frequently—the gun and the knife. Continued resentment and anger are guaranteed by the inflammatory rhetoric of the Irish politicians and, occasionally, by the media.

Boston's black community, now more than 100,000 strong and 17 per cent of the population, grows increasingly frustrated and, it seems to feel, isolated. It is, as Mayor White says, peculiarly apolitical for this most political of cities. And it is, in the main, leaderless. Strangely, its principal leader has probably been the mayor himself, whose steps to bring blacks into government and into a share of the power structure earned him the label of "Mayor Black" during the last mayoral campaign.

But the nexus of Boston's racial problem lies not so much in the black community as it does among the Irish, who have long made up the majority in Boston but who have always perceived themselves as a weak and frustrated minority.

This perception of self is manifested in the tenacious Boston neighborhoods, in the consciousness of territorial imperative—their turf.

TURF CALLED IMPORTANT

Irish Bostonians, in fact, epitomize what the Rev. Andrew Greeley, the Chicago ethnic specialist, has been saying for the past decade. They are misunderstood, he says. They are not racists per se.

Instead, Father Greeley has said repeatedly, they are the less well off "middle Americans" whose turf is vitally important to them; whose lots and neighborhoods are extensions of identity and self; whose investments in their home and neighborhood are crucial; who are suspicious and afraid of intruders no matter what may be their color of skin.

When Boston's black population began to increase in the 1950s in places like Roxbury, then to Jamaica Plain and Mattapan, the Jews of Boston—like those in other cities—mostly picked up and left, for close-in suburbs like Brookline and Newton.

But the Irish have held on, in their parishes in South Boston and in Dorchester and in West Roxbury, their fears stoked constantly by their political leaders.

Boston's Irish have refused to yield.

When a black youth ventures onto the fringes of the Irish turf in Boston, he had best not venture alone.

"I've never imagined, I've never seen, such a confrontation of hate" in the Irish young, says one forlorn black community worker in Roxbury. "It grows up in these kids. I don't understand how people can be so poisoned.

"It's bad, it's bad, and the majority of our local political structure is peopled by so many of these kinds of people.

"They're definitely an impendment to progress, and they play that racial angle to the hilt. They pit race against race because that gets them votes. It's the most dangerous kind of politics that can be practiced, and it permeates the whole structure."

And, then, when incidents like those that occurred here last month arise, the hatred and fear pyramids.

TWO INTERPRETATIONS

The first incident came Oct. 3 when a white woman in Roxbury, who was carrying a can full of gasoline to a stalled car, was set upon by six or so black youths. They ordered her to douse herself with gasoline, then set her afire.

The Boston and national media rushed to their largest headlines. The interpretation of their message was clear: black versus white.

Then two days later came the reports that an old white man fishing in Dorchester Bay, along side a predominantly black housing project, had been stabbed and stoned to death by a gang of black youths.

Perhaps only in a city as race-minded as Boston could there follow the almost automatic assumption that the murders were racially motivated.

A Boston policeman, in a saner, more retrospective moment, acknowledged that the burning victim could have just as easily been black as white.

Another says that the youths probably never intended to kill the woman—that they were more likely trying to scare her, and like young people sometimes do, miscalculated the danger.

In any case, such a bizarre method of murder, premeditated or not, inevitably brought with it new examinations of black-white relations in Boston.

Police now wonder if the murder of the old man was at all racial. Three youngsters have been accused of the death and investigation indicates that they may have believed the old man informed on youths involved in another crime, and they may have retaliated to "get a rat," skin color irrelevant.

HUNGER IS CONSTANT

"People here aren't concerned with identifying criminals as criminals," says one black Bostonian. "They're only concerned with whether they're black or white."

Police Sgt. Earl A. Bolt, a 26-year veteran of the Boston force, doubts whether any of the crime at the housing project, Columbia Point, is particularly racial.

"You've got to understand the uniqueness of Columbia Point," says Sgt. Bolt, who is black. "You have a great number of people isolated in that project, with no economic, educational or housing opportunity. Those kids down there live all their lives exposed to no hope.

"It's a confined kind of place and perhaps they see no possibility of escape. And there's nobody else to prey on, no matter whether they're black, white or Chinese. They're really desperate down there. Some of those kids go to bed hungry every night and wake up hungry every morning."

Columbia Point was built during the 1950s when such public housing projects were standard in America.

"Columbia Point was two steps ahead of Pruitt-Igoe," says Barney Frank. "It was an enormous project, and it was well over a mile from anything else. There was no school, no shopping, it was kind of a landhound Devil's Island. It wasn't racist. It was just anti-poor."

The complexion of Columbia Point's tenants changed over the years from mostly white to, now, a few elderly whites and perhaps two-thirds blacks; several thousands of those blacks—a majority—are young.

The Irish, politicians point scornfully to the shopping center that was built alongside Columbia Point. It had a huge Stop 'n Shop, a department store, a restaurant, a bank, a drugstore. Now all but the bank are abandoned, windows boarded over, parking lots empty, a low-slung armory of failure, looted and vandalized out of business by the kids from Columbia Point.

SYMBOL OF RESISTANCE

"It's just awful what they did to us," said Louise Day Hicks, the symbol of Irish resistance in Boston, who recently finished first in the city council election, and who has run for office 10 times in Boston in the last 12 years.

"The project itself is situated in a beautiful setting," she says, "overlooking the bay. But now the firefighters can't go in without police protection, and the taxis won't take people in. I'm terribly concerned about the senior citizens in there.

"I truthfully think that for too long we've let these young black youths get away with too much. In the schools they're extorting and vandalizing. It's carried on too long. We've got to stop it.

". . . People in Boston are filled with fear. People have triple locks on their doors, white and black. I can't believe it. This is Boston, a city of culture."

It doesn't matter that Boston's crime rate is among the lowest of America's major cities, and that the number of policemen per capita is second highest in the nation. Or that the number of black-white murders in Boston is relatively low (nine of the 111 so far this year).

"We're going to have to take some real preventive measures," says Mrs. Hicks, just turned 50. "You can't take a pill and have it go away in the morning.

". . . Right now, we've got to call a halt, look at it, and do something before it's too late. We've got to face up to this problem.

". . . Maybe we have all the laws we need, but maybe people don't know we have them. And maybe they should be enforced."

"KIDS DON'T HAVE ANYTHING"

Sgt. Bolt sees Columbia Point somewhat differently.

"These are kids that don't have anything, anything at all," he said. "They look in a store window and they see things they can never hope to afford. Perhaps if I were in the same fix, I would do the same thing. A kid has no pair of shoes, and he knows he won't get a pair of shoes until he steals them."

And Sgt. Bolt sees crime in Roxbury differently, too.

"The same day that woman was burned," he said, "a black man was shot and killed on Northhampton Street. There was no human cry about that. To me, the problem is that people here don't consider people as human beings. The first question anybody asks is whether the victim was white or black.

"If there is a crime in Roxbury, they ask, 'Well, what was he?' and if the answer is 'black' then they relax and sit back and they're not concerned. But, as soon as we describe the victim as a white Caucasian, then it becomes a matter of public concern."

Sgt. Bolt, who lives in a six-room house in Roxbury, says he is having an ever-harder time convincing black people that "the system" can work.

"We take pride in the fact that we have an educational system that makes the majority of the people literate. So we read in the paper that the Supreme Court of the land has determined that segregated schools are not constitutional. Here it is 1973, and we're still having individual states fighting the integration of schools hammer and tong.

"If it takes 19 years, and the thing is still up in the air, and the black kid reads the paper, 'What the hell is going on? The man is talking out of both sides of his mouth. You say what a great system it is, but they're still fighting over whether I have the right to an equal education.'

"Education is basic to it, you know. It's the first thing we introduce our kids to in a public way. That's where we begin to train him there are differences in people."

A CLOSED WORLD

Sgt. Bolt is jarred by his own daughter, who is 15 and is telling him that "they're against us."

"She came up to me one night and said, 'What happened in World War II? Look at Japan and Germany today. This country had a lot to do with rebuilding those countries, who were once our enemies. We saw fit to make them powerful. If they could do that, why can't they do something now? Would it have been better for us to fight a war with the United States?' "

"And I don't know how to answer those questions.

"We're not talking about poverty programs and a few million dollars here and there that never filter down anyway. They really spent billions of dollars in those countries. It's simple logic, but if you think about it, it's devastating."

The blacks of Boston look around and, often, see a white man's world that is closed to them, white neighborhoods (parishes rather than neighborhoods in Boston), a fire department that is 99-plus per cent white, a police department that is nearly 98 per cent white. You can stand at Columbia Point on the bank of the bay where the old man fished and died or on Blue Hill Avenue in the heart of black Roxbury and speculate on the luxurious living that goes on in the glistening insurance office castles you see looming from the "new Boston" skyline beyond.

Some, like Elma Lewis, who runs the National Center for Afro-American Art, see hopelessness setting in.

"NOBODY CARES"

"I am convinced," she says, "that young people feel there is no way to operate with this system. They look at the so-called successes in the black community, who can't even get their garbage moved, and they say, 'Who needs that?'

"They'll do anything to get a dollar. They look at Agnew and see how he got off. 'He's rich, and he got away with it. That's America, so I'll do it. I'm taking certain risks, yes, but look how big I'll win if I'm a winner.' They say that in America the dollar is the biggest thing in the world, and they look around and they see that it doesn't matter how you get it.

". . . If you walk downtown, you'll see hordes of black kids like wolf packs, snatching hand bags, terrorizing office workers. And if one of those white policemen sees them, he doesn't ask them why they're not in school. These kids realize nobody cares about them. They're not a part of the system. And, when something happens, everybody gets uptight for 10 minutes.

". . . This is a very, very bad time—a very, very serious time."

No one is more cognizant of that than Mayor White, who is holding meetings all

day long with his community affairs specialist and with community groups, trying desparately to keep the lid on, hoping to appeal to what he feels is basic conservatism among Boston's black citizenry.

He feels that the media's overplaying of the murders and their racial aspect was "a disgrace."

He is worried that no one can seem to control young blacks like those who participated in the recent crimes, and whose own internal leadership turns over constantly. He is hoping to mobilize older youths to assume that role.

POLICE HAVE PLANS

Above all, he is disturbed by the thinly veiled racism of the political rhetoric, having been subjected to it in his mayoralty campaign, and has been pleading for calm. During the heat of the reactions to the two murders, he even held two press conferences in one day.

Like most other city officials, he will not tell you about the military-style battle plan the police have ready in case "it" happens in Boston, a plan designed to seal communities off from one another.

"I don't think that there's that deep a despair in the black communities," he says, and wonders whether Boston's black leadership, or anyone else for that matter, can gauge how deep or how hostile are the feelings on the street.

"But I honestly believe," he insists, "that we're nowhere near a racial war."

ATTORNEY GENERAL'S SALARY REDUCTION

Mr. HRUSKA. Mr. President, this week the Senate is scheduled to take up consideration of S. 2673, which proposes to return the salary of the Attorney General to the level in effect on January 1, 1969. This bill was introduced to insure compatibility between the proposed nomination of Senator SAXBE to be Attorney General and the constitutional provision which reads:

No Senator or Representative shall, during the Time for which he was elected, be appointed to any civil office under the Authority of the United States, which shall have been created, or the Emoluments whereof shall been increased during such time; and no Person holding any Office under the United States, shall be a Member of either House during his Continuance in Office. (Article I, Section 6, Clause 2)

There is no question as to Congress authority to raise and lower the salary of Cabinet officers. However, some have voiced concern that even after the enactment of S. 2673, Senator SAXBE may still not be eligible for the office to which he will be nominated.

This concern stems from the fact that Senator SAXBE became a Member of Congress on January 4, 1969 and subsequently salary increases for Cabinet offices were approved. Such concern is fair and understandable, for a cursory reading of that pertinent portion of the Constitution alone, as is the case with almost any portion of that document, could leave one in doubt as to its meaning. Because of this doubt, S. 2673 was referred to the Judiciary Committee for study of the constitutional issues involved.

After a thorough consideration of all the testimony heard before that committee, I am fully convinced that the enactment of this bill would be effective to confirm the eligibility of Senator SAXBE for the office of Attorney General.

The major theme sounded by those who doubt the efficacy of the approach taken by the subject bill, is that the plain, literal words of the clause forbid such a move. However, such an interpretation appears to fly directly in the face of the intentions of the framers, the rules of constitutional construction and available precedents.

The narrow, literal approach to the Constitution taken without reference to pertinent historical data is one which has been long rejected. In one of a line of similar pronouncements, the Supreme Court, in the *Legal Tender Cases*, 12 Wall. 457, 531 (1871) stated:

Nor can it be questioned that when investigating the nature and extent of the powers conferred by the Constitution upon Congress, it is indispensable to keep in view the objects for which those powers were granted. This is a universal rule of construction, applied alike to statutes, wills, contracts, and constitutions. If the general purpose of the instrument is ascertained, the language of its provisions must be construed with reference to that purpose and so as to subserve it. In no other way can the intent of the framers of the instrument be discovered.

A review of the history of the constitutional debates reveals that the framers were concerned with the prevention of the evils which might arise if Members of Congress could benefit from the creation of new offices or increase in the emoluments of existing ones. Much consideration was given as to how to best achieve that objective. One proposal, later rejected, called for an absolute prohibition of Members of Congress assuming civil office both during their term in Congress and for 1 year thereafter. Such an absolute provision, it was clearly recognized, would unfortunately effectively bar the tapping of valuable talent in the Congress, for use in executive offices. In approving the final form of article I, sections 6, clause 2, the framers guarded against possible corruption in the appointment process but also achieved their avowed objective of making available Members of Congress for other positions in the public service.

A restrictive reading of this provision ignores this second portion of its dual function.

The enactment of S. 2673 would be entirely in accord with the intentions of the framers. Upon his confirmation to the office of Attorney General, there would be no emoluments that Senator SAXBE would be entitled to receive which were possibly traceable to any action taken by Congress while he was a member of that body. Further, the country would have the opportunity to be served by a man of recognized experience and ability.

The proponents of a restrictive interpretation of the Constitution indicate difficulty particularly with the words "shall have been increased" found in the phrase in question.

In view of the framers' intentions it would appear that the phrase contemplates a continuing increase of emoluments. Congress by its approval of the 1969 pay increase simply created the condition to which the constitutional clause attaches. By enacting S. 2673, Congress, having the power to revoke as well as enact statutes, will have removed that condition.

The argument has been put forth that if the framers desired the course of action which is before us, they would have specifically provided for it. This argument assumes, however, that the Constitution was drafted in the same manner as a detailed statute. Chief Justice John Marshall, well aware that many constitutional provisions do not spell out contingencies in great detail, wrote in *McCulloch* v. *Maryland*, 17 U.S. 316 (1819):

A constitution to contain an accurate detail of all the subdivisions of which its great powers will admit and of all the means by which they may be carried into execution, would partake of prolixity of a legal code, and could scarcely be embraced by the human mind. It would, probably, never be understood by the public. Its nature, therefore, requires that only its great outlines should be marked, its important objects designated, and the minor ingredients which compose those objects be deduced, from the nature of the objects themselves. . . . We must never forget that it is a constitution we are expounding.

Regarding principles of constitutional construction, we can readily point to instances in which the Supreme Court's interpretation of constitutional provisions go beyond the literal implication of the language in order to reach a result consistent with the intent of the framers. To cite one example, the Court, going beyond the words that prohibit compulsory self-incrimination "in any criminal case," has held that the fifth amendment includes such protection in civil cases, administration proceedings and congressional investigations. Likewise the Court has construed this amendment, beyond its mere words, to uphold the validity of immunity statutes. There are many more examples of construing the Constitution beyond its bare wording standing alone.

In addition to the general principles of constitutional construction, several favorable precedents are available in which Congress engaged in considerable debate upon similar matters.

One such precedent involved the appointment of Senator Morrill as Secretary of the Treasury in 1876. During his term, salaries for Cabinet officers were raised and then subsequently reduced to their former amount. Senator Morrill's nomination was nevertheless confirmed by the Senate without challenge based upon the constitutional provision in question.

A directly analogous situation to that presently before us occurred in 1909 with the nomination of Senator Knox to be Secretary of State. During Senator Knox's term the salary to that office had been increased, and, upon his nomination, legislation was introduced restoring the salary to the level at which it had been prior to Senator Knox's term. Upon passage of this remedial legislation, Senator Knox was named and confirmed by the Senate for that Cabinet position.

The relevance of the entire body of constitutional history in construing the meaning of its provisions was aptly summed up in the following quotation from a 1964 Supreme Court decision:

Our sworn duty to construe the Constitution requires . . . that we read it to effectu-

ate the intent and purpose of the Framers. We must, therefore, consider the history and circumstances indicating what the (provision in question) were in fact designed to achieve. *Bell* v. *Maryland*, 378 U.S. 226, (Mr. Justice Goldberg, concurring).

The inescapable conclusion one draws from a study of a constitutional debate, the rules of construction, and the available precedents is that S. 2673 effectively clears the way for Senator SAXBE's assumption of the Attorney Generalship. I, therefore, urge prompt and favorable action by this body upon this bill and upon the forthcoming nomination of Senator SAXBE.

FOOD FOR PEACE—THE JAMAICA STORY

Mr. HUMPHREY. Mr. President, from the inception of the "Food for Peace" program under Public Law 480, the U.S. Congress and its agricultural committees had expressed the objective of using food donations under title II of the act, not only for humanitarian purposes, but as an incentive for other governments to improve social feeding programs, particularly for children. It was also the goal of the U.S. Congress that the food donations would help countries "graduate upward" from direct food assistance to sales of U.S. food products on long-term concessional credit arrangements.

Jamaica is now providing a significant example of a Food for Peace "success story," demonstrating such a "graduation" from title II food donations to title I concessional credit sales—and by Jamaica's own determination setting a new precedent and example to other developing nations of the world.

For Jamaica's new title I agreement, signed last month, is the first in the world under which the Government is not using the concessional credit to purchase foods for resale into the market place but rather is using the credit to obtain foods for its own constructive social program purposes—in this instance, for its school lunch program under a "model" arrangement that will assure its young people of improved diets and improved nutrition.

Title II food commodities were provided to the Government of Jamaica for a maternal child health and school feeding program under a 3-year agreement which started in 1967. That program authorized 16,000 metric tons of food commodities valued at $5.2 million to feed 200,000 children each year, most of whom are very poor and whose diet otherwise would consist of starchy foods and very little protein. The Jamaica Government showed a willingness from the start to do its own part, committing itself to a cash input of $2,698,000.

The program had since been extended to December 31, 1973, under which the United States agreed to contribute an additional $3.5 million in commodities with the Government of Jamaica agreeing to finance all the administrative inputs, requiring about one million dollars annually.

Further, the Government of Jamaica agreed to build a new central kitchen at a cost of $1.3 million, and to enter into a contract with ARA Services, a private U.S. catering service operating a worldwide network of kitchens serving schools, hospitals, airlines, and other mass feeding centers, to design, supervise construction of and train operators for the central kitchen in the metropolitan area of Kingston and St. Andrew, Jamaica.

Jamaica has kept every pledge, and, under the leadership of an exceptionally able Minister of Education, the Honorable Eli Matalon, has not only dedicated the new central kitchen but has utilized it to move Jamaica forward toward better feeding patterns for all its people. ARA nutritionists working under the contract with Minister Matalon have developed recipes for lunches prepared at the new kitchen which will provide one-third of the daily protein and calorie requirements for 100,000 schoolchildren to be served from this kitchen—and, from its experience, future food policies of the country are evolving. The aim in Jamaica is to start with the children, in teaching the value of better nutrition, but then carrying it to the marketplace where all can share in higher protein products for which acceptance has been proven by these school feeding programs.

Jamaica has not only fulfilled the hopes and expectations of the United States in this forward-looking policy, but it has gone the "extra mile." Under the leadership of Prime Minister Manley, Jamaica is showing its concern for its youth and its ability to stand independently on its own feet, neither dependent upon nor beholden to anyone, yet grateful for cooperation and assistance from everyone appreciating their own goals and desires. Minister of Education Matalon has negotiated the agreement taking Jamaica out of the category of food donations and moving it into the category of paying, with U.S. credits, for the food it is using for social programs, of its own, like the school lunch program. Jamaica has every right to lift its head high on this move. It is an example for many other countries by making use of a U.S. Government program of long-term credits, normally devised for commercial purposes, to serve constructive social purposes.

Under Minister Matalon's leadership, the Government of Jamaica entered into a title I agreement with the United States for provision of the high-protein-blended food commodities which were previously donated under title II, such as wheat-soy blends.

The leadership of Jamaica in utilizing long-term credits of the United States—normally used only for commercial transactions by developing countries—for broader social purposes previously covered by straight food donations, set a new precedent that helps prove the value of the objectives behind the actions of the U.S. Congress in creating these food programs and comes at a time when tight food supplies make it all the more difficult—and costly—for a developing country to implement.

Jamaica has also wisely chosen to use the new high-protein-blended foods, to assure the maximum nutritional and protein value for each dollar it invests in food for its children.

Congratulations are in order, not only to the Jamaican Government, but also the Food for Peace Office in the Agency for International Development and the U.S. Department of Agriculture for pioneering with this new arrangement.

EDITORIAL COMMENT ON THE PRESIDENTIAL CRISIS

Mr. McGOVERN. Mr. President, I have been most impressed by a series of editorials appearing recently in the Washington Post relating to the Presidential crisis that now confronts the Nation. I ask unanimous consent that three editorials entitled "Operation Disney World" appearing in the Washington Post of November 20, November 21, and November 23, an editorial in the Washington Post of November 26 entitled "Mr. Nixon's Thanksgiving Day Offering" and an excellent column by the columnist Mr. William Raspberry in today's Post be printed in the RECORD.

Mr. President, the Sunday Washington Star of November 25 carries a perceptive analysis of the President's personality entitled "What Makes Nixon Tick." The article is authored by Dr. Eli S. Chesen, a psychiatrist who will enter the Air Force in January for 2 years of active duty as Chief of Mental Health at Nellis Air Force Base, Nev. I ask unanimous consent that this piece be printed at this point in the RECORD.

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

[From the Washington Post, Nov. 20, 1973]

OPERATION DISNEY WORLD (I)

Working our way laboriously through the transcript of President Nixon's extraordinary performance last Saturday night before the Associated Press Managing Editors at Disney World, it struck us with increasing force that on a number of specific points the President is not exactly clearing up the record on Watergate and related matters. Rather, he seems determined to add to the public's confusion at almost every turn. The President would have us believe, of course, that with Operation Candor (as the White House has called it) he is at long last setting out to sweep away public misapprehensions—that he is helping us to get to the bottom of the Watergate affair, once and for all. Yet, picking and choosing almost at random, one finds disturbing distortions of the record and misrepresentations of the facts. By way of a beginning effort to set the record straight, we would deal today with the President's misuse of two of his predecessors in office—Thomas Jefferson and Lyndon Johnson—in attempting to defend actions of his own.

Mr. Nixon's persistent use of the "Jefferson rule," as he called it in his Saturday night appearance, is startling. This is the second time in a month that the President has distorted the facts regarding the issuance of a subpoena to President Jefferson by way of justifying his own performance in the matter of the Watergate tapes. In his press conference on October 26, Mr. Nixon said that the court had subpoenaed a letter which President Jefferson had written and Mr. Jefferson had refused to comply, but rather had compromised by producing for the court a summary of the contents of the letter. Saturday night, he went further. He began his answer to a question having to do with executive privilege with the astonishing assertion that, "I, of course, voluntarily waived privilege with regard to turning over the tapes." This is a curious way to describe his ultimate decision to obey an order of the Federal District Court—an order which he first appealed to the U.S. Court of Appeals.

Having lost the appeal he then tried to compromise the issue with the famous Stennis proposal which cost him the resignation of his Attorney General and his Deputy Attorney General in the course of his efforts to fire the Watergate Special Prosecutor who had originally requested the tapes. Having rewritten this recent history, the President went on to elaborate on the "Jefferson Rule" and to rewrite some more. He repeated his version of the Jefferson case which he had given us in October and went on to say that John Marshall, sitting as Chief Justice, had ruled in favor of the Jefferson "compromise."

In just about every important aspect, it simply didn't happen that way. To begin with the letter was not written *by* President Jefferson. It was written *to* him. What is more, Mr. Jefferson agreed to testify in the case under oath (although he wanted to do so in Washington, rather than journey to the court in Richmond). And he sent the entire letter—no a mere summary—to the U.S. Attorney who in turn offered it to the court and authorized the court to use those portions "which had relation to the cause." Chief Justice Marshall, moreover, never ruled in his capacity as Chief Justice on any such compromise; he ruled as a trial judge in a lower court. So much for the misuses of Mr. Jefferson.

Now for President Johnson and Mr. Nixon's taxes. The first thing to be said is that the President was offered a specific opportunity to deny published reports that on a total income of $400,000 for the years 1970 and 1971 that he paid only $1,670 in income taxes. He did not deny it, but rather admitted that he had paid "nominal" taxes for those years. He then said that the fact that his taxes were nominal was not a result of "a cattle ranch or *interest* or all of these gimmicks . . ." Perhaps so. But it would be somewhat surprising if Mr. Nixon did not deduct interest from his gross income for those years. The figures the White House has put out concerning the transactions by which he acquired his Key Biscayne and San Clemente homes indicate that he paid substantial sums in interest in those years, and it is hard to figure out any other way he could have arrived at such a "nominal" obligation.

His own explanation for that "nominal" obligation was that President Johnson told him shortly after he became President in January, 1969, that he ought to donate his vice presidential papers and take a deduction for them. There are two things puzzling about the idea that Mr. Nixon was merely taking his cue from his predecessor. One is the inference conveyed by Mr. Nixon that all this was new to him; in fact, he had made such a donation of some of his official papers in 1968, prior to taking office as President. The second, and far more important thing that is puzzling about Mr. Nixon's story is his suggestion that Mr. Johnson had established the precedent and that both men followed the same general policy in their handling of the tax aspects of their official papers. Prior to 1969, they apparently did just that. But in 1969, Mr. Johnson made a careful decision not to do what President Nixon did, for very precise reasons having to do with property.

The facts of this matter are that in 1969 Congress was debating a significant change in the Internal Revenue Code which might have precluded anyone from taking such a deduction from this sort of gift of papers or documents. Both Mr. Johnson and Mr. Nixon expressed their opposition to this change in the tax rules but until late in the year it was unclear which way Congress would resolve the issue—or when any change would become effective. Under the circumstances, Mr. Johnson decided that it would be unseemly for a former President to attempt to make such a gift in an effort to beat a congressional deadline and so he did not do so—reportedly at a cost of millions of dollars to his heirs. Mr. Nixon, by contrast, made a gift that year of papers valued at more than $500,000 and took what he claimed to be the appropriate deduction.

So much for the inference that Mr. Nixon was only following President Johnson's lead. Beyond that, there is an even larger question—not specifically raised by the editors and consequently ignored by Mr. Nixon on Saturday night—as to whether what he did in 1969 with respect to his gift of papers and claimed tax deduction was in accordance with the requirements of law—quite apart from its propriety in the context of the congressional debate and the likelihood of an imminent change in the rules. Speaking of his predecessor, Mr. Nixon said that Mr. Johnson "had done exactly what the law required." What remains to be seen, as we have noted repeatedly in this space, is whether Mr. Nixon, in this particular instance, can make that same claim for himself.

We do not mean to say that the President does not have a cogent defense of his tax deductions, or of his policy toward the release of his tapes—or of any of a number of other charges and allegations that have been raised in connection with his performance in the broad category of matters which come under the broad misnomer of Watergate. We would simply argue (and we will be returning to the argument in this space) that the President is unlikely to clear the air and resolve public confusion in any conclusive way by the sort of muddying of history and misrepresentation of facts which characterized so much of his appearance before the managing editors on Saturday night in Disney World.

[From the Washington Post, Nov. 21, 1973]

OPERATION DISNEY WORLD (II)

"If it had gone to the Supreme Court—and I know many of my friends argued, 'Why not carry it to the Supreme Court and let them decide it?'—that would, first, have had a confrontation with the Supreme Court, between the Supreme Court and the President. And second, it would have established very possibly a precedent, a precedent breaking down constitutionality that would plague future Presidencies, not just this President."

Thus Mr. Nixon, in his Saturday night question-and-answer session with the Associated Press Managing Editors, elaborated on his reasons for failing to carry his fight to protect the secrecy of the White House tapes subpoenaed by Archibald Cox to the Supreme Court. We cite at some length his remarks on the subject because they strike us as characteristic of the quality of the President's defense as a whole. It is marked by a perpetual shifting of argument, a series of astounding assumptions and a facility for distorting the facts of the case.

Consider only the quotation we have cited. Mr. Nixon, who on October 20th was declaring he was "confident" he would have won an appeal to the Supreme Court but didn't think it would be wise to leave the question open for the time it would take the Supreme Court to rule, now suggests that the prospect of losing was a strong factor in his decision not to appeal. So far as astounding assumptions are concerned, we invite your attention to the President's assumption that a Supreme Court ruling against him would have been of dubious constitutionality (surely the thing works the other way round). And finally, on the facts of the matter, does anyone have any doubt that the reason the President abandoned his plan to seek a Supreme Court test was that he considered he had a better chance of preserving the secrecy of the tapes by cooking up his so-called "compromise" or that he ultimately only agreed to release them to Judge Sirica as a consequence of the uproar brought on by his mishandling of Mr. Cox and the issue as a whole?

Yesterday in this space we addressed ourselves to Mr. Nixon's discussion of his taxes and to his misuse of two of his predecessors in the course of justifying his actions. Today, we will deal briefly with the President's arguments concerning the Watergate case itself.

Mr. Nixon's observations on the Watergate case, of course, revolved around the twin issues of Mr. Cox and the forbidden tapes. It is at least curious that the President who had a great deal to do with delaying Mr. Cox's investigation had the temerity to complain about that delay. Thus Mr. Nixon who earnestly discussed the reasons it had taken him so long to discover that two of the tapes did not exist and who, at least by indirection, acknowledged that he himself had been in a protracted and time-consuming legal battle with the Special Prosecutor concerning the White House documents that would be made available to the prosecution, in the same breath observed that the Special Prosecutor had taken much too long to get his cases into court. What does Mr. Nixon think Archibald Cox was doing for much of that time—if not battling the White House in order to acquire the material he regarded as necessary to bring those cases in an orderly and effective way, material which Mr. Nixon sought to deny him?

When Mr. Nixon observed that Assistant Attorney General Henry Petersen, who was replaced on the Watergate case by Mr. Cox, claimed to have had the case 90 per cent completed when it was put in Mr. Cox's hands, he again misled his audience. That is because, in the first place, Henry Petersen was referring exclusively to the case concerning the burglary of Democratic headquarters on June 17, 1972, and the subsequent cover up, and in the second place, because Mr. Petersen's claim referred to a period before it had been revealed that any White House tapes even existed—a revelation that inevitably produced attempts on the part of the Special Prosecutor to gain access to this potentially crucial new evidence.

Nor does the President's explanation of his delay in informing the court of the nonexistence of two of the subpoenaed tapes overwhelmingly persuade. If Mr. Nixon is so clear in his mind that he made the June 20, 1972, phone call to John Mitchell on a White House telephone that was not part of his recording system—he even recalls that he was on his way in to dinner when he placed the call—how could it have taken him from late September to late October to ascertain this fact? How is it, for that matter, that he wasn't aware there was no such tape back in July when Mr. Cox subpoenaed a tape of the call? If Mr. Nixon is now only deducing from the absence of a tape that he must have made the call on the phone in question, he is merely offering us a theory, not an assertion of fact—and if, on the contrary he is offering a clear recollection of fact, there is hardly any explanation for the many months it took him to remember or disclose it.

The case for the President's delay in discovering the nonexistence of a tape of his crucial April 15 conversation with John Dean is not much more persuasive. The President is known to have spent many hours on June 4th listening to tapes of conversations he'd had with Mr. Dean; the April 15 conversation was among their most important talks; and Mr. Cox subpoenaed this tape also in mid-July. Mr. Nixon, however, asks us to accept his argument that he did not discover that there was no tape until late September and that he had less sense of urgency about finding it than he had about the others because only Mr. Cox—and not the Ervin Committee—had asked for it.

Since the President did not intend to produce tapes for the Ervin Committee in any event, and since the Ervin Committee (unlike Mr. Cox) lost its case in court to gain access to them, it is hard to see how the Ervin Committee requests could have figured so prominently in Mr. Nixon's actions at the time.

So much for Mr. Nixon's capacity to twist beyond recognition the already complex matter of the tapes. And so much for his desire once and for all to clarify these matters with candor. Because the President has attached such great importance to this latest "once and for all" effort to set the record straight, we think it equally important to examine his words and the facts to which he alludes with great care. Therefore, we intend to return to the subject of Operation Candor. There is yet much to discuss.

[From the Washington Post, Nov. 23, 1973]

OPERATION DISNEY WORLD (III)

After President Nixon's meetings with the Republican governors in Memphis on Monday, Gov. Tom McCall of Oregon said Mr. Nixon "was very believable today—more believable than I've ever seen him before." White House deputy press secretary Gerald L. Warren, for his part, said Mr. Nixon hadn't told the governors anything he hadn't said before. There is only one way to reconcile these two comments and that is to assume that the governors are either so credulous or so hungry for reassurance that they can be inordinately cheered by a little special attention and a superficial plausibility—what White House aides used to call "stroking." For if Mr. Nixon's private sessions with the Republicans have been anything like his public performance before the Associated Press Managing Editors at Disney World last Saturday, he has been serving up generous portions of half-truths, illusions and outright distortions as substitutes for facts.

We have already discussed his penchant for rewriting the record of past Presidents and his confusing, not to say misleading, reconstruction of his role with respect to the Watergate investigation and the missing tapes. There is another pattern in his performance that takes the form of directing attention away from his own conduct and toward his opposition as some sort of justification or excuse for what he may have done. Scapegoating is, of course, a very human trait; but even children usually learn quite early that "everybody does it" and "he hit me first" seldom stand up as viable defenses—even when the finger-pointing has some validity.

Mr. Nixon compounds the weakness in this tactic by twisting the facts. Discussing the financing of the 1972 campaign, he said:

"Neither party was without fault . . . They raised $36 million and some of that, like some of ours, came from corporate sources and was illegal because the law had been changed, and apparently people didn't know it."

Now the fact is that no corporations have admitted or been charged with making illegal gifts to the McGovern campaign, while six have so far been convicted of making large unlawful donations to Mr. Nixon's reelection drive. Furthermore, the law barring such corporate gifts is hardly new; it was enacted in 1907.

There was a similar twist to Mr. Nixon's version of the milk deal—a story he was all too eager to advance. As he told it, the administration's sudden reversal on milk price supports in March 1971 came about not because of large contributions from the dairy lobby, but because "Congress put a gun to our head." Members of Congress comprising about one-fourth of each house, mostly Democrats and including Senator McGovern, were urging an increase to 85 or 90 per cent of parity. According to Mr. Nixon, the furor got so intense his "legislative leaders" said "there is no way" to avoid passage of a bill and the override of a veto.

There are two things that are unpersuasive about this. First, Democratic pressures don't explain some crucial concurrent events: the dairy lobby's contribution of $10,000 to the Republicans on March 22, 1971; a presidential meeting with spokesmen for three big dairy co-ops on March 23; another industry contribution of $25,000 on March 24; and the price support increase on March 25. Nor do Democratic pressures explain either the White House staff memo, alluding to a dairy industry commitment of $1 million or more, or any number of other curious facts about the size and the timing of the milk lobby's largesse. Moreover, if Senator McGovern and his colleagues did push Mr. Nixon to change his mind, that would be another historic first. Given the President's penchant for vetoes and extraordinary success in making them stick, this would have been the only time we can think of that the administration was cowed by a group of Democrats not numerous enough even to pass a bill—much less to override a veto.

Then there was the "everybody-does-it" approach to the sensitive matter of presidential taping of conversations. In the course of his tortuous remarks about the missing tapes, Mr. Nixon said in passing that the taping equipment used in President Johnson's term "was incidentally much better equipment . . . and I am not saying that critically." Well, so far as we can determine, the equipment President Johnson actually had was in no way comparable to the extensive, indiscriminate automatic voice-actuated system—"little Sony" or not—which President Nixon installed. Close associates of President Johnson can recall only recorders attached to two telephone consoles, one in the Oval Office and one in the presidential bedroom. Each box reportedly had two cylinders with a total recording time of 30 minutes, and the mechanism had to be activated each time by a toggle switch—and by the President's conscious decision that a particular conversation was sensitive enough to be worth recording on tape. According to his former aides, Mr. Johnson used this equipment, with its limited capabilities, primarily to obtain an exact record of conversations with the military and with foreign diplomats. If Mr. Nixon knows of any other bugging or telephone tapping operations by his predecessor—anything remotely like the all-embracing, voice-activated mechanisms Mr. Nixon himself employed—the facts should be disclosed. If not, the innuendo—"critical" or otherwise—should stop.

There were still more misleading comments, such as Mr. Nixon's description of his telephone conversation with John N. Mitchell on June 20, 1972. As Mr. Nixon tells it now, Mr. Mitchell "expressed chagrin to me that the organization over which he had control could have gotten out of hand in this way." However, on that same day, Mr. Mitchell was expressing no such chagrin publicly. On the contrary, in a formal public statement he was saying, "This committee did not authorize and does not condone the alleged actions of the five men apprehended Saturday morning. . . . The Committee for the Re-election of the President is not legally, morally or ethically accountable for actions taken without its knowledge and beyond the scope of its control."

In one sense, it hardly matters to what extent this constitutes a conscious, deliberate effort to distract and deceive, and to what extent Mr. Nixon has really come to believe that the record he's supposedly setting straight is the truth. Either way, such rhetorical evasions and distortions place an intolerable burden on the public and the government at a time of severe national stress. In short, when you take the trouble to examine with some care the contents of "Operation Candor," you discover that candor is precisely what is lacking in this latest effort by the President to present us, "once and for all," with the facts which could begin the long, slow process of restoring public confidence in Mr. Nixon's conduct of government.

[From the Washington Post, Nov. 26, 1973]

MR. NIXON'S THANKSGIVING DAY OFFERING

Did we dream it up over a heavy holiday weekend? Or did President Nixon's lawyers really go into court late last Wednesday, on the eve of Thanksgiving, and announce that there is an inexplicable, 18-minute missing passage in one of the more crucial Watergate tapes? It does not seem possible that this could happen when you consider everything else that has already happened in the matter of the President's tapes:

The formal subpoenas for nine recorded conversations, on behalf of the President's own Special Prosecutor; the losing Court fight on the constitutional principle of separation of powers; the attempted compromise in which, it was said, Sen. John Stennis of Mississippi had agreed to verify "every requested" tape; the subsequent firm commitment by the President to comply completely with the court's order to produce the tapes; the sudden revelation that two of the nine tapes were missing; and finally Mr. Nixon's solemn reassurance earlier last week to the Republican governors that at least the surviving seven tapes were intact and "audible" and that there were no more "bombs waiting in the wings" to shred what is left of public trust in the President.

And yet we didn't dream it—the evidence of the newspaper clippings is there. White House Special Counsel J. Fred Buzhardt did in fact tell Federal District Judge John Sirica on Wednesday that there had been this "phenomenon," as he put it—that part of the tape of a June 20, 1972 conversation between the President and his chief of staff, H. R. Haldeman, consisted of nothing more than an "audible tone." As a Thanksgiving Day offering, this would be quite sufficiently shattering. But in our view, the political reaction to it of the Republican governors who had come away from their Tuesday meeting with Nixon in an almost buoyant mood was more disturbing and demoralizing than the actual fact of this latest misadventure with the tapes. For what it tells us is that the President remains more than ever incapable—at least in the way he is now going about it—of recapturing the public confidence he so desperately needs if he is to conduct his office effectively over the next three years.

"He had probably the most representative and sympathetic audience of any group in the country and he just didn't square with us, level with us," said Gov. Dan Evans of Washington.

"I came out of there assured that we've bottomed out and now I'm not sure that we've bottomed out because this revelation does call for some further explanation," said Gov. Winfield Dunn of Tennessee.

Gov. Tom McCall of Oregon, who had said on Tuesday that he and his colleagues had been left with "a sense of relief that the President was leveling," said afterward that he was "sorely perplexed."

Now, these are not men, as far as we know, who wish for anything other than the President's political recovery. They want to believe that what he has been saying all through the long months of Watergate about his own innocence of wrong-doing—and about his ignorance of wrong-doing by others, as well—is true. So when their faith is shaken, right on the heels of the fresh sense of reassurance which has supposedly been generated as a result of the new "Operation Candor" we have been witnessing, it reinforces a point that we have been trying to make in this space for a good many months. The point is that it is not going to be enough for the President simply to protest his inno-

cence—or to pretend that he can afford to leave the final verdict to the courts or to an impeachment process. And neither is it going to be enough for him to treat his current predicament as a public relations exercise—something that can be handled by a show of self-confidence or by a great flurry of activity to prove that he is capable of "governing." The point is that he must deal with the complex facts of the matter in a way which suggests that he has some respect and concern not only for the technical requirements of a court of law but for the practical requirements of public sensibilities. And that is precisely what he is not doing. Leaving aside his handling of the record of the various cases which come under the heading of Watergate—the cover-up, ITT, the milk deal, his personal finances, the "plumbers" and all the rest—he is demonstrably not doing this even with so seemingly straightforward a question as his compliance with a lawful order of a court to yield up his famous tapes intact.

Instead, what the President has done is to give us yet another indication that, one way or another, this requested evidence has been grossly mishandled. Whether or not the mishandling amounts to actual tampering, we would not profess to know. But even giving the President the best of it, it amounts to gross negligence, if not monumental incompetence, on a level which invites suspicions of the darkest sort at a time when the removal of suspicion ought to be the President's first imperative. What Mr. Nixon is playing fast and loose with, after all, is potential evidence in a criminal proceeding, evidence which he has been commanded by the courts to produce. This evidence was requested by his Special Prosecutor in July and while it is true that the President decided, quite within his rights, to oppose the subpoenas (and a consequent federal court order upholding their legality) on broad constitutional grounds, this course of action in no way relieved him of an obligation to preserve and produce the requested material in the event that the courts ruled against him—as indeed they did.

On the contrary, it seems to us he had an obligation from the outset to ascertain immediately whether he actually possessed what the Special Prosecutor was asking for—and what was being fought over in the courts. In fact, it now appears that he did not even take the trouble to discover until the end of September that two of the requested tapes were missing and he did not reveal this information until the end of October. Thereupon, he offered as a substitute for one of the missing tapes a dictabelt recording of his own account of the meeting in question—only to announce later that this too could not be found. Now he is telling us that a big chunk out of one of the seven remaining tapes is also missing, and while there is no way of telling exactly how important its loss may be, this is the way Special Prosecutor Archibald Cox, in his request to Judge Sirica, explained the possible relevance of the tape covering Mr. Nixon's conversation with Mr. Haldeman on June 20, 1972:

"There is every reason to infer that the meeting included discussion of the Watergate incident. The break-in had occurred on June 17—just three days earlier . . . Early on the morning of June 20, Haldeman, Ehrlichman, Mitchell, Dean and Attorney General Kleindienst met in the White House. This was their first opportunity for full discussion of how to handle the Watergate incident, and Ehrlichman has testified that Watergate was indeed the primary subject of the meeting . . . From there, Ehrlichman and then Haldeman went to see the President. The inference that they reported on Watergate and may well have received instructions, is almost irrestible. The inference is confirmed by Ehrlichman's public testimony that the discussion with respondent [the President] included both Watergate and government wiretapping . . . The contemporary evidence of that meeting should show the extent of the knowledge of the illegal activity by the participants or any effort to conceal the truth from the respondent."

With 18 minutes missing from the recording of this meeting, we will now never know whether it was as potentially significant as Mr. Cox believed it to be—just as we will never know what might have been on the two tapes that are missing in their entirety. What we do know, however, is that it has taken Mr. Nixon the better part of four months to reveal to us that evidentiary material lawfully demanded of him by a court of law either never existed or has somehow disappeared. Given the resources at the command of the President and the care with which other urgent presidential business is carried out, to ask us at this stage to believe that this happened by accident—or even out of nothing more than incompetence or indifference—is to put the faith of an abused American public to an excruciating test.

WHY ASK IF HE'S GUILTY?

(By William Raspberry)

Satisfactory answers are yet to come, but President Nixon finally has got the question right.

"People have got to know whether or not their President is a crook," he told the 400 Associated Press editors in Florida. Naturally he didn't proceed to confess to a bill of high crimes and misdemeanors, saying instead, "I am not a crook."

But he was right on target when he said it is in the people's interest to know whether there is a crook in the White House.

It is this target that ought to be kept in mind while weighing conflicting testimony regarding the Nixon administration scandals. The advantage of keeping it in mind is that it helps to make sense of a lot of things.

For instance, if the question is: Am I a crook?, the answer, whatever the facts may be, is: No, I'm not. If he is in fact innocent, he certainly is going to say that he's innocent. But if he's guilty as sin, he'll still say that he is innocent. The only way he could say otherwise would be in a speech of resignation. Or in a suicide note.

If you know what his answer must necessarily be, then it's pretty well pointless to ask him the question. It's equally pointless, of course, to have him ask it of himself as he has been doing for the past couple of weeks in an effort to restore his credibility which, like certain other items in the White House inventory, either is lost or never existed in the first place.

It is to his advantage, of course, to try to create the feeling that he is being newly candid without providing any new information. To some degree, the attempt seems to be succeeding. Some of the AP editors, for instance, came away from Disney World saying their doubts concerning the President's credibility had been relieved.

But in the long run, it's hard to see how it can work. If he has information that would serve to establish his innocence, it would have been released long before now. If he had tapes that proved John Dean a liar and John Mitchell an honest civil servant, those tapes would long since be public knowledge.

On the other hand, if the documents and the tapes tended to disprove Richard Nixon's version of things, he would certainly resist any move to make them available.

Which, of course, is precisely what he has been doing, and which is why so many Americans take for granted that he is lying. It's very difficult not to believe that something funny is going on. First you have the President's flat refusal to furnish the tapes and other documents; then, when he is finally ordered by the courts (after an unsuccessful appeal) to produce them, two of the most important recordings turn out not to exist. And while an incredulous public is still laughing about that, it turns out that another significant tape is just whistlin' Dixie for 18 minutes.

A third of the supposedly crucial tapes have been eliminated. One expects to see any day now a newspaper headline reading: "And Then There Were None."

And this is just the tapes. There were presidential attempts to limit the scope of the Watergate investigation long before the world knew there were tapes, and the attempts continue even while the tapes are disappearing.

The President's problem is to make believable a series of muddy, incomplete explanations of White House interference in the investigation. What makes it so difficult a problem is that a much simpler explanation makes more sense. It all falls into place if you assume that the President is guilty of most of the things he is suspected of, and that any major new disclosure would tend to point out his guilt. Assume that, and the business of blocking investigations and withholding documents and having tape recordings go sour or evaporate makes absolute sense.

But also, if you assume that, it's silly to demand that the President be candid with the people. A call for candor from a guilty man is really nothing more than a demand that he confess.

I'm not saying that the President is unequivocally guilty, although both the objective evidence and the evidence of his own behavior suggest that he is. What I am saying is that he is the wrong person to ask whether he is guilty.

Instead of debating presidential "candor," which apparently consists of seeming very earnest while divulging no information, we ought to be paying more attention to the other thing he said:

"People have got to know whether or not their President is a crook."

There are ways of finding out.

[From the Washington Star-News, Nov. 25, 1973]

WHAT MAKES NIXON TICK?—ONE PSYCHIATRIST'S ANALYSIS

(By Dr. Eli S. Chesen)

(This article is excerpted from "President Nixon's Psychiatric Profile," a book written by Eli S. Chesen, M.D., and just published by Peter H. Wyden.

(Chesen, a 29-year-old psychiatrist, has not had Nixon as a patient, but gathered what he calls a "surplus" of evidence and of insights from observing him through the media, presidential writings, etc. The evidence actually exceeded that which a psychiatrist might have available in treating some private patients, he said.

(Chesen describes his analysis as politically neutral. He describes himself as a moderate—one who once voted for Goldwater, and who has voted for and against Nixon.

(He also said the study reflects no conclusion by him on whether these psychological characteristics make a person suitable or unsuitable for the presidency: that is up to the electorate.

(Chesen, educated at the University of Nebraska, is completing his residency in Phoenix, Ariz. In January he will enter the Air Force, as a major, for two years of active duty as chief of mental health at Nellis Air Force Base, Nev.)

Paradoxical as it seems, frequently more can be learned about someone's inner workings when the examiner is an interested spectator or observer rather than a prying interrogator. Much can be learned about someone just by looking at him, listening to him, looking at his accomplishments, and reading his writings.

The federal government has used this method. It has been the habit of the government, through some of its agencies, to

compile secret psychiatric profiles of its foreign enemies and, at times (the Ellsberg affair) of its own citizenry. During World War II, psychoanalytic studies of Adolf Hitler were carried out, in absentia, by our government as well as others.

The profile presented in this article is not secret, and for the most part was compiled in my own living room as I watched my own television set, using methods that are completely open to question and scrutiny. Public necessity dictates that this be done. It is imperative that we gain insight into the minds that have not only been governing us but investigating some of us.

We can know much more than we do about Richard Nixon and his fan club. We need only look closely at the subtle but revealing aspects of these men to discover what makes them run.

One early surmise that I can offer is that they run rapidly and powerfully, like a well-tuned Ferrari, but the fuel is not high-octane gasoline—it is Anxiety. More than any other factor, the neurotic need, shared by many people, to deny his own human limitations has led to Richard Nixon's successes as well as to his failures. It has perverted the political process and given us the Watergate phenomenon.

Richard Nixon made it all possible and even inevitable by serving as a rigid mold for his followers. He is a victim of his own inflexible, predictable personality. He takes himself and the intrinsic office of the presidency too seriously—thereby showing, among other things, that he lacks one of the redeeming attributes of his one-time mentor, Dwight D. Eisenhower.

Eisenhower knew that he was only part of Nixon, an extension of himself. It is no wonder, then, that many of his closest associates have seen themselves as mere appendages of the President, even at the expense of their own personal integrity.

NIXON VERSUS MILHOUS

An early conflict that has plagued Nixon from childhood through his political life is that of "Milhous versus Nixon." I refer to the dichotomy of a powerful, dominating, yet pacifist mother who was experienced by Richard along with an argumentative, punitive, hot-tempered, extroverted father.

Hannah Nixon was a gentle, peace-loving woman even though she dominated the entire family, including her husband. Frank Nixon, though dominated by his wife, was a political reactionary, in the sense that he reacted dramatically to what he felt were political injustices; he was a fighter.

It would be just about impossible for Nixon to live up to both of these standards simultaneously—they cannot coexist. This is a partial explanation for Nixon's puzzling patterns of ambivalence.

By repressing the Milhous identification, he is able to function smoothly as a war hawk. At other times he is a conscious Milhous, and shows it by way of his diplomatic missions designed as authentic strategy to achieve peace, such as his overtures to the long-hated Russian and Chinese Communists. In this parent-built paradox lies one of Nixon's greatest strengths and apparent flexibilities.

Because Nixon's primary identifications seem to be with his mother, he is able, most of the time, to keep the "Frank Nixon elements" repressed. Yet these elements continue to seek the light of day and at times come to the surface in the form of surprising explosions. These explosions produce the Nixon who "is never to be argued with", the Nixon who refuses to give in to the face of reality; the Nixon who on a few occasions gives out with gut reactions he is to regret and back down from later.

SELF-CONTROL

But overall Richard Nixon's most highly organized and finely honed weapon against his underlying insecurities is his ability to maintain strenuous self-control.

In Nixon's conscious and unconscious strivings to isolate his inner self from observation, he unknowingly is most revealing.

Opening statements such as "Let me be perfectly clear," "Let me be quite candid," "Let me speak with candor," and "Let me make this point crystal clear" are long-familiar trademarks of the Nixon rhetoric. On the surface, such statements appear to be reasonable ways to initiate points; but the excessive usage of them indicates something more. A closer analysis permits at least two conclusions.

At the risk of appearing politically naive, I will assume here that the public expects some emotional straightforwardness from a public official at a press conference. Everyone grants that no one can be totally honest all of the time; nevertheless, we do expect some candor in public colloquy.

Within that context such utterances as "Let me be quite candid" become unnecessary redundancies. Yet while such assertions are really not required by the public, they are obligatory for Nixon.

It is quite possible that during a press conference Nixon sees himself as candid even when he is not; the reality is acknowledged only unconsciously. Because of the constant presence of these unconscious forces, Nixon tends to use such expressions automatically and liberally. He needs to use these expressions to convince himself of "truths" that he is uncertain about.

As a psychiatrist, I find that when I take a history from a patient who employs excessive energy to defend his own credibility as a historian, rather than just being a historian, he is actually being less than candid. For example, during the course of an appointment John tells me that what he is about to say is "absolutely true." At this point I ask myself (and, if appropriate, I may ask John), "Why do you have to assure me of your veracity when I tend to assume it?" I find myself asking the same question about Richard Nixon.

GESTURES

Nixon's typical gestures offer another clue to his mysterious personality. The famous Nixonian arm movements resemble those of a robot. He moves like a cumbersome unitized structure. This appears to be the result of high muscle tone, which in turn reflects tension and control.

His facial expressions do not come across with any degree of warmth or naturalness. The familiar pensive look is interrupted occasionally by a rapid, transient smile which switches on and off like a neon sign. Even during the momentary smile one gets the glimmer of an ambivalent clown face subtly frowning through a painted smile. The sound of the infrequent laugh is forced and limited.

Why must this man so consistently display such an exaggerated measure of composure? Being in control is really an effort to ward off feelings of self-uncertainty. Unconsciously, Nixon is likely distressed by such feelings of being less than perfect. Despite the presence of a surplus of unconscious insecurities, one can successfully deny the existence of those insecurities to oneself if one can achieve absolute control over oneself.

Using these psychological mechanisms, Nixon has theoretically placed himself in a position of incredible power: He can anticipate and prepare for anything that might happen in his life! While many people (especially successful achievers) operate to varying degrees on the same principle, there is evidence that Nixon has followed it as a psychological modus operandi, a law of life.

DETAILS, DETAILS

Nixon has a "passion for facts." He likewise is passionate in his need to "take advantage of a situation," to have it under his total control. Our subject has a very real fear of leaving out any detail for fear he might overlook something important. An unfortunate aspect of this fear is that it can interfere with judgment: If nothing is considered unimportant and everything is important, the mind can get bogged down with trivia.

Nixon illustrates this vividly in his description (in Six Crises) of the fateful 1960 campaign: "At 4:30 Sunday afternoon, we took off for Alaska, a trip which was to mark the fulfillment of the pledge, made in my acceptance speech, to carry the campaign into every one of the fifty states. Not even our most optimistic supporters thought we had a chance to carry Alaska."

This accounting is revealing. First we get a sampling of Nixon's obsession with detail in his writing style: "4:30 Sunday afternoon"; the book is papered with such unneeded minutiae. More important, we see Nixon's obsession with detail on a much grander scale: He must campaign in every state, leave no stone unturned.

Politically such an all-inclusive crusade could not be justified. It was general knowledge that the election was pivoting on key precincts in Chicago and other large cities. The need to mount a pointless trip to Democratic Alaska arose from neurotic necessity, not political logic.

This is all part of Nixon's tendency toward overkill when he prepares to meet situations. He must do this to convince himself *unconsciously* that he is invulnerable, that he has done everything possible, covered every detail. In responding to those *unconscious* drives, he unfortunately shortchanges conscious judgments.

Nixon's paramount dread is that he might overlook something and therefore commit an error. Mistakes are intolerable, a point that Nixon beats to death in his book, "Six Crises": The point of greatest danger is not during the battle itself, but in the period immediately after . . . Then, completely exhausted and drained emotionally, he must watch his decisions carefully. Then there is an increased possibility of error because he may lack the necessary cushion of emotional and mental reserve which is essential for good judgment."

This not only demonstrates an obsession to take up an emotional guard. It also testifies to the tremendous energy that is required to keep control. It is no accident that Nixon's crises go on and on. He tends to view life as a series of battles. Though he is always able to find an external enemy, more significant war is being waged on Nixon's internal battlefield.

GRANDEUR

Nixon's unconscious insecurities have contributed to much of his admirable success. Having achieved almost total control over himself, he advanced to the presidency of the United States, thereby assuming the most significant possible control of his environment. In command of himself and his government, he is able to fend off distressful unconscious feelings of helplessness and vulnerability that are ever threatening from within. As for Nixon's compulsive drive to accumulate all possible knowledge including details, while it is obviously impossible for anyone to master all knowledge, Nixon has an inclination to try. It gives him a subjective feeling of comfort, of preparedness. These strivings give rise to illusory feelings of omniscience. In turn, this pansophical illusion presumes uninhibited abilities or omnipotence.

By assuming this stance Nixon can see himself as superhuman and therefore not endangered by the usual threats that ordinary humans must face. In this unconscious milieu of heightened self-importance, he proves to himself and to the world that *he*

need not operate by the rules. The comforting illusion of grandeur tends to extend across all aspects of Nixon's functioning.

The mechanisms that turn insecurity into grandeur are not in themselves pathological. I do not mean to imply that Nixon is afflicted by "delusions of grandeur," as are patients in highly pathological mental states who have a fixed false belief. (Delusions of grandeur are seen in psychotic individuals who, for example, believe they are someone other than themselves. A most common example of this is the psychotic person who believes that he is Jesus Christ.)

This is not the case of illusional thinking. The more subtle mechanisms of evolving grandeur that I see in Nixon are almost universal. We all need to defend ourselves against anxiety, and this is one very effective way it is often done, unconsciously and consciously. In Nixon's case, I believe he looks upon himself as being more important and almighty than he is in reality. Nixon's apparent illusions of himself certainly suggest at least the presence of a personality problem.

I discuss Nixon's grandiosity because it is, first of all, a very consistent component of his personality. Second, it is one of several important Nixon characteristics that profoundly influenced the evolution of Watergate. Third, it is important to point out that, while the outgrowth of grandiosity is comforting and not in itself pathological, it does have untoward side effects.

Nixon's grandiosity is also illustrated by what is now being called his "imperial life style."

While no recent American President has been lacking in luxury, Nixon extended the personal perquisites of the nation's chief executive to an unprecedented degree. In the process he exhibited an intense desire to acquire not only extreme privacy for working and living but to create almost surrealistic buffers to place between himself and the vast mass of mere mortals.

When it comes to the President's personal working environment, *Fortune* magazine finds a flight from humanity in these tacts among many others: "Nixon's penchant for solitude has resulted in an unparalleled proliferation" of office suites for his personal use—nine at latest count!

Fortune concluded: "The attitude of the man at the top toward his perquisites is generally a reflection of his conception of his role and power. The deliberate expansion of presidential benefits tends to confirm and reinforce a monarchial vision of the office."

WATERGATE

Given critical amounts of sunlight, moisture, gravity, chemical elements, temperature, and time, the evolution of life becomes a certainty. Given our constitutional form of government and the personality dynamics of Richard Milhous Nixon, the evolution of the Watergate operation was equally inevitable.

The "Watergate operation" refers to the entire panorama of unusual and illegal activity emanating and/or controlled from the White House by Nixon and his staff. By analyzing the Watergate scandal, a great deal is learned about Richard Nixon's mental processes. Regardless of his detailed involvement or noninvolvement in the operation, his handling of this albatross has at times allowed the observer a closer look than could have been achieved at any other time. And by examining Nixon's psychological make-up, it becomes apparent why Watergate was a process of natural evolution—inevitable.

In the summer of 1971 Richard Nixon called for the formation of a special-investigations unit which has come to be known as "the Plumbers," to plug leaks of confidential White House information to the press, and to carry out other delicate responsibilities.

Nixon's very edict to form the Plumbers unit was an extension of his own need for omniscience. This takes on special personal psychological significance for Nixon when one considers that other established federal agencies exist which function in intelligence gathering—notably the Central Intelligence Agency, the Federal Bureau of Investigation, the Internal Revenue Service, and the National Security Agency.

Not only does Nixon need to have an inordinate amount and variety of private intelligence, he also requires direct control over the intelligence gathering. In reality, the Plumbers were not established because of any incompetence on the part of existing agencies. They were established because, unlike the FBI or CIA, Nixon could maintain total direct and indirect control of their operations.

The tiny elite group could have been better named "The Agency for the Maintenance of Personal Omniscience." It gathered information because intelligence-gathering decreases anxiety in the face of the otherwise unknown and puts Nixon in a unique position of power.

The taping of newsmen's telephones satisfies Nixon's appetite for omniscience in more than one way. To Nixon, the press, like the Communists, are looked upon with fear and assigned to the status of enemies. This attitude is based on Nixon's need to "shut the world out." The job of the newsman conflicts with his need. The reporter's job is to gather his own kind of intelligence. When this involves Nixon's activities, the presidential shell of anonymity is painfully threatened.

I think Nixon's fear of the press is constant but fluctuating. One index of his relative feelings of insecurity before the press might be his avoidance of using a podium during press conferences, as has been suggested by journalists. With the evolution of Watergate, there was a reappearance of the podium. Anyone who has done any public speaking is aware of the added feeling of security that a podium provides. While Nixon used to pride himself on standing directly before his audiences, he began using a podium again in the wake of his administration scandals.

OVERKILL

Again, I am obviously in no position to know what, if any, specific degree of guilt is attributable to Nixon personally. However, a break-in into the opposition headquarters reflects a general Nixon theme.

In this case the enemy was the Democratic party. If an effort to become all-knowing about Democratic activity could be successful, then enemy power would be defused. The question of Nixon's degree of direct involvement becomes academic in this psychological study.

A theme of overkill applies in the Ellsberg case, too: Everything must be done (regardless of legalities) to insure the "right" outcome. "Overkill" is a theme woven throughout the fabric of Watergate and the life of Richard Nixon. Its aim is to insure absolute control over the future whenever possible and at all costs.

As the Watergate scandal blossomed, it became possible to see Nixon's complex series of external psychological defense mechanisms first boldly exposed and then stripped away. A classic example is that of the famous White House tapes.

Among the most startling testimony before the Senate Select Committee was the soberly spoken revelation of a former White House functionary, Alexander P. Butterfield. A one-time aide to H. R. Haldeman, Butterfield straightforwardly described how Nixon had directed the Secret Service to install voice-recording equipment in Nixon's Oval Office, his Executive Office Building office, and the Cabinet room. (After Butterfield's disclosure, Nixon said he ordered the equipment's removal.)

This reiterates and adds credibility to much of my theoretical foundation of Nixon's psychiatric profile.

First we must examine Nixon's own professed motives for establishing the elaborate system of eavesdropping. He and his aides claimed that these recording devices were to preserve a running account of all oral communications for the sake of history. Even if we were to accept this at face value, Nixon is confirming personality characteristics that I have previously discussed. This is especially true since Nixon has an excellent memory that surely will serve him well in writing his own memoirs. But he is again preoccupied with all detail and shows a fear of leaving something out.

The open-ended, almost infinite gathering and mechanical memorizing of conversations represents the pinnacle of omniscience.

A "submarine effect" also comes into play with the Nixon tapes. Recalling this integral mechanism of his personality, we can see what was probably Nixon's primary motivation in setting up his office as a recording studio. Imagine Nixon as a submerged submarine captain whose periscope makes him aware of all that is going on about him, including all conversations.

Personally, the submarine captain (Nixon) is anonymous with respect to the tape recorder. I mean that he knows it is there: consequently, by controlling his candor in the recorder's presence, he enjoys selected anonymity.

Being aware of this unusual setup, Nixon gained a sense of power over anyone with whom he spoke in his office. Since the purpose of the recorder was to record history—and since Nixon's is to control history—Nixon was able to speak selectively with his victimized guests and edit himself so as to place himself in a favorable light vis-a-vis the microphone.

THE "SUBMARINE"

Guided by Nixon's knowledge of the recorder and his victim's ignorance of the machine, Nixon alone could always show his best side to the microphone. Like a periscope, the microphone became a one-way valve that put only Nixon's unsuspecting conversational partners in a bad light.

It is most important for Nixon to see himself in a good light, which the tapes certainly enabled him to do. This is the most dramatic example I can think of to demonstrate the use of omniscience by Nixon to place himself in a relative position of power over others.

A SIGN OF THE TIMES

Mr. BIDEN. Mr. President, we live in an exciting time. With the ever increasing pace of life, it remains extremely difficult to keep abreast of the latest changes. It is both exhausting and exciting. Just recently, I learned that the State of Delaware now has a woman football referee. Quoting from the Wilmington Morning News on November 16, 1973, itself:

> Dale Levine isn't your average woman and she doesn't even come close to being your run-of-the-mill football referee—but she's trying to get sanctioned in the latter department.

Mr. President, I commend Ms. Levine's efforts and wish her continuing good luck as referee. I ask unanimous consent that the full text of the Wilmington Morning News article be printed in the RECORD in my remarks.

There being no objection, the article

was ordered to be printed in the RECORD, as follows:

MS. LEVINE—FOOTBALL UMPIRE

Dale Levine isn't your average woman and she doesn't even come close to being your run-of-the-mill football referee—but she's trying to get sanctioned in the latter department.

On Monday night, the 26-year-old Claymonter will go back to school to take her final exam in football officiating. If she passes the test given by the National Federation of State High School Athletic Associations, Miss Levine will become the first woman in the state sanctioned to officiate at Delaware varsity high school football games.

Miss Levine, who is a sports columnist for the Evening Journal, says she originally got into officiating to give her a different slant on the games. She didn't get "the (officiating) bug" until later.

Since the school year started, she has been a rookie official in junior varsity and peewee league games. She needs the National Federation sanction, though, to move up to varsity games.

Eventually, Miss Levine would like to take the National Collegiate Athletic Association officials test. This would allow her to referee at games involving high schools which play NCAA rules, such as members of the Independent Conference, and at college games.

To date, she has refereed games in Delaware, southern Pennsylvania and Maryland.

So far, she hasn't had any major beefs over her calls. She points out that football officiating is about 95 per cent judgment and five per cent rules.

"Most coaches realize I'm a rookie and have been more than willing to cooperate," she says.

Has she had any problems with the players?

Not really. At one game, however, things got a little suspicious.

The game two weeks ago was between Glasgow High School's junior varsity and Middletown High School's junior varsity.

As Miss Levine tells it, Middletown doesn't have a real, organized junior varsity. As a result most of the plays were sweeps.

All in her direction.

FINANCIAL STATEMENTS OF THE ALEUT CORPORATION FOR THE YEAR ENDING JUNE 30, 1973

Mr. JACKSON. Mr. President, in accordance with section 7(o) of the Alaska Native Claims Settlement Act, the Aleut Corporation has furnished to the Interior and Insular Affairs Committee their audited financial statements for the year ending June 30, 1973.

Mr. President, I would like to bring these to the attention of the Members of the Senate, so I am submitting the statements and ask unanimous consent that they be printed in the RECORD.

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

COOPERS & LYBRAND,
ANCHORAGE, ALASKA,
October 16, 1973.

THE BOARD OF DIRECTORS,
The Aleut Corporation,
Anchorage, Alaska.

We have examined the accompanying preoperating accountability statement of The Aleut Corporation (a corporation in the development stage) as of June 30, 1973 and the related statement of preoperating financial activities for the period June 21, 1972 (date of incorporation) to June 30, 1973. Our examination was made in accordance with generally accepted auditing standards, and accordingly included such tests of the accounting records and such other auditing procedures as we consider necessary in the circumstances.

The Corporation is in the development stage and has no operating history. Recovery of preoperating costs (Note 1) through operations is dependent upon future events, the outcome of which cannot be determined at this stage of the Corporation's development, and the accompanying financial statements have been prepared to reflect these circumstances. Because of this, the financial statements do not present financial position or results of operations.

In our opinion, the aforementioned financial statements present fairly the cost of the assets, preoperating activities, and the liabilities of The Aleut Corporation as of June 30, 1973 and the source and use of its financial resources for the period June 21, 1972 (date of incorporation) to June 30, 1973 in conformity with generally accepted accounting principles.

COOPERS & LYBRAND.

THE ALEUT CORPORATION
(A Corporation in the Development Stage)
PREOPERATING ACCOUNTABILITY STATEMENT—JUNE 30, 1973

Cash	$19,786
Receivables:	
Village corporations	15,426
The Aleut League, an affiliated nonprofit corporation	51,705
Note from Alaska Federation of Natives, Inc., bearing interest at 6 percent	22,932
Accrued interest	1,574
Other	3,938
Total	95,575
Federal National Mortgage Association debentures, 7.25 percent, at cost which approximates market	130,000
Prepaid expenses	9,193
Notes receivable from employees, at 8 percent interest	13,631
Office furniture and equipment and automobile at cost, less accumulated depreciation of $1,633 (Note 1)	17,591
Preoperating costs (Note 1)	245,245
Total Assets	531,021
Less liabilities:	
Accounts payable	16,516
Accrued payroll and payroll taxes	14,505
Total Liabilities	31,021
Contributed capital, advanced by Alaska Native Fund (Notes 2 and 3)	500,000

STATEMENT OF PREOPERATING FINANCIAL ACTIVITIES

For the period June 21, 1972 (date of incorporation) to June 30, 1973

Source of financial resources:	
Contributed capital advanced by Alaska Native Fund (Note 2)	$500,000
Use of financial resources:	
Accounts and notes receivable	95,575
Investments	130,000
Prepaid expenses	9,193
Notes receivable—employees	13,631
Furniture, equipment and automobile	19,224
Preoperating costs (Note 1)	245,245
Less depreciation provision which did not require financial resources this period	1,633
	511,235
Excess of uses over sources represented by the excess of accounts payable and accrued liabilities over cash	$11,235

NOTES TO FINANCIAL STATEMENTS

1. Basis of Financial Statements and Significant Accounting Policies:

The Aleut Corporation was incorporated June 21, 1972 as a regional native corporation pursuant to the Alaska Native Claims Settlement Act. The Corporation will assist in administering the Aleut region's share of a) 40 million acres of land and b) cash distributions of $962,500,000, provided by the Act. The region's share (estimated to be 3.5 percent) cannot be determined until shareholder enrollment is completed (Note 4). The Corporation will receive title to the subsurface estate of the land selected in the Aleut region. Seventy percent of all revenues received from timber resources and subsurface rights received by each of the regional corporations shall be divided annually among all regional corporations based on enrollment of eligible Alaska natives.

The Corporation is affiliated with The Aleut League, a nonprofit corporation.

The accompanying financial statements give recognition to the fact that the Corporation is in the development stage and has no operating history. All costs incurred, reduced by incidental investment revenues, have been accumulated because they were incurred in the expectation that they would benefit future periods. It is not practicable, at the present stage of the Corporation's activities, to determine the extent of recoverability of the accumulated preoperating costs. Recoverability is dependent on future events, including the ability of the company to attain the goals of its development program, and to achieve a satisfactory level of operations. The outcome of these matters cannot be determined at this time.

Depreciation of furniture, equipment and automobile is calculated by the straight-line method over estimated useful lives of 3 to 10 years.

1. Basis of Financial Statements and Significant Accounting Policies, Continued:

Costs and expenses incurred by the Corporation from June 21, 1972 (date of incorporation) to June 30, 1973, reduced by interest income, are deferred as preoperating costs. These costs will be amortized over a period of years to be determined when the Corporation commences operations.

Preoperating costs deferred at June 30, 1973 consist of the following:

Salaries	$69,184
Directors' fees and per diem	16,941
Directors and other meeting expenses	25,781
Travel expenses	38,128
Legal and consulting fees	69,431
Office and equipment rent	9,944
Payroll taxes	2,474
Depreciation	1,633
Insurance	2,069
Employee relocation expense	9,997
Telephone and telegraph	3,502
Office supplies and expense	5,407
Pension plan expense (Note 4)	7,913
Total	$262,404
Less interest income	−17,159
Total	$245,245

Funds received under provisions of the Alaska Native Claims Settlement Act, from the Alaska Native Fund, are not subject to Federal, State or local income taxes. Real property interests received pursuant to the Act are not subject to income taxes, however, income derived from the real property interests and other operations of the Corporation are subject to Federal, State and local income tax regulations.

1. Basis of Financial Statements and Significant Accounting Policies, Continued:

Real property interests received under the Act are exempt from ad valorem taxes for a period of 20 years or until developed.

Investment tax credits will be reflected as a reduction of income tax provisions in the year utilized.

2. Alaska Native Fund Advance:

This is an advance from the Alaska Native Fund of the Corporation's share of cash to be received pursuant to the Alaska Native Claims Settlement Act. This advance is not subject to the percentage distributions described below. However, it will be deducted from the Corporation's portion of future funds payable by the Alaska Native Fund. The Corporation's share of cash distributions constitute contributed capital to the Corporation. All amounts received from the Alaska Native Fund, revenues from timber resources and subsurface rights and all other net income shall be distributed as follows:

(1) 10% to individual shareholders (for five years from December 18, 1971)

(2) 45% to Village Corporations and Class B shareholders (for five years from December 18, 1971 and 50% thereafter)

(3) Balance to be retained by the Corporation.

3. Common Stock:

One hundred shares of common stock is to be issued to each qualified shareholder when shareholder enrollment pursuant to the Act is complete (anticipated to be December 18, 1973), as follows:

Class A shares (no par value, 1,000,000 shares authorized, none issued) to Alaska natives enrolled pursuant to the Act in the Aleut region and who are stockholders in one of the village corporations in the Aleut region.

Class B shares (no par value, 1,000,000 shares authorized, none issued) to Alaska natives enrolled pursuant to the Act in the Aleut region but who are not stockholders in one of the village corporations in the Aleut region.

For a period of 20 years from December 18, 1971 the stock dividends paid or other stock rights are restricted, pursuant to the Act, and the stock may not be sold, pledged, assigned or otherwise alienated except in certain circumstances by court decree or by death. For the 20 year period the stock shall carry voting rights only if the holder thereof is an eligible Alaska native.

4. Pension Plan:

The Corporation has established a non-contributory pension plan covering one employee, in accordance with an obligation under an employment contract, and funds the cost currently under an annuity contract. Such expense for the current year was $7,913.

5. Subsequent Event:

In September, 1973 the Corporation received a Native Loan of $250,000 from the State of Alaska at 5.9 percent interest, which is not collateralized and is due December 1974.

METHODS TO COMBAT THE ENERGY CRISIS

Mr. HUDDLESTON. Mr. President, last night President Nixon announced a new six-point program to combat the energy crisis. This program includes: A ban on Sunday gasoline sales; rationing of heating oils; mandatory 50 and 55 mile-per-hour speed limits for cars and trucks respectively; restrictions on outdoor lighting; a reduction of scheduled airline flights to reduce jet fuel consumption; and a diversion of some petroleum that would normally be used for gas into the production of home heating oil to meet winter needs.

Like so much of what the administration has done in the energy field, some of these measures are rather late in coming. Had we taken strong, effective conservation measures months ago we would not be in such a crunch today. And but for the leadership of many Members of Congress—particularly Senator HENRY M. JACKSON—the President would not be in a position to take the steps he has taken. But all of that is past, and we must deal with the situation today.

I generally support the actions announced last night by the President, and I believe the American people will also give their support and make what sacrifices are necessary. We have perhaps been energy gluttons in the past and now we will have to tighten our belts. We are now paying for our past excesses—and our shortsightedness.

But I think it is also fair to warn the American people that the worst may yet be ahead. We may well be required to institute even tougher, more restrictive measures in the months ahead. We have only to keep a few facts in mind:

The President himself said the measures he announced would relieve only about 10 percent of an anticipated 17 percent shortfall in energy.

Studies by a congressional committee and the Library of Congress project the shortfall will be far greater than 17 percent—perhaps as much as 35 percent.

The situation in the Middle East, especially as negotiations approach, remains as volatile as ever.

So the very real possibility exists that much tougher measures will be required. And should that occur, I hope the administration will not go the route of putting a large surtax on gasoline sales. Far better methods are available.

I was very pleased that the administration announced that it had tentatively rejected that proposition. However, should the crunch get worse I fear that some within the administration may again push the gas tax as a method of reducing gasoline consumption.

The gasoline tax is unacceptable because such a tax would hurt the very people least able to afford it. Lower income people already have less discretionary use of gasoline than do other segments of the population. Increasing the tax on gasoline would certainly limit what discretion they now have.

As for middle-income Americans, they are already overtaxed and hard hit by the high cost of necessities. Another tax would merely take money out of their pockets and severely inhibit their ability to make ends meet.

In addition, a gas tax would take billions of dollars out of the economy and perhaps contribute to an economic recession which many economists are already saying is inevitable. A penny-a-gallon surtax would yield roughly $1 billion in Federal revenues. A 30-cent surtax would bring in almost $30 billion.

Projected real growth of the economy was anticipated to be about 2.5 percent before the energy crisis. Now economists see a no-growth year in 1974 or a 1- to 2-percent decline with resultant high unemployment. Indeed, the administration's game plan of an economic "soft landing" may end up being a big thud.

But with these facts in mind, it would be foolish to take another $10, $20, or $30 billion out of circulation through a gas tax. To do so would turn the possibility of a recession into a reality—in a hurry.

I believe other methods—including periodic restrictions on driving—would be far better than a gas tax increase. And while I certainly hope we will not have to go to rationing, if worse comes to worse that would be preferable to a gas tax hike.

Mr. President, in recent days two of my State's daily newspapers—the Lexington Herald and the Paducah Sun-Democrat—have editorially opposed higher gasoline taxes for many of the same reasons I have already stated.

As the Herald stated:

> However unpleasant a prospect of gasoline rationing may be, it offers room at least for an equal sharing of hardship, a cutdown of consumption at all levels of motorist society. That is something a new tax cannot do.

The Sun-Democrat said:

> The proposed tax increase should be buried in a "graveyard for stupid legislative proposals."

I agree. The paper goes on to point out that:

> The scheme would make more gasoline available to the rich at the expense of the poor.

I ask unanimous consent that these two editorials be printed in the RECORD.

There being no objection, the editorials were ordered to be printed in the RECORD, as follows:

[From the Lexington (Ky.) Herald, Nov. 14, 1973]

RATIONING BETTER THAN TAX INCREASE

A move to clamp another tax bite on motor vehicle fuel is a tempting option to Nixon administration officials dealing with the oil shortage and the question of how to cut gasoline consumption.

The officials should be given credit for trying, but they should be warned that they are on the wrong track.

They believe their proposed tax, if enacted by Congress, would do what other price increases do: reduce consumption. They see the added revenue from a resulting price increase going to the public treasury, and not to an industry that by recent accounts appears to be doing very well on its own.

They see additional advantage: A new gasoline tax of anywhere from 5 to 40 cents a gallon could be collected without much added effort. Machinery for collecting a federal tax of 4 cents a gallon has operated for many years.

What Nixon administration officials should see is that a new gasoline tax would force low-income people to do most of the cutting back in consumption. Also, it would run contrary to the idea that taxation should be employed to meet expenses of government, not to punish the citizenry.

Everything points to a continuing rise in gasoline prices because of international market conditions working to the detriment of the American consumer. Already he pays from 9 to 12.5 cents in state and federal tax levies on every gallon of gasoline he uses. The last thing he needs now is more tax, which would force prices even higher.

However unpleasant a prospect of gasoline

rationing may be, it offers room at least for an equal sharing of hardship, a cutdown of consumption at all levels of motorist society. That is something a new tax cannot do.

[From the Paducah (Ky.) Sun-Democrat, Nov. 15, 1973]

PROPOSAL DESERVES A "STUPIDITY" PRIZE

If a prize is offered for the most idiotic suggestion made to relieve the gasoline shortage, we nominate for the award the proposal to increase by a "large" amount the federal tax on each gallon sold.

So far, the authors of this proposal are identified only as "top officials of the Nixon administration." Even the mention of the President's name in connection with the suggestion is enough to step up the tempo of impeachment talk throughout the country.

The idea of jacking up the price of gasoline so high the average motorist could not afford to buy it is so blatantly unfair it's a wonder that even the "top officials" couldn't see its unfairness. What the scheme would do is make more gasoline available to the rich at the expense of the poor. Some democracy!

Maybe we do the authors of the proposal an injustice. Maybe they did recognize its unfairness. Why else would they propose that each gasoline consumer be allowed to deduct as an income tax credit the extra amount of gasoline tax levied to hold down gasoline consumption? Perhaps they never even considered the fact that the wealthy car owner—the individual who could afford to buy all the gasoline he needed at the higher price—would also receive the largest income tax credit at the end of the year. Perhaps—but we doubt it.

If there is a graveyard for stupid legislative proposals in Washington, we suggest that this suggestion be buried in it immediately. If it wins a stupidity prize, the award can be buried alongside without exhuming the putrid body.

WATERGATE AND AMERICAN FOREIGN POLICY

Mr. BIDEN. Mr. President, a week ago, on November 19, my colleague from Idaho, Senator CHURCH, spoke at the University of Delaware in Newark on Watergate and its effects on American foreign policy.

In his address, the Senator suggested that the time has come for America to consider a constitutional amendment to provide for removal of the President as a result of "no confidence." It is a thought-provoking suggestion, and one which I commend to the Senate for its consideration.

I ask unanimous consent, Mr. President, that the text of Senator Church's speech be printed in the RECORD.

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

WATERGATE AND THE AMERICAN FOREIGN POLICY

Outrage and indignation have largely served their purpose in the Watergate affair. This is not to suggest that the guilty be let off or that judicial proceedings be suspended. On the contrary, they must be seen through as the law requires, even as to the President, himself. It is rather my purpose to suggest that the issue now belongs in the courts, and in the House Judiciary Committee's inquiry into possible grounds for impeachment. The Ervin hearings have served a necessary and cathartic purpose, but that purpose seems substantially fulfilled. With gratitude for that accomplishment, we can now most usefully turn our attention to the roots of the corruption called "Watergate," to its causes and antecedents, not so as to judge and condemn, but for the more important purpose of gaining insight and perspective on which to base corrective measures.

This view, I suspect, may not be universally shared. It is reported, for example, that many Americans feel that Mr. Agnew was let off too lightly, and perhaps he was. Even more inflammatory was the President's ill-considered action in firing Mr. Cox and provoking the resignation of Attorney General Richardson, and in his tergiversations with the tapes. Nonetheless, it seems to me most important that we distinguish between punitive and corrective justice, not for the sake of the transgressors, but to spare the country unnecessary bitterness and division. Allowing then that judicial and Congressional processes may still require drastic action—perhaps even impeachment—I suggest that we await the results of those processes before taking further action in the political arena.

There are two reasons for restraint: One is the need for getting on with the country's business—a need which is underlined by the delicate and still dangerous situation in the Middle East. The other is the danger of aggressive self-righteousness, of imitating the attitudes if not exactly the methods of those whom we would bring to justice.

I. FIGHTING FIRE WITH FIRE

Imitating the methods of opponents is what got us into trouble in the first place. "Is it possible," Dr. Kissinger asked not long ago, speaking of Watergate, "to insulate foreign policy from the general difficulties we are facing as a nation?" "I don't know the answer," he added, "but that is the question that torments me." It is indeed a significant question, and I shall comment upon it. But there is a prior question that also requires comment—and that is the effect of foreign policy upon our domestic life. To paraphrase Dr. Kissinger: Is it possible to insulate our democracy at home from the kind of foreign policy we have conducted for the last twenty-five years, a policy of almost uninterrupted cold war, hot war, and even clandestine war? Or to put the question even more pointedly: Is it possible to engage in protracted conflict with totalitarian adversaries without coming to imitate their methods, first in dealing with the foreign adversaries themselves, then in dealing with critics and dissenters at home?

One can in fact trace a chain of events connecting President Nixon's Cambodian policy with Watergate. In 1969, the President initiated a policy of secret bombing raids upon the North Vietnamese sanctuaries in Cambodia, at the same time that Administration officials were solemnly and repeatedly proclaiming their respect for Cambodia's neutrality. Then, when reports of the clandestine bombing began to appear in the Press, Mr. Nixon, by his own account, established the notorious "plumbers," a kind of Presidential vigilante force, to plug these and other leaks. The plumbers were also employed for the break-in of the office of Daniel Ellsberg's psychiatrist, necessitated in the view of the Administration by "national security."

The clandestine bombing of Cambodia failed to wipe out the North Vietnamese sanctuaries, and American ground forces were sent in to do the job in the Spring of 1970, setting off the most violent of the anti-war protests at home.

These in turn provoked the beleaguered Administration to undertake widespread, illegal searches and surveillances at home, again, like the bombing itself, in the name of "national security."

Seeking as we have these many years to defend our democracy by undemocratic means—to fight fire with fire—we have come in sight of the point where the circle will close. It will close, if we do not change our course, with the demise of freedom itself, as a casualty of the struggle to defend it. As Alexis de Tocqueville put it in his great work, *Democracy in America:* "All those who seek to destroy the freedom of the democratic nations must know that war is the surest and shortest means to accomplish this. That is the very first axiom of their science."

From its beginning, the conduct of the Vietnam war has dolefully borne out Tocqueville's aphorism. Between 1961 and 1964, our operations in Vietnam, through so-called "military advisers," were largely if not entirely covert. In 1964, as our involvement grew and seemed likely to grow even larger, President Johnson sought a semblance of Congressional acquiescence through the Gulf of Tonkin Resolution. Congress adopted that Resolution in the firm belief—spelled out in the Resolution itself—that the naval units of North Vietnam had repeatedly and deliberately attacked United States naval vessels on the high seas and that these attacks were, in the words of the Resolution, "part of a deliberate and systematic campaign of aggression" on the part of North Vietnam. It has since become known that the ships involved, "the *Maddox* and the *Turner Joy*, were engaged in provocative intelligence activities in the Gulf of Tonkin, and serious doubt has been cast on whether the alleged second attack ever took place at all.

In addition, in the course of adopting the Resolution, Congress made it abundantly clear that it did not consider itself to be authorizing a war but, by backing the President, helping to *prevent* a full-scale war. Nonetheless, the Gulf of Tonkin Resolution was later invoked as valid authorization for the Vietnam war, as if Congress could authorize war inadvertently, without knowing what it was doing. In fact, the Tonkin Resolution was more in nature of a "dirty trick," a foreign policy precursor, and something of a precedent, to the domestic dirty tricks of Watergate.

President Johnson entered and then escalated the Vietnam war behind a smokescreen of misstatements and evasions. I do not think President Johnson *wished* to deceive the American people or to usurp the powers of Congress. His principal motive, I would guess, was to spare his Great Society program at home from the effects of war, to combine guns with butter by underplaying the guns. In the end, of course, he lost both, as the war dragged on inconclusively and the nation became bitterly divided. The deception of Congress and of the people, and the usurpation of power, came to be perceived as a necessity of national security.

In these conditions of foreign war and domestic uproar, of secrecy, divisiveness and intrigue, the Nixon Administration came to office in 1969. At that time, Mr. Nixon might have restored public confidence in government by leveling with the American people, by setting forth his problems and perspectives with simplicity and candor. He chose, instead, to use advertising techniques, to "sell" the continuing war to the American people by trumpeting periodic troop withdrawals and the decline of American casualties. The Administration also employed secrecy to an unprecedented degree, not only as to the bombing of Cambodia but over the entire range of foreign policy, which came to be made by a White House elite, headed by Dr. Kissinger, with Congress and even the State Department relegated to the periphery.

Like its predecessors, but with far greater thoroughness, the Nixon Administration headed off controversy by secretiveness, dissembling, and the centralization of power, with scarcely a nod in the direction of the Constitution. The Johnson Administration at least paid vice's tribute to virtue by hypocritically invoking the Tonkin Resolution as authority for the Vietnam war. When that Resolution was repealed, the Nixon Administration was more candid—and more brazen—

offering no objection to the repeal because, they said, the Administration had never relied on that Resolution anyway. They were fighting in Vietnam to protect American lives, they said, and that was all the authority they needed. It sounded plausible until one stopped to consider that our soldiers' lives would not have needed protecting if they were not fighting to begin with. In due course, with the withdrawal of our ground forces from Indochina, the Administration was stripped even of this sophistry and was forced to rationalize its continued, but now quite open, bombing of Cambodia with the baffling argument that the bombing was justified as a means of enforcing the cease-fire agreements.

These various devices—secrecy, dissembling and outright deception—worked well for a time, muffling dissent and confounding the opposition. Still, in the absence of candor from its leaders, the country remained divided and mistrustful. Unable to win public trust, the Administration had to settle for grudging acceptance.

Then, as Mr. Nixon's term neared its end and it became evident that grudging acceptance would not guarantee the re-election of the President, it took no great leap of the imagination, perhaps not even a conscious decision, to begin to apply the tricks which had worked in foreign policy, and in the "selling" of foreign policy at home, to the electoral process itself. If the Nixon foreign policy was essential to the "national interest," surely, in the minds of the President's men, the re-election of the President was no less essential. In this frame of reference, the Watergate break-in, the Ellsberg burglary and the campaign sabotage were easy to regard not as "dirty tricks" but as patriotic duty, responsive to a cause that transcended the law of the land.

There is nothing new about any of this. From ancient times arbitrary government has been justified in the name of a higher law. Tyrants have always justified their tyranny in the name of high ideals, never, so far as I know, in the name of wickedness, greed or ambition. History shows that there is no illusion more dangerous than the illusion that the end justifies the means, and no men more dangerous than those who practice that doctrine. Their outlook is nothing less than subversive of the rule of law because of a fatal misunderstanding of the relationship between morality and law. Treating of morality, or of such concepts as "national security" or the "national interest," as if these were objective and incontestible categories, these believers in the "higher law" assume that anyone who does not agree with them must in fact be opposed to morality or "national security," and therefore deserves to be overridden by the most expedient means available, lawful or not. The path that begins with the "higher law" ends inevitably with "dirty tricks."

Conventional law—the law of statutes and constitutions—is based on a different premise: that ideas about morality and justice are subjective and that no one man's idea of what these are is to be relied upon. The law itself therefore serves as the common denominator of diverse opinion and of society's experience as to what morality and the national interest are.

Although it is neither perfectly moral nor perfectly objective, law represents the closest approximation of an objectified morality of which a human society is capable. In such a context, dissent from official views of the "national interest" is not only permissible but essential, because there is no "higher" law in any operative, usable or verifiable sense. All we can aspire to is an approximation of truth, generated through discussion and debate. There is, therefore, no national interest more vital than the preservation of the law itself; when government officials go outside the law, they become in the most literal sense outlaws, assailants of the national interest regardless of what they believe their purpose or motives to be.

In charity and fairness, it must be noted that neither the Johnson nor the Nixon Administration invented the modern practice of going outside the law in the conduct of public policy. Since 1940, crisis has been chronic, and one President after another has felt it necessary to go outside the Constitution, or to resort to secrecy or deceit, in order to defend the national interest as they have perceived it. No one of them, to the best of my knowledge, has wished to usurp the powers of Congress or to deceive the American people; each has been motivated by a desire to circumvent political obstacles in order to deal with real or seeming emergencies. The prevailing attitude was summed up accurately if inadvertently by Secretary of State Dean Acheson in 1951, when he impatiently dismissed Congressional questioning of the President's claimed authority to assign troops to Europe with this comment:

"We are in a position in the world today where the argument as to who has the power to do this, that, or the other thing, is not exactly what is called for from America in this very critical hour." [1]

In this outlook one perceives the seeds of Vietnam and of Watergate. The troops-in-Europe debate was followed by many another "critical hour" in which Constitutional procedure was sacrificed to an anxious expediency, until it became almost the normal way of conducting foreign policy. If this outlook is to be countered, we shall have to begin by returning to first principles. We must reaffirm what we have always known, that no individual—including the President of the United States—has a monopoly of good judgment as to what is or is not in the national interest.

Beyond this, we must reaffirm, as we have also always known, that the delays and inconveniences of the democratic process are not accidental but purposeful, useful and necessary. As Justice Brandeis explained it:

"The doctrine of the separation of powers was adopted by the convention of 1787, not to promote efficiency but to preclude the exercise of arbitrary power. The purpose was, not to avoid friction, but, by means of the inevitable friction incident to the distribution of the governmental powers among three departments, to save the people from autocracy." [2]

Let us return now to Dr. Kissinger's question: "Is it possible to insulate foreign policy from the general difficulties we are facing as a Nation?" Turning the question around, I have tried to show that it is impossible to insulate the Nation from its foreign policy. Conversely, the free working of the democratic process at home, even when it has involved protracted controversy, seems not to have been damaging to our foreign policy. Until recently at least, the Watergate scandal has done no apparent damage to our foreign relations, and in one area—Indochina—it has done a great deal of good.

It is scarcely to Congress' credit, but it took Watergate to embolden the legislators to put a final end to American participation in the Indochina war. The cutoff of funds last summer for any further bombing of Cambodia beyond August 15 might conceivably have been enacted in the absence of Watergate, but it is hardly likely that the Congress would have pressed the issue with as much determination as it did, or that the President, but for his chastened state, would have acquiesced by withholding his veto.

Most foreign governments are not especially interested in Watergate because it does not bear upon their own national interests. Some foreign diplomats have even expressed off-the-record astonishment over the fuss. "It's nothing compared to what we do," one Asian diplomat, who shall remain nameless, confided recently. "Corruption?" asked an incredulous Italian of visiting columnist Mary McGrory. "Signora, don't make me laugh . . . All politicians are robbers . . . we in Italy know that." Others abroad have been favorably impressed by the American reaction to Watergate, regarding the hue and cry, the hearings, press reports and judicial proceedings as testaments to the vitality of American democracy, because in most countries the leaders have no difficulty covering up their scandals. This is not to trumpet Watergate as a triumph of American democracy but to put it in perspective as far as its effects upon our foreign policy are concerned.

The great Communist powers have gone to lengths to avoid having Watergate interfere with their dealings with the Nixon Administration. The Chinese seem to have ignored it, and until President Nixon boasted of his military alert of October 25 as a victory over the Soviets in the Middle East, the Russians were expressing suspicion that the scandal had been cooked up by Communist-haters to derail the Nixon-Brezhnev detente. Only since then has the Soviet press alerted the Russian people to the possibility of President Nixon's impeachment. Prior to that, and for the most part even now, General Secretary Brezhnev has been scrupulously correct in treating Watergate as an internal American matter.

The great communist powers, obviously, are acting on their own interests, the Chinese desiring an American lever against the Soviet Union, the Russians desiring American trade, investment, and—one hopes—an arms agreement. Neither is so moralistic as to let an American scandal interfere with its own national objectives.

Still there are disturbing straws in the wind. At the very least Watergate has had the effect of intensifying the Administration's interest in the dramatization of foreign policy. The reason, of course, is that the Administration is interested in anything that gets people to think about something other than Watergate, the Agnew resignation, the tapes, the firing of Archibald Cox, or the President's income tax. Now, more than ever, the President needs to pull off success spectaculars in foreign policy in order to recapture faltering public support. The greater Mr. Nixon's domestic political need for success abroad, the larger his temptation to take imprudent concessions, and the more likely that foreign powers will come to perceive his vulnerable bargaining position.

The specter of a weakened, increasingly incautious Executive, reaching feverishly for "successes" abroad, raises exceedingly difficult questions for the Congress, questions to which I shall turn in a moment. Until now, however, the crucial connection has not been the effect of Watergate upon foreign policy but the chain of causation between secrecy and deception in foreign policy and the playing of dirty tricks at home. At this juncture, Watergate is most usefully examined not as cause but as culmination—the culmination of three decades of crisis abroad, of war and cold war and the methods used to conduct them, of a foreign policy broken loose from its domestic, democratic moorings. The circle has not yet closed; war and cold war have not yet destroyed the freedom of this democratic nation. But Watergate has given us a glimpse of what the future might hold; it has shown us the accuracy of Alexis deTocqueville's ominous warning.

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[1] "Assignment of Ground Forces of the U.S. to Duty in the European Area," Hearing by Committees on Foreign Relations and Armed Services, U.S. Senate, 1951, pp. 92–93.

[2] *Myers v. United States*, 1926, 272 U.S. 293, Mr. Justice Brandeis dissenting.

III. CONGRESS AND A CRIPPLED PRESIDENCY

There is no better restorative for a weakened democracy than the practice of democracy. Enfeebled institutions are not revived by invocation; they are revived by the exercise of power and by the acceptance of responsibility. Congress in recent decades has often seemed more interested in escaping responsibility than in discharging it, especially in foreign policy and in military matters.

Only the disasters of recent years have caused the Congress to stir from its inertness. Prior to Vietnam and the Watergate, the American Presidency was acquiring an aura of imperial infallibility. Perhaps it had always been an inherent pitfall of the office, but only in these years of chronic national emergency since the Great Depression and World War II has the imperial potential come near to being realized. A whole school of political science has been built on the cult of the Presidency; millions of university students in the Fifties and Sixties were indoctrinated with the idea that the President was the only reliable agent in our politics of progress, reform, and internationalism; whereas Congress was nothing but a bunch of reactionary, parochial, privilege-encrusted, superannuated dolts. If the cult of Presidential infallibility is now in decline—as it appears to be, at least temporarily—it is not the result of a deliberate return to the wisdom of the Founding Fathers, but rather the result of disastrous events—at home and abroad—which have demonstrated that Presidents, like ordinary men, sometimes have feet of clay.

So it is that we are confronted with the perplexing question of how to deal with a President who, by all available indices, has lost the people's confidence but who still wields vast, unchecked power over our foreign relations. The problem is both long-term and short-term; in the long run we may find it necessary to devise new institutional methods of upholding the national interest abroad when a Chief Executive stands discredited at home. In the short term, during the remaining tenure of the Nixon Administration, we must try to insulate our foreign policy from the President's domestic difficulties, conducting ourselves with such restraint as may be required to shield the President from the temptations of incautious but diversionary action abroad, as well as to discourage foreign powers from attempting to exploit his disabilities.

If Congressional resurgence is too little for the job, impeachment may well be too much. Limited in application by the Constitution to the drastic instances of "treason, bribery, or other high crimes and misdemeanors," the impeachment process is ill-suited to a President whose effectiveness has been undermined by incompetence, unsound policies, a lack of personal probity, or criminal conduct on the part of his subordinates. In parliamentary systems, a government can be removed by an expression of "no confidence," either by formal vote or informally as in the case of Chamberlain in 1940, or Anthony Eden after Britain's Suez fiasco in 1956. The ancient Chinese had an equally effective means of removing an emperor who had served the nation badly: the elders of the empire would ease out a discredited ruler by advising him that he had lost "the mandate of heaven."

In the American system—so effective, democratic and ingenious in so many ways—there is no way of removing a President who has lost the "mandate of heaven," except through the criminal-like proceedings of impeachment. President Nixon has clearly lost the confidence of the majority in Congress, but as long as he can have his vetoes upheld by a minority of one-third plus one of either House, he can work his will, at least in a negative way. The elders of the Republican Party might see fit to advise the President that his leadership has become detrimental both to the nation and to his Party, but President Nixon has already defied suggestions that he resign.

It has, therefore, become necessary, most regrettably, to proceed with the impeachment inquiry in the House of Representatives. The prospects are uncertain because of the drastic nature of the remedy, which has been employed only once in our history, and then in the wake of civil war. Public opinion is understandably ambivalent: Recent polls show popular confidence in the President at less than 30 percent; but the polls still show a majority against impeachment, 54 to 37 percent as of early November. Clearly, the nation is in need of a means less drastic than impeachment, but more effective than simple entreaty, to withdraw the "mandate of heaven."

To this end, I suggest that we turn our thoughts to a Constitutional amendment. The exact specifications will require careful, extended deliberation, but the basic requirement is a procedure for removal of a President who, though not necessarily guilty of provable, "high crimes and misdemeanors," has nonetheless lost the capacity to govern. I would not have this done by simple Congressional majorities, principally because our system of separation of powers does not require the maintenance of parliamentary "confidence" in the British sense; our system is not one of simple majoritarian democracy. Moreover, with our loose, undisciplined political parties, transient coalitions might topple Presidents for fractious reasons, reducing the Chief Executive to the condition of a French Premier prior to De Gaulle. The removal of a President on grounds of "no confidence" should require two-thirds majorities of both Houses of Congress. This would assure that, except in rare circumstance, the approval of a President could not be accomplished without substantial support from members of his own Party. A President so removed would be succeeded by his Vice President, either to serve out the remainder of his term, or perhaps only to serve as a caretaker pending a special election. In the latter event, it might be appropriate, and more in keeping with our checks and balances, to require the Congress to step down along with the President and submit to the electorate for a new mandate.

The advantage of such a change in our basic law is that it would spare the nation the burden of protracted periods of division, disruption or paralysis under discredited leaders. When the President himself becomes a national issue, aside from questions of public policy such as inflation or war, his departure becomes a matter of national interest. The greatest advantage of such a Constitutional amendment, however, is that its very existence might obviate the necessity to use it: an incumbent President would be constantly aware of the need to retain the confidence of Congress. The impeachment process might now serve that purpose if it were believable, but few Presidents, including Mr. Nixon, have ever taken seriously the threat of removal from office for "high crimes and misdemeanors." The believable threat of removal from office for reasons of "no confidence" could in itself have the salutary effect of inhibiting executive arrogance, by placing the President under a continuing obligation to work with Congress and faithfully adhere to the laws.

Despite its appeal, I would not have such a Constitutional amendment adopted, or even initiated, in the present overheated political atmosphere. It is never a good idea to make fundamental innovations at a time when emotions are running high, and in any case it would be inappropriate, even if it were feasible, to alter the Constitution in time to have the amendment apply to the present Administration.

The matter is for future regimes; Mr. Nixon must be dealt with under the existing rules. Moreover, various ramifications are likely to arise in the course of considering new methods of removing a President, and these will warrant careful, dispassionate deliberation.

The immediate problem, then, remains: how are we to prevent the Watergate affair from undermining our foreign policy during the remaining tenure of the present Administration? It would hardly be possible, even if it were desirable, to drop Watergate; prosecutions will continue in the courts, and if the House Judiciary Committee find grounds for a bill of impeachment, Congress will have to proceed with the case.

Over and above these processes, however, there is still a government to be run; there is still public business to be done. A crisis of government cannot be allowed to cripple the nation's capacity to deal with such matters as arms control, detente with the Soviet Union, peace in the Middle East, and the burgeoning energy crisis. All of us, therefore—Congress, the press, the people, and the President himself—are under a special obligation to avoid unnecessary recrimination, to confine the area of controversy to the specific issues involved, and to cooperate, wherever possible, for the public interest. Until his term expires in 1977, or until his prior resignation or removal from office, Mr. Nixon will remain the nation's chief magistrate, entitled to the nation's cooperation in the discharge of his legitimate, Constitutional responsibilities.

Mr. Nixon, himself, in these unusual conditions, is under a special obligation to cooperate with the other branches of Government. One hopes, too, that the President will spare the nation the divisive consequences of further polemics against Congress, the press and his critics in general. If the country owes the President a measure of restraint, he owes the country no less. The President can do no greater service to the country and to its institutions, including the Presidency, than to recognize the wisdom embodied in the opinion delivered by the Court of Appeals which affirmed his obligation to surrender the tapes: "Though the President is elected by nationwide ballot, and is often said to represent all the people, he does not embody the nation's sovereignty. He is not above the law's commands . . . Sovereignty remains at all times with the people and they do not forfeit through elections the right to have the law construed against and applied to every citizen."

The President—and all of us—would also do well to recall the words of Justice Brandeis in a 1928 wiretapping case: "In a government of laws, existence of the government will be imperiled if it fails to observe the law scrupulously. Our government is the potent, the omnipresent teacher. For good or for ill, it teaches the whole people by its example."

BALANCED GROWTH SAVES ENERGY

Mr. HUMPHREY. Mr. President, the costs to society of unbalanced and unplanned for growth have been cataloged by many of us on numerous occasions. The fact that 80 percent of our people live on 10 percent of our Nation's land area results in physical and social problems that affect all Americans in the quality of their lives.

A recent article in the New York Times, by Peter Goldmark, looks at the energy crisis within this context of unbalanced growth. Mr. Goldmark's observations on the tremendous energy conservation possible by a more balanced distribution of the American population over our Nation's land area, is based on his experi-

ence with the New Rural Society—NRS—project being carried out under HUD auspices in Windham, Conn.

Because of the insights provided into the energy conservation benefits of "balanced national growth and development," I ask unanimous consent that the Goldmark article, entitled "A Rural Approach to Saving Energy," from the November 11 issue of the New York Times, be printed in its entirety in the RECORD.

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

A RURAL APPROACH TO SAVING ENERGY: TECHNOLOGY COULD HELP EASE URBAN CONGESTION

(By Peter C. Goldmark)

Almost everyone is talking about the "energy crisis" (roughly defined as the shortage of gasoline and fuel oil) and we are being urged to do something about it, from unscrewing the unneeded light bulb to turning off the furnace to—heaven help us—selling the family station wagon.

The President sparked this "save a watt and conserve a gallon" campaign by pleading for restraint in using up our resources and targeting a 5 per cent voluntary reduction in over-all energy use by 1974.

Those who don't think much of the American capacity for self-discipline have been seeking other ways to improve the situation, ranging from innovative techniques (oil from shale, or gas from coal, for instance) or, in the case of petroleum, simply by suggesting more judicious techniques of dealing with the oil-rich Arabs.

Although the United States has only about 6 per cent of the world's population, we consume about 36 per cent of the world's energy. This means that the average American uses six times as much energy as his world neighbors.

Oil experts are calling for national rationing programs. They point out that if every household were to cut back 10 per cent on fuel use, American families will get through the winter. Similarly, if industry conserved 10 per cent of its energy use, some 1.5 million barrels of oil could be saved each day—the output of 24 average-sized refineries.

They're right. But I believe that consumer cooperation must be matched by Government and industry in sponsoring high-technology research. Unless there is a commitment now to begin research and development programs that will pay off in five, 10 or 15 years, no amount of consumer sacrifice is likely to solve the problem.

Scientists have looked into the glamour fuels of the future, from hydrogen to wind to nuclear elements. I have suggested to the National Aeronautics and Space Administration that we utilize the abundant power of the sun (which is readily convertible to heat) by lofting a cluster of solar batteries into orbit.

This can be done with present technology. Not a single new invention is needed.

High-technology programs should also explore nuclear power for energy sources, coal gasification, fusion and geothermal underground natural steam methods to generate electricity.

But will this be enough? I wonder whether short-term palliatives or even long-term technology is going to be enough this time to save us.

The curves that demonstrate how fast the petroleum reserves are being used up and the limitations on other resources are too persuasive to think anything short of a drastic change in lifestyle is going to solve the problem.

I feel, therefore, it is important now to start thinking not just of turning off switches, but of reversing the sorry trends of society—particularly the steady crowding of people into urban centers where more energy is constantly needed.

The mass-transit subway system, for instance, requires enormous amounts of power to bring people from home to work and back again. The new World Trade Center in New York, which is designed to do world business in one building, consumes as much energy in a summer day as a city of 120,000 people. Do we really need it?

My feeling is we do not, and I urge that we consider the possibility of a simple rebalance of population—a shift of the present trend toward the city back to the country. I am not proposing the establishment of a kind of rustic barefooted Walden for future Thoreaus.

What I propose is that the advances of telecommunications technology—satellites, cable TV, broadband circuits and similar devices—make it possible to attract future generations into the smaller towns of America beyond the commuting dependency range of the big city and suburbia and thus cut down on the excessive use of power.

Because of current trends, we are in the midst of an urban-rural problem that is intertwined with the energy crises. In many ways, this triangular problem is linked to the largest migration in the history of man—the migration since 1940 of more than 30 million people from America's rural areas to its cities, creating a population imbalance in which about 80 per cent of the population lives on 10 per cent of the land.

The resulting social problems affect more than three-quarters of our population and they occurred while science and technology triumphed in so many fields, unaware of the developing catastrophe.

My plan for coping with the urban-rural energy crisis, which I call the new rural society (N.R.S.), has been under way for two years as a Federal pilot project under the watchful eye of the Department of Housing and Urban Development in the Windham, Conn., area, 100 miles north of New York City.

We have shown there on a small scale that we can, through telecommunications such as two-way TV and electronic facsimile devices, conduct high-level business without constant personal contact, which uses up fuel in commuting or in other kinds of transportation.

We have also shown that it is possible for hospitals, colleges and state governmental agencies to provide their services from a distance with electronic communications. The basic idea is to find out how to bring even the most complex service to the consumer by imaginative uses of communications and thus to draw people to the country (or keep them there) by providing the same cultural, economic, health and educational services available in the city.

During the first phase of our N.R.S. work we conducted a national "quality of life" study which targets more than 6,000 small communities in rural America whose carefully planned growth can accommodate 75 million to 100 million people who may choose to live and work in an attractive rural environment by the year 2000.

If this kind of program is adopted on a national scale—and I doubt whether it could work otherwise—the effect on power demands will be dramatic. Not only will there be a lessened drain of power in the city but people in the country will rediscover the utility of the bicycle and the feet for transportation as well as for exercise.

If the New Rural Society eliminated commuting over 10 miles, I have calculated that we could save half our current consumption of gasoline while generating only negligible amounts of pollutants.

Heating and air-conditioning in private urban dwellings and business establishments require about 20 per cent of the nation's energy. In rural areas there is far less necessity for air-conditioning and there are no huge building complexes consuming large amounts of electrical power for elevators, heating and cooling, light and other services.

The problem associated with gigantic power generating plants by large cities could be relieved through the use of many smaller local plants, using other means of producing electricity. Today, our use rate of electricity is increasing 7 per cent annually, roughly twice the rate of growth of our total energy consumption.

I submit the N.R.S. is a bold scheme. It demands faith in the options provided by technology. But if such faith is not forthcoming and present trends continue I can see nothing short of disaster. I trust that America is too shrewdly survival-oriented to allow this to happen.

(Dr. Goldmark, former president of C.B.S. Laboratories, is president and director of research of Goldmark Communications Corporation, a subsidiary of Warner Communications, Inc., and a member of the board of trustees of Northeast Utilities.)

ACCIDENTAL FIREARMS FATALITIES IN THE CLEVELAND, OHIO, AREA

Mr. KENNEDY. Mr. President, I would like to place in the RECORD a copy of a report on accidental firearm fatalities in the Cleveland, Ohio, area, prepared by the Cuyahoga County Coroner's Office.

"The possession of firearms by civilians appears to be a dangerous and ineffective means of self protection." That statement critically summarizes the basic conclusion of the study completed by four community health officials in Cuyahoga County.

Throughout the years that I have worked for enactment of effective Federal firearms controls, the needless killing and maiming caused by guns has been repeatedly reported by serious observers of this grave social problem.

Cleveland, Ohio, like other large urban communities has seen a substantial increase in gun ownership by civilians over the past 12 years, according to the report. During that time, the rate of accidental firearms deaths increased five times for white males in the city of Cleveland, and four times for black male Cleveland residents.

And though, total accidental gun deaths are significantly fewer than accidental death from other causes, the accidental death rate for firearms increased 50 percent during the same period.

Last year, the Senate passed legislation to control the abuse of handguns. This study reveals the continuing need to enact effective handgun controls. Approximately 84 percent of all accidental gun deaths were caused by handguns; three-fourths of those deaths occurred in the home, and 70 percent of them occurred while playing with the gun.

Clearly this study, adds to the impressive documentation that the easy accessibility to guns has contributed to the continuing rise in the gun-related deaths and injuries. The importance of this study, once again emphasizes the need for the Nation to adopt stringent and effective controls on these harmful weapons.

I believe every Member in this Senate

deserves to review this cricital report, and I ask unanimous consent to enter in the RECORD the full report, "Accidental Firearm Fatalities in a Metropolitan City" with accompanying tables.

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

ACCIDENTAL FIREARM FATALITIES IN A METROPOLITAN COUNTY

By Charles S. Hirsch, H.D.; Deputy Coroner, Cuyahoga County Coroner's Office, 2121 Adelbert Road, Cleveland, Ohio 44106, Assistant Professor of Forensic Pathology, Case Western Reserve University School of Medicine.

By Norman B. Rushforth, Ph.D.; Professor of Biology and Chairman of the Department, Case Western Reserve University, 2080 Adelbest Road, Cleveland, Ohio 44106, Associate Professor of Biometry, Case Western Reserve University School of Medicine.

By Amasa B. Ford, M.D.; Associate Professor of Community Health and Medicine, Acting Director of the Department of Community Health, Case Western Reserve University School of Medicine, Wearn Research Building, University Hospitals, Cleveland, Ohio 44106.

By Lester Adelson, M.D.; Chief Deputy Coroner, Cuyahoga County Coroner's Office, 2121 Adelbert Road, Cleveland, Ohio 44106, Professor of Forensic Pathology, Case Western Reserve University School of Medicine.

Presented before the Epidemiology Section, American Public Health Association, San Francisco, California, November 6, 1973.

INTRODUCTION

We have recently reported an alarming increase in the number of homicidal deaths in the Cleveland area (1). The major proportion (80%) of these violent deaths was caused by firearms, especially handguns, and we concluded that a significant factor in the increase in the homicide rate was the ready availability of small arms. In order to investigate this phase of the matter further, we undertook a study to acquire additional independent evidence to test our hypothesis that the number of firearm incidents (nonfatal as well as fatal) is a function of the number of guns in civilian hands. This report is a statistical survey of accidental firearm fatalities in Cuyahoga County (Cleveland, Ohio and suburbs) during the interval from 1958 through 1972 inclusive.

Previous studies of accidental firearm deaths have shown a preponderance of male victims, with a peak incidence in the 15–24 year age range and a higher rate in nonwhites than in whites (2,3). From 1959–61, 56% of such fatalities occurred in the home when the place of occurrence was stated on death certificates (2).

METHOD

For purposes of classification and discussion, we have subdivided Cuyahoga County ("county") into two fractions: 1. the centrally located City of Cleveland ("city") and 2. the aggregate of 60 other municipalities ("suburbs"). All known and suspected violent ("unnatural") deaths in the county must be investigated by the coroner's office, regardless of the fashion in which the violence arose. Reporting the violent deaths is complete because a valid death certificate cannot be signed by a person other than the Coroner when injury causes or contributes to death.

We have tabulated all accidental gunshot fatalities in Cuyahoga County by the geographic subdivision where the incident occurred.

Establishing the cause of death in firearm fatalities usually offers no problem. However, determination of the *manner* of death, i.e., accident *versus* suicide or homicide, can be difficult. Two basic sets of circumstances exist: was the fatal wound self-inflicted (suicide or accident?) or was it inflicted by another (homicide or accident?). In either instance, an appropriate ruling as to the manner of death requires considered evaluation of information derived from all available sources. Useful criteria which help to substantiate or refute the statements of witnesses include the location of the fatal wound, the range and direction of fire, and the presence or absence of primer or gunpowder residue on the victim's hands.

Data supplementing the objective anatomic and toxicologic findings of the coroner's staff are supplied by police reports, eyewitness accounts, and hospital records. In Cuyahoga County, validity of judgment as to the manner of death is enhanced by experience and has been consistent within the limits of individual variability because one man (Samuel R. Gerber, M.D., J.D.) has been Coroner since 1936. When the manner of death cannot be determined "beyond a reasonable doubt," cases are classified as "violence of undetermined origin." From 1958 through 1972 seven firearm fatalities have been so classified.

We calculated accidental firearm fatality rates from the number of victims listed in the Coroner's records and from population figures in Census Bureau publications. The decennial cenuses of 1960 and 1970 furnished city and suburban population sizes in the respective years. These data were supplemented by a Special Census for the City of Cleveland in 1965.

Accidental firearm fatalities were analyzed with respect to the following variables: (1) rates for other types of accidental death; (2) geographic location of the incident (city, suburbs); (3) agent (self-inflicted, other); (4) age, sex, and race of victim; (5) presence of ethyl alcohol in adult victims; (6) types of firearms (handguns, long guns); (7) time and place of occurrence of the incident (primate dwelling, other places); and (8) circumstances surrounding the occurrence (cleaning gun, handling or playing with gun, etc.).

Cuyahoga County is an almost completely urban area, and there is very little legal hunting within its boundaries. Fatalities from hunting accidents, therefore, are conspicuously absent in our study population.

RESULTS

Table 1 shows the number of accidental fatal firearm victims in Cuyahoga County classified by race and sex for the City of Cleveland and suburbs for each year during the period 1958–1972 inclusive. In the city, accidental firearm deaths are most frequent among nonwhite males, whereas, in the suburbs, white males constitute the majority of victims. A marked increase in accidental firearm deaths in the city started in 1968 and continued through 1971. Although there was a reduction in such deaths in 1972, the total for the first nine and a half months of 1973 is 11, suggesting that the elevated rate is being sustained.

The increase in accidental firearm deaths in the city during the latter part of the 15-year period occurred at a time during which there were large changes in the size and composition of the population of the county. It is therefore necessary to examine rates for subgroups of the population. The total population of the city decreased over these 15 years by more than 14 per cent. During this interval, the nonwhite population in the city increased by about 12 per cent for males and 19 per cent for females, whereas the white population underwent a reduction of approximately 28 per cent for males and 25 per cent for females.

Rates for accidental firearm deaths increased for both nonwhite and white city males. The average annual rate of accidental firearm deaths for white males rose from 0.3 per 100,000 for the period 1958–1962 to 0.6 for 1963–1967, and to 1.6 for 1968–1872, a 5-fold increase over the initial rate (Table 2). Comparable rates for nonwhite males in the city show a similar trend, rising from 1.5 for 1958–1962 to 1.7 for 1963–1967 and up to 6.0 for 1968–1972. The city rate in the last five year interval is four times greater than it was in the period 1958–1962.

The suburban population, black as well as white, increased during the study period. For suburban white males, the rate of accidental firearm deaths per 100,000 rose from 0.2 to 0.3 and then up to 0.4 for the successive five-year periods, a doubling of the rate during the study interval.

Table 3 lists the average annual death rates for various types of accidents in Cuyahoga County for the successive five-year periods from 1958 through 1972. Firearm death rates are smaller than those for vehicular, industrial, home and "other" accidents. However, during this period, death rates from firearms have increased more than those from any other types of accidents, climbing 3-fold. While deaths from vehicular accidents increased 50% over the 12-year period, other accidental death rates rose only slightly.

We also tabulated accidental firearm deaths in the city and suburbs by month of the year, day of the week, and time of the day. There were no significant differences in the number of deaths by month or day ($P > 10$). Fatal accidental shootings were most numerous (72%) in the period from 3:00 P.M. to midnight for children up to age 15. They were relatively high for adults during this period also, and extended in similar high frequency over the time period from midnight to 3:00 A.M. (77% of the incidents occurred during the interval from 3:00 P.M. to 3:00 A.M.).

One hundred and ten of the 131 accidental firearm fatalities (84%) resulted from mishaps with handguns. Three-quarters of these fatalities occurred in the home, and the majority of them (70%) occurred when someone was handling or "playing" with a gun. Of the 87 victims whose blood was tested for ethanol, 43 (50%) gave positive results. For children up to age 15, slightly less than half (45%) of the accidental firearm deaths were self-inflicted as compared with 70% for adults.

The age-specific rates of accidental firearm deaths were calculated for the period 1968–1972, using the 1970 census data for both nonwhite males and white males in the city (there were insufficient numbers of deaths in other categories to compute meaningful rates). Figure 1 shows that annual death rates for both white and nonwhite males in Cleveland rose with to a maximum in the range 25–34 years and then decreased.

[Figure 1 not printed in RECORD.]

DISCUSSION

Aggressive behavior, social stress, poverty, disrespect for law, disintegration of families and a variety of other factors (exclusive of alcohol and drug abuse) which have been suggested as causes of homicide and other crimes of violence, have no direct relationship to the occurrence of accidental deaths inflicted by firearms. These tragic deaths result only from careless handling of guns and other types of misadventure. Our evidence suggests that the number of accidental firearm fatalities is determined primarily by the number of guns in civilian hands.

The annual number of accidental firearm deaths in Cuyahoga County tripled in 1968 as compared with the average for the previous ten years, and the increased level was sustained for four consecutive years. Since the criteria for a "Coroner's verdict" (ruling) of accidental firearm death were unchanged, and the system of reporting and recording such fatalities was consistent, the increase

must be regarded as significant. In 1972 the number of these deaths in Cuyahoga County dropped to pre-1968 levels, but the rate in 1973 again appears to be high.

Routine supporting of accidental deaths due to firearms on a national basis shows very little change in rates over the past 20 years (4). We have obtained figures from medicolegal offices in 13 metropolitan jurisdictions across the country. Roughly a quarter show increases during the past 4 or 5 years, while the majority show no definite trend. Evidently the experience in Cleveland is not unique, nor, on the other hand, is it confirmed in all urban areas.

Our data also suggests that guns in the home are more dangerous than useful to the homeowner and his family who keep them to protect their persons and property. During the period surveyed in this study, only 17 burglars, robbers, or intruders who were not relatives or acquaintances were killed by guns in the hands of persons who were protecting their homes. During this same interval, six times as many fatal firearm accidents occurred in the home. Furthermore, the total impact of accidental shootings includes disability, suffering and expense resulting from these needless injuries in addition to the mortality. The ratio of fatal to nonfatal accidental gunshot injuries admitted to hospitals in the Cleveland area is approximately 1:13 (5). (We do not know how many individuals are treated for gunshot injuries in emergency rooms and released.) Extrapolating from the number of fatal accidental shootings in Cuyahoga County, a minimum of 1,000–2,000 serious nonfatal accidental shootings occurred during the 12 years, 1958 through 1972.

In summary, we have documented a dramatic rise in homicides over the past 5 years in a large metropolitan community which is most clearly related to increased availability and abuse of handguns. Associated with this dangerous trend has been a parallel increase in accidental firearm fatalities in this community. The possession of firearms by civilians appears to be a dangerous and ineffective means of self-protection.

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ACCIDENTAL FIREARMS FATALITIES IN A METROPOLITAN COUNTY

Hirsch, C. S., Rushforth, N. B., Ford, A. B., and Adelson, L., Case Western Reserve University School of Medicine and Cuyahoga County Coroner's Office.

TABLE 1.—NUMBER OF ACCIDENTAL FIREARM DEATHS IN CUYAHOGA COUNTY, OHIO, BY RACE AND SEX FOR THE CITY OF CLEVELAND AND SUBURBS OVER THE PERIOD 1958–72, WITH POPULATION FIGURES BY CENSUS

Year	City of Cleveland					Suburbs					
	WM	WF	NWM	NWF	Total	WM	WF	NWM	NWF	Total	County total
Number of accidental firearm deaths:											
1958	0	0	5	1	6	0	1	0	0	1	7
1959	1	0	1	0	2	2	1	0	0	3	5
1960	1	1	2	0	4	0	0	0	0	0	4
1961	1	0	1	1	3	2	1	0	0	3	6
1962	1	0	0	0	1	0	0	0	0	0	1
1963	2	0	5	0	7	1	0	0	0	1	8
1964	1	0	3	0	4	1	0	0	0	1	5
1965	2	0	2	1	5	2	0	0	0	2	7
1966	2	0	1	0	3	1	0	0	0	1	4
1967	1	0	0	0	1	2	0	1	0	3	4
1968	4	0	8	2	14	4	1	0	0	5	19
1969	2	1	9	2	14	3	0	0	0	3	14
1970	2	0	11	1	14	2	0	1	0	3	17
1971	6	1	9	1	17	1	1	0	0	2	19
1972	3	0	4	1	8	0	0	0	0	0	8
Total	29	3	61	10	103	21	5	2	0	28	131
Population by census (thousands):											
1960	305	318	122	140	876	370	396	3	3	772	1,648
1965	257	275	132	147	811						
1970	219	239	137	156	751	444	482	21	23	970	1,721

Note: Abbreviations for table 1: WM, white male; WF, white female; NWM, nonwhite male; NWF, nonwhite female.

TABLE 2.—AVERAGE ANNUAL ACCIDENTAL FIREARM DEATH RATES IN CUYAHOGA COUNTY, OHIO, FOR SELECTED GROUPS,[1] FOR SUCCESSIVE 5-YEAR PERIODS (1958–72)

RATES (DEATHS/100,000)

	City		Suburbs, WM	County, total
	WM	NWM		
1958–62	0.3	1.5	0.2	0.3
1963–67	.6	1.7	.3	.3
1968–72	1.6	6.0	.4	.9

[1] Rates are not calculated for groups in table 1 having fewer than four deaths.

Note: Abbreviations for table 2: WM, white male; NWM, nonwhite male.

TABLE 3.—AVERAGE ANNUAL RATES OF ACCIDENTAL DEATH BY VARIOUS CAUSES (1958–72)

NUMBER OF DEATHS/100,000 POPULATION

	Vehicular	Home accidents (nonfirearm)	Other	Industrial	Firearm
1958–62	10.3	18.0	13.6	2.0	0.3
1963–67	12.3	18.0	13.6	2.1	.3
1968–72	15.7	19.0	13.9	2.2	.9

INDEPENDENT SPECIAL PROSECUTOR ACT OF 1973

Mr. HRUSKA. Mr. President, this past Wednesday, the Committee on the Judiciary in executive session unanimously agreed to order reported two competing legislative proposals to establish an independent prosecution office with jurisdiction over Watergate-related offenses.

One proposal was S. 2611, introduced by Senator HART, as amended.

The second proposal was S. 2642 with an amendment in the nature of a substitute that represents the joint efforts of the distinguished junior Senator from Ohio (Mr. TAFT) and myself.

In order to allow my colleagues the opportunity to examine the Hruska-Taft amendment to S. 2642 at this time, I ask unanimous consent that it be reprinted in full immediately following the conclusion of these remarks, along with a letter dated November 26, 1973, from Acting Attorney General Robert H. Bork which is intended to supplement the legislation. I shall take this opportunity to outline the measure in a very general fashion.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. HRUSKA. S. 2642, as amended, would:

Authorize the Attorney General to appoint a special prosecutor with the understanding that the Senate would have a prominent de facto role to play in the appointment process.

The jurisdiction of the special prosecutor would generally parallel the jurisdiction of former Special Prosecutor Cox and would provide that, where deemed advisable by the special prosecutor, such jurisdiction would be primary in nature.

The special prosecutor could only be removed by the Attorney General for neglect of duty, malfeasance in office, or violation of the act. The Attorney General would have to notify both Houses of Congress 30 days in advance of such removal stating the reasons for such dismissal.

The district courts would have original jurisdiction of any action brought by the special prosecutor with respect to remedial or attempted removal and could is-

sue an order blocking such removal, if appropriate.

The U.S. District Court for the District of Columbia would have the power to appoint an interim special prosecutor if a vacancy did occur with the provision that the Attorney General could appoint a successor.

Sometime next week the Judiciary Committee will report out S. 2611 and S. 2642. Sometime thereafter, the Senate as a whole will begin consideration of these two proposals and any others which might arise on the floor in an effort to fashion the best legislation possible to deal with Watergate-related offenses.

The judicial appointment approach of S. 2611 has been suggested by many Members of Congress as the only solution to this issue. However, many would share the view of Senator TAFT and myself that the appointment of a special prosecutor by the judiciary raises numerous constitutional problems which need not necessarily be raised in order to adequately deal with the situation at hand.

The purpose of S. 2611 is to shield the special prosecutor from executive interference and to provide him with maximum independence in the performance of his duties. While all would agree with the goal of the bill, we must stop to consider the risks which are inherent in the procedures contemplated by the proposal.

The constitutionality of S. 2611 has already been attacked and will continue to be attacked in the near future. At best, the proposal rests on a questionable constitutional footing.

S. 2611 is certain to receive judicial scrutiny, but that test will not come until after evidence has been presented to the grand jury, indictments have been returned, defendants have been arrested and arraigned, and defense motions have been filed. At that point a judicial determination that the bill is unconstitutional would be more than an esoteric exercise in constitutional law. It would have an immediate adverse impact on all prosecutions arising out of the new special prosecutors activities.

Consider some of the possible consequences of the S. 2611 arrangement:

First. The independence of the grand jury may be compromised by the presence of a special prosecutor who brings into the grand jury room the aura of the judiciary;

Second. The secrecy of the grand jury proceedings may have been breached by the presence of a prosecutor who lacked authority to appear before the grand jury;

Third. Because of the irregularity of the proceedings before the grand jury, the indictments could be dismissed;

Fourth. Unnecessary delay would be incurred while evidence is represented to obtain new indictments;

Five. Convictions may be overturned and retrial prohibited because of the double jeopardy clause of the fifth amendment.

Sixth. If retrial is permitted, the Government's case may be weakened during the intervening time as evidence is lost, witnesses become unavailable and memories fade; and

Seventh. If retrial is permitted, the defendents would continue to be exposed to embarrassment, anxiety, expense, and restrictions on their liberty in contravention of the policies which underpin both the double jeopardy and speedy trial provisions of the Constitution.

Because the ramifications are real and great, Congress should be particularly circumspect in their consideration of S. 2611. The bill has the potential for immunizing future Watergate defendants from prosecution, and care should be exercised to avoid the result, to paraphrase Justice Cardozo, that "the criminal should go free because the Congress has blundered."

Further, Senators question whether the courts would exercise such appointment power, even if the Bayh-Hart bill were to become law in light of Judge Sirica's comments and Judge Gesell's recent opinion. I think that the answer would be that they would not.

In closing, I want to salute the enormous efforts of my friend and colleague from Ohio (Mr. TAFT) in working to fashion a legislative response to the "Watergate" problem and commend S. 2642 as amended by the Hruska-Taft amendment to the prompt attention of my colleagues.

EXHIBIT 1

OFFICE OF THE SOLICITOR GENERAL,
Washington, D.C., November 26, 1973.

Hon. ROMAN L. HRUSKA,
U.S. Senate,
Washington, D.C.

DEAR SENATOR: Pursuant to your request, I have examined the two bills, S. 2611 and S. 2642, ordered reported by the Senate Judiciary Committee last Wednesday which would create the office of Special Prosecutor.

Of the two bills, S. 2642, the Taft bill as amended, is preferable because, in my opinion, it presents no constitutional difficulties that might cast doubt on the legitimacy of the Special Prosecutor's future actions. The other proposal could result in protracted litigation, causing delay and uncertainty.

Because I understand the need for public confidence in the Special Prosecutor, let me assure you that if S. 2642 is approved while I am the Acting Attorney General, I will consult with the Senate leaders prior to making any appointment to the office of Special Prosecutor. I also will not appoint anyone whom the Senate disapproves by resolution.

Sincerely,

ROBERT H. BORK,
Acting Attorney General.

S. 2642 AS AMENDED BY THE HRUSKA-TAFT AMENDMENT IN THE NATURE OF A SUBSTITUTE

A bill to establish an Independent Special Prosecution Office, and for other purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Independent Special Prosecutor Act of 1973."

SEC. 2. The Congress hereby finds and declares—

(a) alleged crimes arising out of the Presidential campaign and election of 1972 have raised serious questions whether a full and complete investigation and prosecution of such charges will proceed without partisanship or favor;

(b) the Department of Justice is composed of men and women of the highest integrity and ability capable of conducting a fair, full, and impartial investigation and prosecution of these alleged crimes, but circumstances already existing call for special independent investigation and prosecution;

(c) the appointment of a Special Prosecution Force in the executive branch of the Government on May 24, 1973, began the process of restoring the faith of the American people in the integrity of this Administration and, in particular, in the belief that the ends of justice were to be served;

(d) the dismissal of the Special Prosecutor on the direct order of the President of the United States on October 20, 1973, has aroused public controversy and has the potential to place serious strains on the Doctrine of Separation of Powers inherent in our governmental system;

(e) in order to restore the public confidence, the investigation and prosecution of any offense arising out of the Presidential campaign and election of 1972 should be in an independent prosecutorial force; and

(f) the President of the United States has assured Congress of his commitment to such an independent prosecutorial source and that the Special Prosecutor appointed hereunder shall not be dismissed without first securing a consensus of the majority and minority leaders of both Houses of Congress and the chairmen and ranking members of the Judiciary Committees of both Houses of Congress.

SEC. 3. There is hereby established an Independent Special Prosecution Office responsible for investigation and initiating prosecution of all offenses arising out of the Presidential election of 1972 and matters related thereto and arising therefrom and all matters which were under investigation by the Special Prosecutor force prior to October 19, 1973, pursuant to the agreement made between the former Special Prosecutor and the Attorney General designate on May 19, 1973.

SEC. 4. The Attorney General of the United States shall appoint (within fifteen days of the enactment of this Act) a Special Prosecutor.

SEC. 5. (a) The Special Prosecutor is authorized and directed to investigate, as he deems appropriate, and prosecute on behalf of the United States:

(1) offenses arising out of the unauthorized entry into Democratic National Committee Headquarters at the Watergate;

(2) other offenses arising out of the 1972 Presidential election;

(3) offenses alleged to have been committed by the President, Presidential appointees, or members of the White House staff in relation to the 1972 Presidential campaign and election;

(4) offenses arising out of all matters which were under investigation by the Special Prosecutor force prior to October 19, 1973, pursuant to the agreement made between the former Special Prosecutor and the Attorney General designate on May 19, 1973; and

(5) any other matters which the Special Prosecutor consents to have assigned him by the Attorney General.

(b) The Special Prosecutor shall have primary jurisdiction over any of the offenses or matters enumerated in subsection (a) of this section when such primary jurisdiction is determined by him to be necessary for the proper performance of his duties under this Act.

SEC. 6. The Special Prosecutor shall have full power and authority in carrying out his duties and responsibilities under this Act—

(a) to conduct proceedings before grand juries and other investigations he deems necessary;

(b) to review all documentary evidence available from any source;

(c) to determine whether or not to contest the assertion and scope of "executive privilege" or any other testimonial privilege;

(d) to receive appropriate national security clearance and if necessary contest in court, including where appropriate through participation in camera proceedings, any claim of privilege or attempt to withhold evidence on grounds of national security;

(e) to make application to any Federal court for a grant of immunity to any witness, consistent with applicable statutory requirements, or for warrants, subpenas, or other court orders;

(f) to initiate and conduct prosecutions in any court of competent jurisdiction, frame and sign indictments, file informations and handle all aspects of any cases over which he has jurisdiction under this Act, in the name of the United States;

(g) notwithstanding any other provision of law, to exercise all other powers as to the conduct of criminal investigations and prosecutions within his jurisdiction which would otherwise be vested in the Attorney General and the United States attorneys under the provisions of chapters 31 and 35 of title 28 of the United States Code, and the provisions of 26 CFR 301.6103(a)–1(q), and act as the attorney for the Government in such investigations and prosecutions under the Federal Rules of Criminal Procedure.

SEC. 7. (a) All materials, tapes, documents, files, work in process, information, and all other property of whatever kind and description relevant to the duties and responsibilities of the Special Prosecutor under this Act, tangible or intangible, collected by, developed by, or in the possession of the former Special Prosecutor or his staff established pursuant to 28 CFR Sec. 0.37, rescinded October 24, 1973, or his successors, shall be delivered into the possession of the Special Prosecutor appointed under this Act.

(b) All investigations, prosecutions, cases, litigation, and grand jury or other proceedings initiated by the former Special Prosecutor, or by his successors, shall be continued, as the Special Prosecutor deems appropriate, by him, and he shall become successor counsel for the United States in all such proceedings, notwithstanding any substitution of counsel made after October 30, 1973.

SEC. 8. The Special Prosecutor shall appoint a Deputy Special Prosecutor who shall assist the Special Prosecutor as the Special Prosecutor shall direct in the performance of his duties, and, in the event of the disability of the Special Prosecutor or vacancy in the Office of Special Prosecutor, shall act as Special Prosecutor until his successor is appointed in accordance with section 13 of this Act.

SEC. 9. (a) The Special Prosecutor shall be compensated at the rate provided for level IV of the Executive Schedule under section 5315 of title 5 of the United States Code. The Deputy Special Prosecutor shall be compensated at the rate provided for level V of the Executive Schedule under section 5316 of title 5 of the United States Code.

(b) The Special Prosecutor shall have the power to appoint, fix the compensation, and assign the duties of such employees as he deems necessary, including but not limited to investigators, attorneys, and part-time consultants, without regard to the provisions of title 5 of the United States Code, governing appointments in the competitive civil service, and without regard to chapter 51 and subchapter III of chapter 53 of such title relating to classification and General Schedule pay rates, but at rates not in excess of the maximum rate for GS–18 of the General Schedule under section 5332 of such title. The Special Prosecutor is authorized to request the Department of Justice or any other department or agency of the Federal or District of Columbia government to provide on a reimbursable basis such assistance as he deems necessary, and any such department or agency shall comply with such request to the fullest extent practicable. Assistance by the Department of Justice shall include but not be limited to affording the Special Prosecutor full access to any records, files, or other materials relevant to matters within his jurisdiction and use by the Special Prosecutor of the investigative and other services, on a priority basis, of the Federal Bureau of Investigation.

SEC. 10. The Administrator of General Services shall furnish the Special Prosecutor with such offices, equipment, supplies, and services as are authorized to be furnished to any other agency or instrumentality of the United States.

SEC. 11. Notwithstanding any other provisions of law, the Special Prosecutor may submit directly to the Congress requests for such funds, facilities, and legislation as he shall consider necessary to carry out his responsibilities under this Act, and such requests shall receive priority consideration by the Congress.

SEC. 12. The Special Prosecutor shall carry out his duties and responsibilities under this Act within two years from the date of enactment, except as necessary to complete trial or appellate action on indictments then pending.

SEC. 13. (a) The Special Prosecutor may be removed by the Attorney General only for neglect of duty, malfeasance in office, or violation of this Act.

(b) If the Attorney General believes grounds for removal under subsection (a) exist, he may suspend the Special Prosecutor immediately and prepare a notice of dismissal. Such notice of dismissal shall be effective 30 days thereafter and shall be transmitted to both Houses of Congress, stating the reasons for such dismissal. For the purpose of this subsection, continuity of session is broken only by an adjournment of Congress sine die, and the days on which either House is not in session because of an adjournment of more than three days to a day certain are excluded in the computation of the thirty-day period.

(c) The district courts shall have original jurisdiction of any action brought by the Special Prosecutor with respect to his removal or attempted removal under subsection (a) of this section. Upon a finding of removal in violation of subsection (a), the district court shall grant a temporary restraining order, preliminary injunction, order compelling forthwith the reinstatement of the Special Prosecutor or such other relief as it deems appropriate. Any district court in which a proceeding is instituted under this section shall assign the case for hearing at the earliest practicable date and cause the case to be in every way expedited.

(d) In the case of the disability of the Special Prosecutor or the vacancy of such office, the Attorney General shall appoint a successor. The United States District Court for the District of Columbia may appoint an interim Special Prosecutor to serve—

(1) in the event an appointment is not made in accordance with section 4 of this Act until such power of appointment is exercised; or

(2) in the event of the disability or the vacancy of the office of Special Prosecutor until such time as the Attorney General shall appoint a successor in accordance with subsection (d) of this section.

SEC. 14. There are authorized to be appropriated such sums as may be necessary to carry out the provisions of this Act.

SEC. 15. If any part of this Act is held invalid, the remainder of the Act shall not be affected thereby. The provisions of any part of this Act, or the application thereof to any person or circumstance if held invalid, shall not affect the provisions of other parts and their application to other persons or circumstances.

RECESS UNTIL 1:45 P.M.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate stand in recess until 1:45 p.m. today.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Accordingly, at 12:11 p.m., the Senate took a recess until 1:45 p.m.; whereupon, the Senate reassembled when called to order by the Presiding Officer (Mr. CLARK).

RENAISSANCE ON CAPITOL HILL

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD the lead editorial "Renaissance on Capitol Hill."

I believe the editorial gives a deserved pat on the back to Congress for the work it has done so constructively this year and for the way in which it has conducted itself in the carrying out of its responsibilities.

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

RENAISSANCE ON CAPITOL HILL

Every odd-numbered year about this time, editorialists across the land begin to tot up the score on what Congress has done and has not done in the first year of its session. Usually there is a lot more not done than done, including important but routine activities like passing the appropriations bills for the fiscal year already nearly half over. On the score of appropriations bills, this Congress has made no better start than usual. On the score of legislation, however, this Congress has shown more energy and initiative than any in a long, long time.

It has become routine in Washington for the basic policy decisions regarding legislation to be made not by Congress but by the President, the Cabinet departments and the Office of Management and Budget. That state of affairs began before President Nixon came to the White House and continued for several years while he served. But this year Congress has written a novel farm bill with a target price system that attempts to get away from some of the follies of the past. The President opposed much of it, but in the end signed it. Congress also wrote a new foreign aid bill that makes basic changes in aid philosophy, and the President, though he has some objections, is probably going to sign it. Then there is the war powers bill, which Congress passed over the President's veto. Also, Congress seems on the verge of establishing a federal land-use program though Mr. Nixon objects. Congress, not the White House, has taken the lead on writing meaningful legislation dealing with protecting private pensions; with increasing school lunch aid; with subsidizing medical organizations which will get the costs to patients down; and all or most of this can be expected to become law by some time next year.

In addition to this innovation and leadership, Congress, meanwhile, has for the first time tried to come to grips with its own deficiencies in controlling the total federal budget, and a law setting up a central budget committee may be the result. Also in this area of political-governmental housekeeping, so to speak, the Senate has passed a greatly needed campaign finance reform bill, and we trust the House will follow suit. The Senate has, of course, served an educational function with its Watergate committee hearings. Both chambers have performed responsibly in their investigation of Vice President-designate Gerald Ford, a responsibility for which there were no precedents. Nor is that

all, in 1973. Congress has shown it can move with speed in the whole energy crunch brought to a head by the Middle East oil embargo.

We usually criticize Congress every other autumn. This year we would like to salute it and its leaders. We don't support all the measures listed above, but we believe that what President Nixon called "a renaissance" of influence on Capitol Hill is now under way, and that it is good news for all Americans.

Mr. MANSFIELD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

LEGISLATIVE PROGRAM

Mr. HUGH SCOTT. Mr. President, I rise for the purpose of inquiring as to both good news and bad. I am anxious to know, for the benefit of all of us, what is the program for the rest of the week and for the rest of the year. So I rise in a spirit of optimism, which I hope will be justified by the reply of our distinguished majority leader.

Mr. MANSFIELD. Mr. President, in response may I say that what I am about to say to the Senate will not be optimistic.

The unfinished business is the Rhodesian chrome bill, S. 1868. It will be laid aside from time to time to accommodate the Senate's program, including these major items:

First. The Ford nomination.

Second. The Attorney General's pay bill, S. 2673.

Third. The debt ceiling, with the campaign financing amendment, H.R. 11104.

Fourth. Social security amendments, H.R. 3153.

Fifth. Daylight saving, S. 2702. I understand there will be a motion to lay on the table the amendment dealing with the minimum wage.

Sixth. Legal Services Corporation, S. 2686, reported unanimously.

Seventh. Energy conservation, S. 2176, with amendments.

Eighth. Midwest and Northeast rail crisis legislation. It is hoped that that will be reported out later in the week.

Ninth. Confirmation of the nomination of the Attorney General.

Tenth. Independent Watergate prosecutor. It is my understanding that two reports will be filed by the Committee on the Judiciary next Monday.

Eleventh. Energy Research and Development, to be reported by the Committee on Interior and Insular Affairs tomorrow.

In addition to that, under item 12, we have three appropriation bills on which the Senate is waiting from the House of Representatives:

First. Department of Defense, to be reported in House today, and I understand very likely to be taken up tomorrow.

Second. Foreign Aid, awaiting the signing of the authorization bill.

Third. The supplemental appropriation bill, to be reported in the House today.

Other items, if possible:

First. Congressional budget procedure, S.1541.

Second. The supergrade bill, S. 2548.

Third. Abandoned money orders, S. 2705.

Fourth. Omnibus housing, to be reported some time in December.

Fifth. Flood insurance.

Sixth. Consumer credit reporting.

Seventh. International financial institutions authorization.

Eighth. Omnibus rivers and harbors authorization.

Ninth. Allocation of waste treatment funds.

Tenth. Emergency mortgage credit.

Mr. HUGH SCOTT. I was only asking the distinguished majority leader for the 1973 schedule.

Mr. MANSFIELD. Well, I have tried to split it in half, and indicate what would be taken up and what might be taken up "if possible."

Mr. HUGH SCOTT. I thank the distinguished majority leader. I take it that it is not possible to say how long we will be in session this year, but I am wondering whether there are any overtones of jingle bells in the Senator's announcement, or whether or not Members will be home in time to deck the halls with holly.

Mr. MANSFIELD. Well, as long as they do not light the holly, I think it will be all right. It is my understanding that the House of Representatives will try to complete its business by the 15th, and of course the Senate will do just as well as the House if it can get the necessary appropriation bills over here, so that we can face up to them. But this is a most difficult list of legislative pieces which I have enumerated to the Senate today. Much of it is important; much of it is wanted by the administration, and I assure the distinguished Republican leader that the Democrats on this side of the aisle will do all they can to further the wishes of the administration, especially in the field of energy.

Mr. HUGH SCOTT. I thank the distinguished majority leader. I am sure that Senators on this side of the aisle are equally anxious to cooperate and expedite it. There are some very important items of legislation involved, and I believe we have time limitations on only a few of them.

I think there is a 4-hour time limitation on the Attorney General emolument bill, plus limitations on amendments—five amendments, I believe; but there are certain limitations on amendments. Do we have time agreements on any other legislation?

Mr. MANSFIELD. That is all, I am informed by the assistant majority leader.

Mr. HUGH SCOTT. Senators should be alerted to the fact that we will continue to try to reach time agreements, if we can, subject to their wishes.

Mr. MANSFIELD. That is correct.

Mr. HUGH SCOTT. I thank the Senator from Montana.

Mr. COTTON. Mr. President, will the distinguished majority leader yield?

Mr. MANSFIELD. I yield.

Mr. COTTON. Only last week it was my understanding from members on the Committee on Commerce who were opposed, or at least wished to amend the daylight saving bill that we would not act on it last week. In the meantime, I understand they are now willing to agree to a time limitation. I believe that the distinguished Senator from Kentucky (Mr. COOK), who is not here at the moment, said that he would even agree to 2 hours.

Mr. TAFT. If the distinguished Senator will yield, we understood that was the case. However, the distinguished Senator from Colorado and I have given indication of our intention to offer by way of an amendment to that bill the substitute minimum wage proposal that we offered previously in substance at that time. So, in view of that, at this point, we thought it proper not to have a unanimous-consent agreement.

Mr. COTTON. That is news to me.

Mr. MANSFIELD. I am sure that the assistant leadership on both sides of the aisle, in the notices they send out to our colleagues, will incorporate what has been said today so that those who are not in the Chamber at this time will be made aware of what the situation will be in the weeks ahead.

We hope that we will not be here at Christmastime. If need be, we will have to give serious consideration to Saturday sessions in order to expedite the schedule and to carry out the wishes of the President in the field of energy.

If I may have the attention of the Senate once more, before we go into executive session, I neglected to mention that the Senator from Louisiana (Mr. LONG) expressed the wish to bring up the debt ceiling legislation. There is a time limitation on it, to be brought up the end of this week, or as soon as possible, so that it would follow the disposition of the Ford nomination tomorrow.

I thank the Chair.

MESSAGE FROM THE HOUSE—ENROLLED BILL SIGNED

A message from the House of Representatives by Mr. Berry, one of its reading clerks, announced that the Speaker had affixed his signature to the enrolled bill (H.R. 9575) to provide for the enlistment and commissioning of women in the Coast Guard Reserve, and for other purposes.

The enrolled bill was subsequently signed by the Acting President pro tempore (Mr. ROBERT C. BYRD.)

EXECUTIVE SESSION

PROTOCOL AMENDING THE 1928 CONVENTION ON INTERNATIONAL EXPOSITIONS—EXECUTIVE N; AND PROTOCOL TO THE INTERNATIONAL CIVIL AVIATION CONVENTION—EXECUTIVE Q

The PRESIDING OFFICER (Mr. HELMS). Under the previous order, the hour of 2 p.m. having arrived, the Senate will now go into executive session to proceed to vote on Executive N, 93d Con-

gress, 1st session, and Executive Q, 93d Congress, 1st session.

There will be one vote on these two treaties, broken down so as to count as a separate vote on each treaty.

EXECUTIVE N, 93D CONGRESS, 1ST SESSION—PROTOCOL AMENDING THE 1928 CONVENTION ON INTERNATIONAL EXPOSITIONS

The PRESIDING OFFICER. The question is, Will the Senate advise and consent to the resolution of ratification of Executive N, 93d Congress, 1st session?

On this question the yeas and nays have been ordered, and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. ROBERT C. BYRD. I announce that the Senator from Indiana (Mr. BAYH), the Senator from Texas (Mr. BENTSEN), the Senator from North Dakota (Mr. BURDICK), the Senator from Virginia (Mr. HARRY F. BYRD, JR.), the Senator from Mississippi (Mr. EASTLAND), the Senator from North Carolina (Mr. ERVIN), the Senator from Colorado (Mr. HASKELL), the Senator from Washington (Mr. MAGNUSON), the Senator from Arkansas (Mr. MCCLELLAN), the Senator from Minnesota (Mr. MONDALE), the Senator from Missouri (Mr. SYMINGTON), the Senator from California (Mr. TUNNEY), and the Senator from New Jersey (Mr. WILLIAMS) are necessarily absent.

I also announce that the Senator from Illinois (Mr. STEVENSON) is absent because of illness.

I further announce that, if present and voting, the Senator from Washington (Mr. MAGNUSON), the Senator from Illinois (Mr. STEVENSON), and the Senator from New Jersey (Mr. WILLIAMS) would each vote "yea."

Mr. GRIFFIN. I announce that the Senator from Kentucky (Mr. COOK), the Senator from Hawaii (Mr. FONG), the Senator from Arizona (Mr. GOLDWATER), the Senator from Wyoming (Mr. HANSEN), the Senator from New York (Mr. JAVITS), the Senator from Illinois (Mr. PERCY), the Senator from Vermont (Mr. STAFFORD), and the Senator from Connecticut (Mr. WEICKER) are necessarily absent.

The Senator from Florida (Mr. GURNEY) and the Senator from Idaho (Mr. MCCLURE) are absent on official business.

If present and voting, the Senator from Hawaii (Mr. FONG), the Senator from Arizona (Mr. GOLDWATER), the Senator from New York (Mr. JAVITS), the Senator from Illinois (Mr. PERCY), and the Senator from Connecticut (Mr. WEICKER) would each vote "yea."

The yeas and nays resulted—yeas 76, nays 0, as follows:

[No. 511 Ex.]

YEAS—76

Abourezk	Buckley	Dominick
Aiken	Byrd, Robert C.	Eagleton
Allen	Cannon	Fannin
Baker	Case	Fulbright
Bartlett	Chiles	Gravel
Beall	Church	Griffin
Bellmon	Clark	Hart
Bennett	Cotton	Hartke
Bible	Cranston	Hatfield
Biden	Curtis	Hathaway
Brock	Dole	Helms
Brooke	Domenici	Hollings
Hruska	Metcalf	Saxbe
Huddleston	Montoya	Schweiker
Hughes	Moss	Scott, Hugh
Humphrey	Muskie	Scott, William L.
Inouye	Nelson	Sparkman
Jackson	Nunn	Stennis
Johnston	Packwood	Stevens
Kennedy	Pastore	Taft
Long	Pearson	Talmadge
Mansfield	Pell	Thurmond
Mathias	Proxmire	Tower
McGee	Randolph	Young
McGovern	Ribicoff	
McIntyre	Roth	

NAYS—0

NOT VOTING—24

Bayh	Goldwater	Percy
Bentsen	Gurney	Stafford
Burdick	Hansen	Stevenson
Byrd, Harry F., Jr.	Haskell	Symington
Cook	Javits	Tunney
Eastland	Magnuson	Weicker
Ervin	McClellan	Williams
Fong	McClure	
	Mondale	

The PRESIDING OFFICER. On this vote the yeas are 76 and the nays are zero. Two-thirds of the Senators present and voting having voted in the affirmative, the resolution of ratification is agreed to.

EXECUTIVE Q, 93D CONGRESS, 1ST SESSION—PROTOCOL TO THE CIVIL AVIATION CONVENTION INTERNATIONAL

The PRESIDING OFFICER. The question is, Will the Senate advise and consent to the resolution of ratification of Executive Q, 93d Congres, 1st session?

On this question the yeas and nays have been ordered, and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. ROBERT C. BYRD. I announce that the Senator from Indiana (Mr. BAYH), the Senator from Texas (Mr. BENTSEN), the Senator from North Dakota (Mr. BURDICK), the Senator from Virginia (Mr. HARRY F. BYRD, JR.), the Senator from Mississippi (Mr. EASTLAND), the Senator from North Carolina (Mr. ERVIN), the Senator from Colorado (Mr. HASKELL), the Senator from Washington (Mr. MAGNUSON), the Senator from Arkansas (Mr. MCCLELLAN), the Senator from Minnesota (Mr. MONDALE), the Senator from Missouri (Mr. SYMINGTON), the Senator from California (Mr. TUNNEY), and the Senator from New Jersey (Mr. WILLIAMS) are necessarily absent.

I also announce that the Senator from Illinois (Mr. STEVENSON) is absent because of illness.

I further announce that, if present and voting, the Senator from Washington (Mr. MAGNUSON), the Senator from Illinois (Mr. STEVENSON), and the Senator from New Jersey (Mr. WILLIAMS) would each vote "yea."

Mr. GRIFFIN. I announce that the Senator from Kentucky (Mr. COOK), the Senator from Hawaii (Mr. FONG), the Senator from Arizona (Mr. GOLDWATER), the Senator from Wyoming (Mr. HANSEN), the Senator from New York (Mr. JAVITS), the Senator from Illinois (Mr. PERCY), the Senator from Vermont (Mr. STAFFORD), and the Senator from Connecticut (Mr. WEICKER) are necessarily absent.

The Senator from Florida (Mr. GURNEY) and the Senator from Idaho (Mr. MCCLURE) are absent on official business.

If present and voting, the Senator from Hawaii (Mr. FONG), the Senator from Arizona (Mr. GOLDWATER), the Senator from New York (Mr. JAVITS), the Senator from Illinois (Mr. PERCY), and the Senator from Connecticut (Mr. WEICKER) would each vote "yea."

The yeas and nays resulted—yeas 76, nays 0, as follows:

[No. 512 Ex.]

YEAS—76

Abourezk	Fannin	Moss
Aiken	Fulbright	Muskie
Allen	Gravel	Nelson
Baker	Griffin	Nunn
Bartlett	Hart	Packwood
Beall	Hartke	Pastore
Bellmon	Hatfield	Pearson
Bennett	Hathaway	Pell
Bible	Helms	Proxmire
Biden	Hollings	Randolph
Brock	Hruska	Ribicoff
Brooke	Huddleston	Roth
Buckley	Hughes	Saxbe
Byrd, Robert C.	Humphrey	Schweiker
Cannon	Inouye	Scott, Hugh
Case	Jackson	Scott, William L.
Chiles	Johnston	Sparkman
Church	Kennedy	Stennis
Clark	Long	Stevens
Cotton	Mansfield	Taft
Cranston	Mathias	Talmadge
Curtis	McGee	Thurmond
Dole	McGovern	Tower
Domenici	McIntyre	Young
Dominick	Metcalf	
Eagleton	Montoya	

NAYS—0

NOT VOTING—24

Bayh	Goldwater	Percy
Bentsen	Gurney	Stafford
Burdick	Hansen	Stevenson
Byrd, Harry F., Jr.	Haskell	Symington
Cook	Javits	Tunney
Eastland	Magnuson	Weicker
Ervin	McClellan	Williams
Fong	McClure	
	Mondale	

The PRESIDING OFFICER. On this vote the yeas are 76 and the nays are zero. Two-thirds of the Senators present and voting having voted in the affirmative, the resolution of ratification is agreed to.

LEGISLATIVE SESSION

By unanimous consent, the Senate resumed the consideration of legislative business.

ORDER OF BUSINESS

Mr. ROBERT C. BYRD. Mr. President, for the information of the Senate, there will be no more rollcall votes today.

ORDER FOR ADJOURNMENT TO 10 A.M.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in adjournment until the hour of 10 a.m. tomorrow.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR CONSIDERATION OF DEBT CEILING BILL AND FOR VOTE ON NOMINATION OF GERALD R. FORD TO BE VICE PRESIDENT

Mr. ROBERT C. BYRD. Mr. President, I have cleared the following pro-

posed unanimous-consent agreement with the distinguished Republican leader and the distinguished assistant Republican leader, and I am authorized by the distinguished majority leader to propound the request. It has been cleared also with the distinguished Senator from Louisiana (Mr. LONG), chairman of the Committee on Finance, and with the ranking Republican member of that committee (Mr. BENNETT), and the distinguished senior Senator from Massachusetts (Mr. KENNEDY), and other Senators.

Mr. President, I ask unanimous consent that at the hour of 10:30 a.m. tomorrow, the Senate proceed to the consideration of H.R. 11104, the Debt Ceiling Extension Act, and that the Senate, at the hour of 3:30 p.m. tomorrow, resume consideration, in executive session, of the nomination of Mr. FORD to be Vice President of the United States, and that a vote occur on the confirmation of the nomination of Mr. FORD at 4:30 p.m. tomorrow.

The PRESIDING OFFICER. Is there objection?

Mr. MATHIAS. Mr. President, reserving the right to object, does that mean that further action on the debt ceiling bill would continue after that vote?

Mr. ROBERT C. BYRD. Yes. It would mean that if action on the debt ceiling bill had not been completed before the hour of 3:30 p.m., the Senate would resume consideration of the debt ceiling bill after the vote on the Ford nomination.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that, after the disposition of the committee amendment on H.R. 11104, the Debt Ceiling Extension Act, the Chair lay before the Senate amendment No. 651, dealing with public financing of elections; provided that debate on amendment 651 be limited to 6 hours, to be equally divided in accordance with the usual form; that debate on any amendment to the amendment be limited to 1 hour; that debate on the amendment to H.R. 11104 that is to be offered by the Senator from Minnesota (Mr. MONDALE) be limited to 2 hours; that time on the bill be equally divided between and controlled by the distinguished chairman of the Finance Committee (Mr. LONG) and the distinguished ranking Republican member thereof (Mr. BENNETT); and that the agreement be in the usual form.

The PRESIDING OFFICER. Is there objection?

Mr. GRIFFIN. Mr. President, reserving the right to object—and I shall not object—I wonder if the distinguished majority whip could tell us what the amendment that the Senator from Minnesota (Mr. MONDALE) may offer is about? Is there a number to it, or is it a printed amendment?

Mr. ROBERT C. BYRD. I wonder if the distinguished Senator from Massachusetts would respond to that.

Mr. KENNEDY. Mr. President, it is my understanding that the Senator from Minnesota (Mr. MONDALE) and the Senator from Pennsylvania (Mr. SCHWEIKER) intend to offer the portion of the overall amendment that deals with public financing of Presidential primaries, through matching grants.

Mr. GRIFFIN. I think that puts the Senate on notice concerning the nature of the amendment. I appreciate the brief explanation of the Senator from Massachusetts. It will be a very important matter with a 2-hour limitation, but Senators are free to make their own judgments as to whether that is an appropriate limitation.

Mr. KENNEDY. Mr. President, further on this point, since the Mondale-Schweiker proposal for Presidential primaries is a significant part of amendment 651, I would expect that a substantial amount of the 6 hours on the amendment itself would be used in talking about the proposal for Presidential primaries.

Mr. PELL. Mr. President, if the Senator will yield, there is one point I would like to raise. This is the first time I have heard publicly or have heard any Senator mention to me that this amendment would be brought up on the floor in connection with the debt ceiling bill. I have heard a rumor to that effect. It disturbs me a little bit because, as chairman of the subcommittee involved, we had either 3 or 4 days of hearings and about 40 witnesses. I had my own bill, which goes substantially further than to provide for primary and general elections of Representatives, Senators, Presidents, and Vice Presidents.

I wonder if this is correct. It seems to me that no one has yet said to the subcommittee, officially or in writing, that this matter was coming up.

Mr. KENNEDY. Mr. President, I had the good fortune of appearing before the subcommittee which the Senator from Rhode Island chairs, as did many of my colleagues who are also cosponsors of this measure.

I tried to indicate during the course of those discussions, along with the minority leader, the Senator from Pennsylvania (Mr. HUGH SCOTT), that we were hopeful of offering an amendment at the earliest possible time.

The hearings mentioned by the Senator from Rhode Island were an outstanding contribution to the development of the issue, and I commend him for his leadership.

The amendment the Senate will be considering concerns the matter of public financing of elections. It has been debated many times on the Senate floor, going back to 1966. And, as a matter of fact, during the Senate floor consideration of the debt ceiling measure that passed the Senate last June, major amendments were adopted.

I completely respect the initiative of the Senator from Rhode Island and the thoughts and the concern which he has. However, it is the feeling of the nine cosponsors of the amendment that the Debt Ceiling Act provides us with the best opportunity to have a prompt, full and open discussion on the floor of the Senate concerning a matter that is of extreme importance and significance to the future well-being of our political system.

Mr. PELL. Mr. President, if I offer my amendment, which goes a little further, as a substitute, what would be the wish of the cosponsors?

Mr. GRIFFIN. The Senator from Rhode Island would have an hour of debate on his amendment, a half-hour to the side.

Mr. PELL. Mr. President, I would add that if it is a question of voting up or down on the proposal of the nine Senators, I would vote for it because I think the idea is right. However, I would naturally prefer to see the amendment considered which came out of the committee as the result of hearings. We worked very hard on this, and I would like to see it voted on.

Mr. KENNEDY. Mr. President, I would like to give assurances to the Senator from Rhode Island that there were substantial contacts at the staff level. However, there was no contact with the chairman of the subcommittee, and I regret that.

Mr. PELL. The Senator is correct. We were not informed at the staff level until after the amendment had been submitted. This is the first notice to the Senate, however.

Mr. GRIFFIN. Mr. President, further reserving the right to object, I wish to indicate that I share the concern of the distinguished Senator from Rhode Island, the chairman of the subcommittee of the Committee on Rules and Administration, which has jurisdiction over such legislation as that to be offered by the Senator from Massachusetts (Mr. KENNEDY). Because I serve on the subcommittee I am conscious of diligence with which the Senator from Rhode Island has pursued this particular matter. Considering the jurisdictional question, it would be unfortunate if the amendment being talked about should be tacked on to the debt ceiling bill, and then should be sent to a conference between the Senate Finance Committee and the House Ways and Means Committee.

It seems obvious that this is not a very good way to legislate in such an important area, allowing only 1 hour for debate of such important amendments. On this side of the aisle, of course, we must be concerned about getting to passage of the debt ceiling legislation before the week is out. So, we do not have much choice.

I would inquire of the distinguished majority whip whether I am correct in understanding that, under the unanimous consent request tabling motions would not be precluded?

Mr. ROBERT C. BYRD. The Senator is correct. May I add to the request, Mr. President, that there be a time limitation on the bill itself of 4 hours.

Mr. MATHIAS. Mr. President, further reserving the right to object, do I correctly understand the distinguished majority whip to make the request in the usual form?

Mr. ROBERT C. BYRD. The Senator

is correct. Mr. President, I withdraw the addendum, that there be 4 hours on the bill. I withdraw that provision. That is not a part of the request.

Mr. MATHIAS. Mr. President, I appreciate the difficulty which the distinguished majority whip has in forming and proposing these requests. I do not want to make his job more difficult. However, I have in mind a situation that could develop in which it might be useful and necessary to offer an amendment which would be analogous to the Mondale-Schweiker amendment, but which would be excluded under the unanimous-consent request.

I wonder if under the unanimous-consent request I could be granted the right to offer such an amendment regardless of germaneness.

Mr. ROBERT C. BYRD. Would it be similar?

Mr. MATHIAS. It would be in that category.

Mr. ROBERT C. BYRD. Mr. President, would the chairman like to comment?

Mr. LONG. Mr. President, if we are talking about an amendment in the campaign financing area, I have no objection.

Mr. MATHIAS. It is in that area.

Mr. ROBERT C. BYRD. Mr. President, how much time does the Senator desire, the 1 hour accorded to other amendments?

Mr. MATHIAS. I would say one and one-half hours.

Mr. ROBERT C. BYRD. Very well, Mr. President. I include the Senator's request in the overall request.

The PRESIDING OFFICER. Is there objection? The Chair hears none.

Mr. KENNEDY. Mr. President, if the Senator would yield further, I wanted to indicate to the acting leader that with respect to the raising of this particular issue on the Debt Ceiling Act. Members of the Senate know that over the period of the last 2 years, the Senator has acted to adopt major amendments to the debt ceiling legislation. A little over a year ago, we did so on the expansion of social security benefits to provide what the overwhelming majority of the Senate thought were essential increases in social security. And last June we adopted an end-the-war amendment to the Debt Ceiling Act. So there are ample precedents for the public financing amendment we intend to offer. On matters of overriding importance and consequence in the past, the Senate has used this particular vehicle to achieve desired public policy.

It certainly seems to those of us who are cosponsoring the amendment—and hopefully the majority of the Senate will think so as well—that significant and important reform in the area of campaign financing is a matter on which we should have similar speedy consideration by the Senate.

Mr. President, I thank the acting leaders for yielding.

The PRESIDING OFFICER. Is there objection to the unanimous consent request? The Chair hears none, and, as in legislative session, it is so ordered.

EXECUTIVE SESSION—NOMINATION OF GERALD R. FORD TO BE VICE PRESIDENT OF THE UNITED STATES

The PRESIDING OFFICER. Under the previous order, the Senate will now proceed in executive session to the consideration of the nomination of Mr. GERALD R. FORD for the office of Vice President of the United States.

Mr. CANNON. Mr. President, I ask unanimous consent that William M. Cochrane and Richard Casad be permitted on the floor during the consideration of the nomination.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CANNON. Mr. President, the Senate Committee on Rules and Administration has submitted its report to the Senate, unanimously recommending the confirmation of Congressman GERALD R. FORD as Vice President of the United States.

The committee's report, together with the printed hearings, are on the desks of all Members of the Senate and, taken together, speak for themselves on the scope and depth of the investigation into the qualifications of the nominee during the period beginning October 12, 1973, when President Nixon named him to succeed to the vice presidency, and ending last Tuesday, November 20, when the committee cast its vote to report the nominee favorably to the Senate.

Members and staff of the committee worked diligently to examine every pertinent facet of the nominee's private and public life to determine to the very best of its ability whether any defect or flaw in the character, or misdeed or misconduct in the record, of Congressman FORD might be uncovered as a bar or impediment to his confirmation.

The Department of Justice was pressed to conduct a thorough investigation into the background and present activities of the nominee. Hundreds of agents interviewed in excess of a thousand individuals.

The Internal Revenue Service was asked to conduct audits on the income tax returns of Mr. FORD, and the Congressman was requested to furnish copies of his returns for each of the past 10 years.

As stated in the table of contents of the report, the committee studied particular issues in detail. Those included:

Payroll data.
Disclosure of income, assets, honoraria.
Payroll information.
Real estate holdings.
Business affiliations, and
Campaign finances.

Also, the nominee was questioned concerning his views on several public issues of great import, including:

Foreign policies.
Domestic issues.
The impoundment of funds.
Grounds for impeachment.
The Warren Commission.
The "Watergate" problems.
Executive privilege, and
Special prosecutor.

The matters listed are not and were not exclusive. They were some of the many areas of inquiry delved into during the course of the investigation. The printed hearings and the report contain all of the major and minor points into which action was directed.

The allegations made by Mr. Winter-Berger in his book, "The Washington Pay-Off" were all examined carefully on a painstaking, individual basis.

If there are any sources of information not fully explored, the committee is not aware of them, nor have any such sources been mentioned by the general public, the press, or any department or agency of Government.

Members of the Senate will note in the records of this investigation that Congressman FORD was closely questioned on his views with respect to a number of policy and legal matters so that the Senate and the Nation might know his position and his possible future action should he be confirmed as Vice President, or, much more vitally, should he ascend to the highest office in the land—the Presidency of the United States.

The committee has been gravely cognizant of the possibility that its investigation of Congressman FORD might offer greater significance than its stated purpose—his qualifications to serve as Vice President.

In that light, its energies have been devoted toward satisfying every question existing in the minds of the Members of the Senate and of the citizens of this Nation who were relying upon the committee to fulfill their right of choice at the polls.

The committee, in accepting this responsibility, determined to place the nominee under the microscope of public scrutiny in order to ascertain in an objective, logical, and analytical manner whether he possessed the qualifications requisite for the high elective office to which he had been named.

Restraint was required in order to remain within the proper limits of honest and thorough inquiry.

There are undoubtedly those who will find some of the nominee's policies objectionable, and there may be others who think that Congressman FORD is not the most outstanding candidate available to the President in the selection of a candidate to fill the vacancy in the office of the Vice President.

The judgment of the committee was and is that the President had the right to choose from among the general citizenry, or from among Republican ranks, a nominee of his own general political persuasion and in whom he could place confidence that the policies and programs of this administration would be supported.

As chairman of the committee, Mr. President, I am confident that my colleagues on the committee were committed to the goals and the means to attain those objectives that I have expressed today, and I am pleased to state that the committee has lived up to its obligations with integrity.

I wish to commend my colleagues on the committee and all of the staff personnel who were assigned to this confirmation investigation, for their diligence, their spirit of cooperation in a difficult task, and for the unanimity of purpose displayed throughout the proceedings.

Mr. President, the committee has unanimously recommended to the Senate that Congressman GERALD R. FORD be confirmed as Vice President of the United States.

For myself, and for all of the members of the Committee on Rules and Administration, I urge the favorable consideration of this nomination.

Mr. THURMOND. Mr. President, it is with great pleasure that I rise in support of the nomination of my good friend and colleague, GERALD FORD, to be Vice President of the United States. As a brief review of GERALD FORD's background will clearly indicate, he is eminently qualified for this position of high trust in our Government.

In 1948, he defeated the incumbent and went on to win his first term as Representative of Michigan's Fifth Congressional District. He has subsequently been reelected 12 times, and has won by over 60 percent of the vote cast in every election. It is obvious that the citizens of Michigan's Fifth District—those who know him best—have complete confidence in their Congressman.

In the Congress, GERALD FORD has served on the House Public Works and Appropriations Committees. He has served on a number of Appropriations Subcommittees, including Army Civil Functions, Emergency Agency, Foreign Operations, and Department of Defense. He has served as a member of the Republican leadership in Congress since January 1963, and has been minority leader since 1965. As a prime example of his dedication to hard work, throughout his entire 24-year tenure, he has maintained an attendance record of over 90 percent.

In 1961, the American Political Science Association conferred on GERALD FORD its Distinguished Congressional Service Award and lauded him as a "Congressman's Congressman." In 1971, the American Academy of Achievement selected him as one of 50 "giants of accomplishment" and presented him with the Golden Plate Award. Much earlier in his career, he was named as one of "America's 10 Outstanding Young Men" by the U.S. Junior Chamber of Commerce. Truly, GERALD FORD is a man of accomplishment and achievement—a man who can get things done.

GERALD FORD has also obtained high achievement in his private life. He graduated with honors from the University of Michigan in 1935, and received his law degree from Yale in 1941. His prowess in high school and collegiate athletic competition is widely known. He served with distinction in the U.S. Navy during World War II, and continues to be active in the American Legion, the Veterans of Foreign Wars, and AMVETS.

I could go on, but I believe this brief summary of GERALD FORD's background clearly shows his qualification for the office of Vice President. He has the experience, and is known for his integrity and fairness. He is not afraid of hard work, and he can get the job done. Perhaps most important, he can help restore to the Government the confidence of the American people. It is with great pleasure that I support his confirmation.

Mr. HATHAWAY. Mr. President, I have reluctantly concluded that I cannot support this nomination to fill the current vacancy in the Vice Presidency. My opposition to the nomination, however, should not be interpreted as a reflection on the character or qualifications of Representative FORD, but is based instead upon my conviction that the consideration of any nominee is improper under the present circumstances. Simply put, it is my feeling that a President currently undergoing an impeachment investigation by the House of Representatives should not be allowed to name his potential successor and that the country should not be subject to the immediate possibility of a prolonged period under an appointed Executive. The former is inconsistent with my sense of propriety and the latter with my understanding of the basic principles of our Government. Therefore, until the matter of the President's future is resolved, I think it is appropriate for the Congress to refrain from any further action on this nomination.

During the consideration of the 25th amendment, Prof. Richard P. Longaker of U.C.L.A. stated prophetically:

> When the twenty-fifth amendment is first applied, flaws not hidden will no doubt appear. Some of the inevitable imperfections are already evident, though their seriousness will depend on factors extrinsic to the wording of the amendment.

This case has made manifest one of these flaws. Surely, the framers of this amendment did not contemplate the present situation: a Vice President's resignation in the face of criminal prosecution only to leave a President facing the first serious impeachment proceedings in over 100 years. To carry through with the confirmation of any Vice-Presidential designee under these circumstances, especially when there are other alternatives available, would, it seems to me, not be in the national interest.

What if the present President is impeached and removed from office? As one who may have to sit in judgment on the case, I voice no opinion on the likelihood of such an eventuality, but merely state what must be conceded to be a realistic possibility. If this were to happen, the occupant of the White House and the holder of the free world's most critical position would then be one appointed by the very leader deposed by the people. Such a result seems contrary to the principles of our entire legal and political tradition.

Further, a President thus installed would, for the first time in our history, not be one elected by the people. This is inconsistent with the underlying principle of democratic government: that sovereignty and legitimacy derive only from the people themselves. That this idea was basic to the conception of our Presidency is clear from the writings of Madison and Hamilton. With the progressive extension of suffrage, this objective has become even more firmly imbedded in our system. Confirmation of Mr. FORD at this time unnecessarily increases the likelihood of this principle being breached.

Because of my concern with this problem, I have developed—in consultation with many others—and introduced a proposal for its solution. My bill, S. 2678, would establish, by statute, a procedure for the holding of a special election when there is a vacancy in both the Presidency and the Vice Presidency. This would, in essence, be simply a return to the Presidential succession statute which was passed in the Second Congress and which was law for the first 100 years of our history. If such a statute were now in force, the outcome of the impeachment proceedings could be awaited without the need for precipitate action on this nomination. If the President were removed, the people would choose his successor and charges of partisanship in the removal would not lie; if the President were vindicated, then this nomination could be confirmed with all dispatch and the 25th amendment will have served its purpose. I am convinced that this alternative is preferable to the choice with which we are confronted.

I realize that the views I express today may not be accepted by some of my colleagues; but it is my responsibility, nonetheless, to oppose what I feel to be a mistake of policy as well as a dangerous constitutional precedent. It is for these reasons that I intend to vote against the nomination of Mr. FORD when it comes up tomorrow afternoon.

Mr. CRANSTON. Mr. President, I rise to support the nomination of GERALD FORD to be Vice President of the United States. I will cast my vote for him.

Frankly, I am astonished to hear myself, a lifelong Democrat, support a Republican for Vice President of the United States.

We are living through an incredible time of unprecedented events, however. And so we in this Democratic-controlled Congress find ourselves, under this new and untested 25th amendment to our Constitution, doing what a Republican National Convention, and then the people themselves, would normally do in nominating and electing a Vice President.

Together, we in Congress share a unique and heavy responsibility—particularly in view of the present plight of the Presidency.

I have not taken this responsibility lightly. Nor has the chairman of the Rules Committee, the thorough and able Senator from Nevada (Mr. CANNON). I congratulate and thank him, and all the members of his committee on both sides of the table who, under his fine leadership, have handled the consideration of the nomination so carefully, so expeditiously, and so wisely.

I have relied substantially—but far from entirely—on the committee to determine the qualifications of GERALD FORD to serve as our Vice President and, if need be, our President. I have followed the committee's hearings and findings closely.

I am relieved that the testimony of witnesses, the committee's own investigation, the FBI investigation it requested, and the press in its independent investigations all failed to produce any evidence challenging the integrity and character of GERALD FORD. After all that has transpired of late, such a discovery would have been a great shock, and a new and deep disappointment, to the people of our country.

I am delighted that the committee found no other reason to oppose the nomination, and that it therefore supports him unanimously.

It is great, finally, that the committee, while doing a very thorough job, has completed its assignment with considerable speed—for any undue delay would only have aggravated the sense of instability and uncertainty that already troubles and torments our fellow citizens so very deeply. Instead, by their responsive and responsible performance, the Senator from Nevada and his committee colleagues have shown the Nation a firm faithfulness to the letter and the spirit of the Constitution.

Much as I respect the chairman and the members of his committee, however, I have not been content to delegate all responsibility in this matter to them. My own contacts with FORD have been casual and infrequent. I did have an encouraging experience recently when, on the emergency medical services bill that was primarily mine on the Senate side, he came through on a commitment he made to the House that the President would sign the measure, after an original veto, despite the fact that all but one of the several changes the President had demanded in the measure had not been made. This, however, only finally worked itself out a few days ago.

I set out, on my own, weeks ago, to learn all I could about FORD.

I have consulted very widely. I have held several hundred meetings and phone conversations with those I represent in California—and others elsewhere—who might shed some light on GERALD FORD. I have talked with colleagues of his of both parties in the House and with Senators who have served with him there or had reason to deal with him directly from here; with people of Michigan whom he represents; with men and women in other States who have crossed his trail, or observed him; and most of all with hundreds of Californians whose views I thought would have particular value, and whom I phoned or visited with out there in the State in the past few weeks.

Californians I have consulted include business, labor, and civic leaders, Democrats and independent voters. I have consulted particularly with Republicans who, under normal circumstances, would have had a more direct role in considering the nomination of a member of their party for Vice President, and who would be most likely to know GERALD FORD, or to have information or insights about him. Among others, I talked with 56 of the 57 Republican county central committee chairmen, with leaders of the official and unofficial statewide GOP organizations in California, including the State chairman, Gordon Luce, and the national committeeman, Dr. William Banowsky. I discussed FORD with Gov. Ronald Reagan and other constitutional officers, and I sought the advice of the delegates to the 1968 Miami Republican National Convention. I also solicited the views of a large number of official and unofficial leaders of California's Democratic Party at the State and local level, including the State chairman, Assemblyman John Burton, the vice chairman, Charles Manatt, members of the national committee, and many county central committee chairmen.

Of all the people I consulted, only two Republicans and three Democrats spoke out strongly against FORD and urged his rejection.

Some Republicans, and a number of Democrats, said that they would have nominated someone else—but that, given the prevailing situation and the procedures available under the 25th amendment, all of them said they nevertheless favored approval of GERALD FORD.

A large number of the leaders of both parties, along with many others I spoke to, said they felt that FORD, considering the circumstances and the man, was just about the best choice that could have been made.

Not one person raised any question about GERALD FORD's honesty.

One prominent California businessman offered specific evidence of his integrity and good judgment. A wealthy Michigan industrialist, who is a friend of his and of FORD's, concerned about FORD's modest income and standard of living, has several times offered to let FORD in on some legitimate real estate deals that seemed promising. Invariably, this man told his California friend, FORD politely and firmly declined.

Several Republican leaders, too, told me of personal experiences of their own involving financial contributions given to FORD to be transmitted to other Republican candidates. Their common conclusion was summed up by one, who said:

The money was always handled scrupulously, always accounted for just the way the law required.

Explained another:

Sometimes we simply gave Ford the money, and told him to pass it along to whatever congressional candidate he felt needed it most. He not only always reported back to tell us what he'd done with it, but he told us we could have the money back if we didn't like the candidates he'd picked.

Other comments on this aspect of the man:

A businessman who has dealt with FORD on legislation over the years:

He's not an equivocator, or a liar, or a slip-around the corner guy.

A rural Republican county committee chairman:

He's probably as straight a guy as I've known, or even known about, in politics.

Another of the same:

I don't know him personally, but he seems like a right good man—appears honest. I sure hope he is.

Another:

He seems straight. If a man isn't, you hear whispers. I've never heard any about him.

A Republican colleague of FORD's in the House, a Californian:

He's so square, I'd be absolutely shocked and astounded if he'd ever done anything wrong.

An urban Democratic county committee chairman:

Thank God he's got character, not charisma. We've had too much of the one, too little of the other. I like his low-key style, after all the high, shrill notes others have been striking.

I chatted about FORD with our former Republican colleague, Charles Goodell of New York, who was one of the leaders in the move that deposed Charles Halleck and propelled FORD to GOP leadership in the House, and who, ironically, was later a Senate victim of Spiro Agnew. Said Goodell about FORD:

He's open, honest, decent, solid. You can believe him, even when you don't want to follow him. No arrogance. Reaches out for help. Comparisons to Truman has a ring of truth to them.

Early, when the many investigations of FORD had barely gotten underway, the plaintive hope that nothing bad was in his background to be turned up was reflected in the remarks of a Republican county committee chairman:

My wife and I are terribly troubled by the whole situation. We just hope he checks out o.k. on his income taxes.

Another Republican official said at about the same time:

He seems honest to me—but don't rush things because of the crisis. Make sure you know all there is to know about him before you act back there.

The only serious question voiced to me about GERALD FORD went to his competence—not to serve as Vice President but as President.

The general impression seems to be, both on the part of those who know him casually or who knew him only by hearsay or through impressions gained through the media, that FORD is something of a plodder—not brilliant, not creative, but adequate, competent, reliable.

"I have a great sense of relief that it's FORD," said a very prominent Democrat in the State. "We could have had a terrible controversy over somebody else. He's very acceptable."

A leader of Republican women told me;

In my opinion he, like many of us middle class Americans, works more for his country than his own personal ambition. He's not arrogant, and he works well with others.

A noted Democratic business leader in California:

We know Gerry and Betty more socially than anything else. He's a straight shooter whom you instinctively trust; superb for this particular, tough situation. Re the allega-

tions that he isn't bright, that's silly. He isn't scintilating or sparkling, but he's far from being a dummy.

A top Republican Party leader:

I had some feeling of letdown when he was picked. I'd have preferred some more extraordinary person. There's nothing about him that causes me to be enormously enthusiastic—nor particularly negative.

Those who know FORD better than these tend to agree that he is no superbrain—but they generally give him high marks for ability to work things out and get things done. He's got a good bit of savvy," said one longtime FORD-watcher.

And, from these who have had direct opportunities to size him up in action—over the years or in brief but significant encounters—I picked up some fascinating, and encouraging, insights.

John McCone, Los Angeles industrialist who was head of the CIA in the Kennedy administration, told me that FORD has a penetrating, inquisitive approach to serious problems. In briefings of congressional leaders during the Cuban missile crisis, he felt FORD had some sound intuitions, sensing there was "something more to it" than some supposedly well-informed officials in the executive branch originally believed to be the case. "FORD's cold, correct judgment about the nature of the missiles was proven sound," McCone told me. "The so-called experts were wrong."

David Packard, likewise a California industrialist, who worked with FORD two administrations later during President Nixon's first term, while serving as Undersecretary of Defense, used some of the same words to convey much the same impression:

A good, steady hand . . . responsible . . . solid insights . . . thoughtful . . . I'd put faith in his experience.

Marvin Watson, the Texan who was in the White House with Lyndon Johnson and who now practices law in Los Angeles and Washington, observed FORD often in congressional liaison sessions, and recalled:

He was quiet and reserved in those meetings; straight in negotiations; never offered compromises, but didn't oppose them, either. He supported foreign policy, opposed domestic policy. He was fair, although a couple of times his speeches on the House floor after a White House session annoyed us. No question about his integrity. Good organizer.

Other comments in this category:

A Republican woman leader in California who has known FORD for years:

A native intelligence—not a schooled "intellectual." Horsesense.

Another Republican woman in the State:

He's modest and humble, and we need some of that. We've had all too much, for all too long, of people who think they know it all, of leaders with limitless confidence in their own superiority who lead us into unlimited nightmares.

A former chairman of the Republican Party in California:

The fact that he's been in politics and government so long should make him a real plus for this administration. The President's had too many people around him with no political experience.

He then recalled the story about Sam Rayburn, Lyndon Johnson, and the bright and brilliant people President Kennedy brought down to Washington, when the Speaker supposedly said:

They may be mighty intelligent, Lyndon, but I'd feel a lot better about them if one of them had run for sheriff once.

A prominent educator:

He seems to respect representative government. If he becomes President, he won't develop a God-like, dictator-like complex.

Former Senator William F. Knowland:

I had a very favorable impression during the thirteen and a half years we were there together. He's got his feet on the ground. He knows the issues—you've really got to learn them you know, in those leadership roles.

A Republican county committee chairman, one of many who have become acquainted with FORD in the course of constant travels across the country to speak on behalf of GOP congressional candidates:

Not brilliant, but a sound, solid citizen who'll do the best he can.

A nationally known figure who was behind him at Yale Law School:

He's a real Eagle Scout. As bright as many people who've served as Vice-President, and a heck of a lot brighter than some Veeps.

Time and again, Charles Goodell's point about Ford "reaching out" to others for help was stressed. A conservative Californian who was until recently a colleague of FORD's in the House, H. Allen Smith of Glendale, told me he supported Halleck against FORD in the struggle that made FORD minority leader.

But he surprised me afterwards. Always straightforward, always consulted—consulted everybody. "What about this?" he'd ask. "What about that?" Always listened. Never gave orders. Works terribly hard, endlessly. Has a great memory. You can trust him as far as you can trust anybody.

"Why did you oppose him?" I asked.

"Only because I was close to Halleck in those days, and barely knew FORD."

I did get a strong negative from one prominent aerospace-defense executive in California, a Republican who has seen something of FORD in business-government relations. Said he:

There's nothing wrong with him. Also, there's nothing right with him. He's not the kind of guy I'd hire to get a job done. He's a non-entity.

Most people, by now, seem to have heard about the caustic comments Lyndon Johnson allegedly made about, Ford, particularly the one about playing football too often without a helmet.

One Republican I conferred with turned that football background right around, however. He said:

Things might be better if Richard Nixon had made that Whittier football team. Thank God, GERALD FORD made the Michigan team. He's strong, and he knows it. He's tough, and he knows it. He won't have to prove his manhood—and I'm not thinking only about Nixon when I say that. Look at his predecessor. Thank God, too, that FORD wasn't a quarterback. He knows he doesn't know all the answers.

And a Republican county committee chairman from the Mother Lode said:

I've been impressed with Gerry Ford since I saw him play football in the East-West Shrine Game.

GERALD FORD's record on the issues was the major point of controversy that I encountered—primarily among Democrats but also, to a minor degree, among Republicans.

It was on the basis of his voting record—and mainly on civil rights issues—that the few Democrats opposed to FORD urged that he be rejected. Only one black leader with whom I spoke urged that he be turned down for that reason, however.

"I disagree with him 100 percent on the issues," said a Democratic candidate for governor. "But we've got no choice, under this new Amendment. We can't expect Nixon to pick anybody with a Democratic voting record. And he could have done worse. Remember how, after Haynsworth was defeated, he tried to give us Carswell?"

A leader of the volunteer California Republican Assembly suggested, in the conceivable context of a FORD presidency, that he would be better than President Nixon on domestic matters—"through his experience in grappling with them over so many years in the House"—but that he would be weaker on foreign policy: "so I'm relieved by his apparent respect for Henry Kissinger and the prospect that he'd keep him as Secretary of State."

A Republican conservative delegate to the Miami convention:

I'd have preferred somebody with a position more to the right. But he's o.k. I'd put him slightly to my left—which may please you!

A local Democratic leader:

He's sure been a Nixon supporter, and he was bad on the war—but he's honest, people can believe in him, so I hope he's confirmed.

A labor leader:

He's got a terrible voting record on the COPE charts—but I think you have to approve him.

Several Republicans, and a few Democrats, cited FORD's support of GOP Congressman PETE MCCLOSKEY's successful bid for reelection last year—despite his strong opposition to President Nixon and to the Vietnam War—as evidence of a broad-gauged, unprejudiced attitude on FORD's part. "I'm all for him," MCCLOSKEY himself told me. And, apropos of FORD's support of the Vietnam War all through the Johnson and Nixon years, a liberal, anti-war Democrat who serves in the House, said:

Sure he was a hawk, but a lot of hawks learned a lot out of the Vietnam tragedy, and I think one of them was Ford. Don't forget that it was Ford who finally negotiated Nixon's acceptance of the cutoff date that ended our combat role in the war.

The hope that FORD was just the man to improve relations between the executive branch and Congress was expressed by a great many people of all political persuasions and philosophies. "If I had to pick one thread out of the

quilt," said a county supervisor, "it would be how timely it is to have FORD emerge on the national scene. The confrontation between the President and the Congress is deep and dangerous, and maybe FORD can do something about it. President Nixon was very wise to pick him."

Quite a few with whom I consulted, some in agreement with FORD on the basis of his voting record and some in disagreement, felt that it was impossible to judge him on the basis of that record.

"His sense of responsibility, of duty, as Republican leader in the House, explains his support of Nixon's program. It is not fair, or accurate, to size up his philosophy solely on that basis. It does not necessarily reflect his views," said one Republican, expressing a view voiced by several others and by a couple of Democrats as well.

Other Democrats expressed concern that FORD simply seemed to swallow whole whatever program Richard Nixon laid down. But John Veneman, former Republican assemblyman, who came to HEW as Under Secretary to Bob Finch, and who encountered FORD every now and then on legislative matters, told me:

He had more than an average grasp of H.E.W.-type issues. I found him very pragmatic—not at all a hard liner. Eager to weigh the merits. He wouldn't just take the White House line because somebody called him up from down there. A very key point about him is that he has a good staff—seems to know how to size up people and select assistants very well.

A remarkably restrained and fair comment—one that might surprise foes of OEO's legal services program—came from a young attorney who has worked in that program in GERALD FORD's congressional district:

He really represents that district of his. That district would distrust anybody who was innovative, and throw out anybody who was liberal. So his voting record doesn't necessarily reveal his real beliefs. I'll be watching to see if there's any change when he gets away to a national base, like there was in Lyndon Johnson—on domestic issues—when he was liberated from his Texas base. I wouldn't expect as dramatic a change in Ford, yet I'd be surprised if there wasn't some change.

Incidentally, I was struck during my canvas of so many citizens that no one—no Republican, no Democrat, no labor leader, no minority group leader, no civil rights activist, no attorney—no one ever raised the issue of FORD's abortive effort to impeach Justice William O. Douglas, let alone suggested that as a reason to vote against him.

A shrewd and seasoned Democratic leader in California, who has great experience in national politics, expressed the same theme about FORD and his District in these words: "The papers in Grand Rapids—FORD's hometown—are ultra-conservative. Their influence on FORD will diminish now."

And how thoroughly FORD, indeed, does represent his district was described by a Saginaw banker who was queried about FORD by a leader of one of California's Republican volunteer organizations.

He communicates constantly with people here in the district, the banker said. He understands our problems and tries hard to solve them. His leadership responsibilities in the House may have something to do with the fact that he's never gotten any nationally significant bills of his own through Congress. But he's never been too busy to pay attention to our needs. He's never overlooked us.

Actually, far and away the best comment on the issues aspect of GERALD FORD came, I think, from our own Democratic colleague from Michigan (Mr. HART), when he said:

I have known Gerry Ford for many years. During that time we have often disagreed, but I have never had reason to doubt his integrity and his sincerity. As for his voting record, I suspect he views mine in about the same light I view his, and in this period of swift change only the foolhardy offers his own voting record as a standard of wisdom and consistency.

Thinking back now upon all the varied views of GERALD FORD I have absorbed, I find I am most of all impressed by what seems to me to be an almost startling concensus of conciliation that is developing around him.

Virtually if not totally unknown to many of those with whom I have spoken until he burst so suddenly and so recently into their consciousness, GERRY FORD has come into focus as someone who appears to offer the Nation a steadiness and a dependability for which it yearns.

I doubt if there has ever before been a time when integrity has so surpassed ideology in the judging of a man for so high an office in our land.

I have never before found so many Democrats so universally and utterly devoid of partisanship when giving their measure of a Republican leader.

I have never before found so many Republicans so free and frank in discussing and dissecting, with a Democrat, their own leaders as they affect the future of their party and our Nation.

Many of these conversations, of course, branched out beyond GERALD FORD to Richard Nixon, the Congress, the courts, the Constitution, the country.

The possibility of a Ford Presidency was always implicit, often explicit. No Democrat urged that Congress hold up FORD in hopes of instead landing CARL ALBERT, Democrat, in the White House. Many spoke out strongly against that course, including the State Democratic chairman and vice chairman, John Burton and Charles Manatt. "That would be taking partisan advantage of a national crisis," was a common comment. "It would be breaking trust to try to put a Democrat in," said John Henning, executive secretary of the State AFL-CIO.

A Republican delegate to Miami ended our conversation by asking with a chuckle:

Will you call up to ask my views when Ford submits his vice-presidential choice to Congress?

Out of all this, out of the strange and untoward events now transpiring in our America, I strongly sense that there may come not the dividing of Americans that has been feared but a uniting of Americans that has not been foreseen.

And, in an odd, unexpected, unpredictable way, GERALD FORD may serve as the catalyst for this.

"I feel comfortable about him," was said to me three times in three separate conversations, repeated in those exact words, once by a Democrat, once by a Republican, once by one whose party affiliation is unknown to me.

GERALD FORD may seem bland and uninspiring to those whose tunnel-vision politics is limited to a compulson for the charismatic leader. But I think he will prove to be a man of solidity in a time of turbulence.

GERALD FORD may not, however, be a man for all seasons. He will need the prayers, the guidance, the help of all of us if history forces him into the Presidency.

On the issues, FORD described himself in his testimony before the Rules Committee in words I might use if I sought to describe myself. He said he's "conservative in fiscal affairs, moderate in domestic affairs, internationalist in foreign affairs." I am sure my definitions would differ quite deeply in detail in all three categories, but FORD's self-analysis did offer me, too, a sense of reassurance—and compatability.

So, as a Democrat who must vote "aye" or "no" on a Republican nominee for Vice President who may well become our President, I have come to my decision.

I vote for GERALD FORD with trust in his trustworthiness, with faith in his fairness, with sufficent confidence in his capability—and with great hope.

Mr. PELL. Mr. President, as a member of the Committee on Rules and Administration, I recommend the approval by the Senate of the nomination of Representative FORD to be Vice President of the United States.

With the other members of the Rules Committee, I have conducted a searching inquiry into Representative FORD's public and private record. I am satisfied based upon that inquiry and my own interrogation of Representative FORD that he is a man of integrity, character, and probity, and one who will not abuse the powers and prerogatives of his public office.

I would add that integrity—basic honesty—is a quality in very high demand in the highest reaches of our Government these days.

I have some very basic philosophical differences with Representative FORD on Government policies. But I also believe that the President of the United States, elected by the majority of the people, has a right under the 25th amendment to the Constitution, to nominate a Vice President who is in agreement with him on basic policies.

In recommending the approval of the nomination, therefore, I am supporting the nomination of a man of integrity and am respecting the wishes of the people as expressed in the 1972 national election, but I am not endorsing what I consider to be Mr. FORD's conservative philosophy of government.

I also wish to express publicly my re-

gard for the care, firmness, and efficiency with which our Chairman, Senator CANNON, handled his responsibility in conducting these historic hearings.

Mr. GRIFFIN. Mr. President, I wish to commend the distinguished Senator from Nevada (Mr. CANNON), chairman of the Committee on Rules and Administration, for the outstanding job he did in providing leadership for the committee throughout the historic proceedings which have led up to the Senator's present consideration of this nomination.

It is fair to say that a sense of the historic significance of our undertaking pervaded all the actions of the Committee on Rules and Administration. We were well aware, not only that GERALD FORD, but also the committee and the 25th amendment were under intensive scrutiny throughout the proceedings; and that public judgment would be rendered on all three. In my opinion, all three have passed the test with flying colors.

Those of us who have had the pleasure of serving in Congress with JERRY FORD knew him well before the hearings began. We know him even better now. Until recently, JERRY FORD was known to the public at large as the minority leader of the House. But JERRY FORD, the man was not as well known outside the Congress. That is no longer the case. The impression JERRY FORD made on the public and on the committee in the course of the hearings was overwhelmingly favorable. I am personally gratified, and not at all surprised, that that has been the case.

Representative JERRY FORD has been my friend and associate in Congress for many years. So it was with special satisfaction that I noted comments like those of David Broder, of the Washington Post, when he commented in recent days as follows:

> The gentleman from Grand Rapids is the man on the spot. He is the key figure in an unprecedented experiment, testing whether a government of divided partisanship can make an untried provision of the Constitution operate in a climate of pervasive public distrust.
>
> His conscientious preparation, his evident cooperativeness and his candor are making his confirmation hearings an occasion in which the country can not only learn something of the character of its new Vice President but re-learn the value of one of its oldest traditions—the tradition of civility . . .
>
> Ford . . . operates, under any circumstance, in a tradition of civility, of mutual accommodation, of respect for persons and institutions.

Such an evolution and response to JERRY FORD's personality and performance as the nominee for Vice President augers well for his prospects as Vice President.

I know that JERRY FORD is the right man for the country at this time in the office of Vice President.

JERRY FORD is a man of character—at a time when the people of this country want assurance that those who hold leadership responsibilities are men and women of integrity and principle.

JERRY FORD is a man of candor and sincerity—at a time when people are looking for openness and frankness in their leaders; when they want nothing so much as the plain, unvarnished truth.

JERRY FORD is a man of consistent commonsense and steady judgment—at a time when the people are looking for stability, stamina, and levelheaded strength for the long haul ahead.

JERRY FORD is a man of the Congress—at a time when the people are looking toward Congress for help in restoring confidence in our government and its institutions.

And, JERRY FORD is a man of the center, respected across the whole broad spectrum of responsible political opinion—at a time when the people are looking for common ground and a basis for unity.

Mr. President, I am delighted that the vote by which the Rules Committee reported this nomination was unanimous. And I look forward to the vote in the Senate tomorrow at 4:30 p.m.—a vote which I confidently expect will register overwhelming approval of this nomination.

Mr. President, one matter has been raised in the hearings in the other body which should be mentioned in this discussion on the Senate floor, I refer to Congressman FORD's role in suggesting at one time the possibility of impeaching Justice William O. Douglas. Some have suggested critically that our Committee on Rules did not look deeply enough into that matter.

While the chairman of the Rules Committee is here in the Chamber, I wish to indicate my view that any such criticism of the Senate Rules Committee is not justified. The Senate Rules Committee and its staff did carefully look into that particular episode. Among various inquiries that were made on the subject to satisfy ourselves, individually and collectively, was a request to the Library of Congress. The response provided in analysis form by Richard Sachs, of the Government and General Research Division, is worth attention in RECORD to put the matter in proper perspective.

Accordingly, I ask unanimous consent that the document be printed in the RECORD.

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

ROLE OF VICE-PRESIDENT-DESIGNATE GERALD FORD IN THE ATTEMPT TO IMPEACH ASSOCIATE SUPREME COURT JUSTICE WILLIAM O. DOUGLAS

(By Richard Sachs, Analyst, American National Government, Government and General Research Division, October 24, 1973)

Gerald Ford's involvement in the effort by the House of Representatives to impeach Associate Supreme Court Justice William O. Douglas reportedly began in the Spring of 1969 with the resignation of another member of the high court, Abe Fortas. Fortas had stepped down after coming under severe attack over his relations with Louis Wolfson, the financier. This marked the first time a justice had resigned under a shadow of impropriety.[1]

Much of the controversy over Fortas concerned his association with foundations and fees he had received from foundations. Several years earlier an investigation by the *Los Angeles Times* had revealed that Douglas was being paid $12,000 by the Albert Parvin Foundation for serving as its only paid officer.[2] With Fortas' resignation as a precedent, Douglas' conduct was being called into question and Members of Congress began receiving a considerable amount of mail critical of Douglas. House Minority Leader Ford was impressed at the response and decided to launch his own investigation of the allegations surrounding Douglas. One source close to the investigation recalled, "Jerry decided to look into it, but it wasn't being pressed on a crash basis." [3] As part of the investigation, Ford contacted White House aide Clark Mollenhoff who, as a former journalist, had written several articles on Douglas' position with the Parvin Foundation.[4] The investigation by Ford and his staff proceeded quietly through the summer and into the fall of 1969.[5]

Meanwhile, Justice Douglas, perhaps one of the more controversial members of the Court, often criticized for his outspoken liberal viewpoints and unconventional lifestyle, continued to be a figure of contention. In late May, as Douglas was resigning his position with the Parvin Foundation for the stated reason that the foundation's activities posed too heavy a workload it was revealed that he had been receiving fees from another foundation which he headed, the Center for the Study of Democratic Institutions in Santa Barbara, California.[6] Douglas then publicly criticized an Internal Revenue Service investigation of the Parvin Foundation as a "manufactured case" designed to force him from the bench.[7] As the extent of Douglas' involvement in the foundation's affairs became known, he was further criticized by House Judiciary Committee Chairman Emanuel Celler (D-N.Y.) and his outright resignation was called for by Rep. H. R. Gross (R-Iowa) and John R. Rarick (D-La).[8] He was assailed by critics in the Senate for authoring articles that appeared in Playboy and in Avant-Garde, a magazine put out by controversial publisher Ralph Ginzburg who had recently been convicted of violating Federal obscenity laws.[9] In late July the ethics committee of the American Bar Association refused to decide whether Douglas had violated the canons of judicial ethics by his relationship with the Parvin Foundation. The ABA had been asked to look into the matter by Senator John J. Williams (R-Del.).[10]

In early November, as the Senate was embroiled in debate over the confirmation of Supreme Court nominee Clement F. Haynsworth, Ford's investigation was revealed. Haynes Johnson, reporting for the Washington Post, wrote later that "Ford himself suffered an embarrassment. A Washington reporter learned of the investigation and asked Ford point-blank about it. Ford, understandably, wanted to keep his investigation out of the public arena—particularly at a time when the President, the leader of his party, was facing a major fight over his Supreme Court choice. News that a key Republican congressman was looking into a liberal justice appointed by a Democrat might harm Haynsworth's chances. Faced with either confirming or denying the report, Ford said it was true." [11]

In announcing the investigation, Ford emphasized that ethical standards being applied to nominee Haynsworth should also apply to present justices. "If the Senate votes against a nominee for lack of sensitivity," Ford stated, "it should apply the same standards to sitting justices." Ford said that several colleagues had come to him suggesting the investigation, including GOP Conference Chairman John Anderson (R-Ill.) and Rep. Guy Vander Jagt (R-Mich). He said that he had not discussed the matter with the President and at the White House Press Secretary Ron Ziegler made a similar statement.[12]

Footnotes at end of article.

Whether the investigation was disclosed as Johnson later reported it, whether Ford leaked the news himself, or whether the effort was coordinated at the White House remains a matter of speculation. But response to the news was immediate and many observers saw it as heavy-handed attempt to hold Douglas hostage for a Haynsworth confirmation.[13] The New York Times editorialized: "The transparency of Mr. Ford's move does him no credit either as statesman or tactician. . . . we think he will find that anti-Haynsworth Senators will hardly be induced to switch by a poorly veiled threat."[14] The Senate failed to confirm Haynsworth but Ford said he was continuing his investigation. In a UPI interview he said that his original decision to study possible impeachment of Douglas was related not to the Haynsworth matter, but to the published charges about Douglas' connection with the Parvin Foundation.[15]

While the issue dropped from sight, the Haynsworth defeat apparently intensified the bitterness among many conservatives and strengthened their determination to do something about Douglas.[16] Signs that preparations were being made to move against Douglas when Congress reconvened in January were revealed in a Washington Evening Star story in late December by Lyle Denniston. Denniston wrote: "A commitment to go ahead with the often-discussed challenge . . . is—at this point—a loosely organized effort. It has several champions, but no leader. It has no timetable, beyond the plan to file 'articles of impeachment' during the House's 1970 session. Moreover, the preparation of the case against Douglas involves an unusual combination of House staff work, plus continuing private investigations of the Justice by news organizations. These private investigations almost have the status of a semi-official inquiry, since the anti-Douglas lawmakers are definitely counting on the results to help make their case.

"The move is dominantly if not exclusively a Republican effort. While the House GOP leader, Rep. Gerald R. Ford of Michigan, is among the promoters of the continuing probe of Douglas' activities, he has not yet assumed the role of leading the effort, or even the job of coordinating it. Ford's own staff is generally doing the House part of the investigation. That activity gained a windfall of 'tips'—some believed to be solid, others plainly frivolous—after Ford's staff investigation of Douglas became public over a month ago.

"While the GOP House leader is centrally involved, he apparently is not yet ready himself to conclude that the impeachment effort will go forward. His staff, in fact, expressed surprise at being told that a commitment to go ahead had been made.

"Among those known to be either a part of the group that will seek impeachment, or else acting as an adviser to the group, are Reps. Clark MacGregor, R-Minn., and H. R. Gross, R-Iowa. It is understood that there are at least two or three others in the group."[17]

Douglas, meanwhile, continued to infuriate his critics. On February 18, Random House published his latest book, "Points of Rebellion." The volume, employing much of the controversial political thought and rhetoric of the day, argued that revolution might prove the only alternative to oppression by the "American establishment." Douglas wrote, "George III was the symbol against which our founders made a revolution now considered bright and glorious. . . . We must realize that today's Establishment is the new George III. Whether it will continue to adhere to his tactics, we do not know. If it does, the redress, honored in tradition, is also revolution."[18-19]

"Points Of Rebellion" produced a predictable response among the anti-Douglas faction in Congress. One Congressman, Louis Wyman (R-N.H.), already troubled by Douglas' foundation activities, recalled that after reading advertisements about the book, he sent a staff aide out to buy an advance copy. "I took the whole morning off and read it. It disturbed me very much."[20] Without informing anyone else, Wyman began drafting a resolution calling for the need to investigate Douglas with a possible view of impeachment. When he went to Ford's office, he was asked by an aide not to introduce his resolution, the timing was inappropriate. The Senate was once again considering a Supreme Court nominee, G. Harold Carswell, and it was considered politically unwise to make any moves that might jeopardize the Republican nominee's chances.[21] One individual reportedly close to the matter recalled, "By this time quite a number on both sides of the aisle wanted to go after Douglas, but to be perfectly honest about it, they didn't have the material Ford's staff had. That staff had been working off and on for about a year."[22]

After the Carswell defeat, conservative emotions intensified. Haynes Johnson wrote: "When news of Carswell's defeat reached the House floor, it is understood that several Congressmen immediately approached Ford. They were angry and emotional. In effect, they laid down an ultimatum: either Ford would act on Douglas or one of them would. All it took was for one member to stand up and call for impeachment, Ford was reminded.

"Ford, who was not available for comment on this episode, is reliably reported to have told them to hold off. If anything was going to be done it should be done right, and not just for one day's headline in someone's hometown newspaper.

"Ford deliberated for several days. Part of the time he went to his home district in Grand Rapids, Mich. He returned to Washington on Sunday and studied the case further. About noon the next day, Monday, April 13, Ford met with several key congressmen at the Capitol. Among them, it is reported, were Leslie Arends of Illinois, Robert Sikes of Florida, Joe D. Waggonner Jr. of Louisiana and William L. Scott of Virginia.

"Wyman remembers the essential question as boiling down to this: whether to ask for impeachment or an investigation to see if impeachment proceedings were justified.

"Ford told them he intended to lay out, publicly, his probable cause case against Douglas in a speech later that week. He also said he favored an investigation rather than impeachment.

" 'Jerry,' one Capitol Hill source speculated, 'was in the position of being stampeded or of staying in front of the pack.' "[23]

At about the same time Vice-President Agnew called for a thorough examination of Douglas' record. He said: "It seems rather unusual for a man on the bench to advocate rebellion and revolution, and possibly we should take a good look at what he thinks, particularly in view of the fact that two fine judges have been denied seats on the bench for statements that are much less reprehensible, in my opinion, than those made by Justice Douglas."[24]

As Ford was preparing his speech against Douglas, another incident served to further enrage the anti-Douglas faction and catalize many who were undecided about joining the move against the Justice. The April issue of Evergreen magazine appeared on Washington newsstands and among its contents was an excerpt from "Points of Rebellion." The substance of the article was offensive to his critics, but as Johnson wrote, ". . . it wasn't the justice's words that set off a furor; it was their juxtaposition with other material. There was a full-page caricature of Richard Nixon made to look like George III. There was an article by Tom Hayden on repression and rebellion. But the centerpiece was the object of most attention. A seven-page rotogravure section contained 13 half page photographs of nudes. Men and women were embracing, making love. Genitals were clearly shown. . . . As pornography goes these days, the pictures were not that titillating, but they were enough to solidify the opposition against Douglas."[25]

Describing the magazine, Ford later told Congress; "There are nude models of both sexes in poses that are perhaps more shocking than the postcards that used to be sold in the back alleys of Paris and Panama City, Panama."[26]

Feelings against the Justice were thus running high as Ford delivered his promised speech on the evening of April 15. "It was," Johnson wrote, "something of a Roman circus atmosphere on Capitol Hill. One Republican congressman who sat listening that night says he was reminded of Julius Caesar and Mark Antony. Indeed, a feeling of the Forum and the public trial was present. Ford himself added to the impression. At one point during his speech, he recalled that the censor was an ancient Roman office, the supervisor of the public's morals. He and his colleagues didn't intend to set themselves up as censors, but he added: 'Let me substitute, if I might, another Roman office, the tribune. It was the tribune who represented and spoke up for the people. This is our role in the impeachment of unfit judges and other federal officials. We have not made ourselves censors; the Constitution makes us tribunes'."[27]

In his speech, Ford made five major charges against Douglas:

Douglas' failure to disqualify himself from the obscenity cases of Eros publisher Ralph Ginzburg. In 1969, Ginzburg had also paid Douglas $350 for an article on folk-singing which appeared in "Avant Garde." Ford termed the action a "gross impropriety."

Ford charged that "Points of Rebellion" violated the standard of good behavior and was "an inflammatory volume."

Ford charged that Evergreen magazine which had published the excerpt from "Points of Rebellion" was "hardcore pornography."

Ford again brought into question Douglas' relationship with the Albert Parvin Foundation linking the Justice with gambling concessions in the United States and the Dominican Republic and alleged international gangsters.

Ford charged that the Center for the Study of Democratic Institutions, of which Douglas was chairman of the board of directors and had received consultant's fees, was a "leftish" organization and a focal point for organization of militant student unrest.[28]

Two days before Ford's speech, he had called a news conference and announced that a bipartisan group would introduce resolution creating a special investigating unit to look into the Douglas matter and report to the House in ninety days.[29] By calling for a select committee, the anti-Douglas forces sought to avert any impeachment measure away from liberal Representative Emanuel Celler's (D-N.Y.) Judiciary Committee, the group that normally considers any House action to impeach. Aware of this tactic, Celler's aides had contacted Andrew Jacobs Jr., (D-Ind.), and in the midst of Ford's speech, Jacobs "marched to the well dropped in the hopper"[30] a resolution stating; "Resolved, that William O. Douglas, associate justice of the Supreme Court of the United States, be impeached of high crimes and misdemeanors and misbehavior in office."[31] Fifty-two Republicans and fifty-two Democrats, mostly from the South, signed the Ford resolution but as the result of Jacobs' action Celler's committee had jurisdiction and the conservative's measure later died in the Rules Committee.[32]

At the White House, Press Secretary Ron Ziegler denied any role in the Ford investigation by White House aide Clark Mollenhoff and stated: "There is no involvement

Footnotes at end of article.

and no concentration on this matter from the White House." [33]

Celler moved swiftly to form a special subcommittee to investigate the charges against Douglas. On April 21 he announced that Byron Rogers (D-Col.), Jack Brooks (D-Texas), William M. McCulloch (R-Ohio) and Edward Hutchinson (R-Michigan) would serve on the subcommittee created by Jacob's resolution, H. Res. 920. Celler himself, would chair the group. He said the unit would report its finding to the full Judiciary Committee in 60 days.[34] Earlier Celler had joined with a group of forty other House liberals in protesting the Ford move as "an attack on the integrity and the independence of the United States Supreme Court." [35] He had also commented that the timing of the anti-Douglas move suggested that "this probably is somewhat in the spirit of retaliation" for Carswell's defeat.[36]

Douglas remained unworried, at first refusing to take the matter seriously. In an interview with ABC News he said that if his latest book advocated rebellion, "I'll eat it without mayonnaise or anything." [37] When asked whether "you find this controversy more heated than some of the others you've been in," Douglas countered, "What controversy are you talking about?" [38] Some of Douglas' friends finally convinced him the impeachment move was serious. The group—including Clark Clifford, former Secretary of Defense; Ben Cohen, one of the original New Deal "brain trusters;" and David Ginsburg, a Washington lawyer and Douglas' first law clerk—saw the move as "nothing less than an effort by the Nixon Administration to stifle dissent and build a campaign issue for the fall election. After analyzing Ford's statement and the impeachment resolution, they concluded—over Ford's strong denial—that the Administration was deeply involved in it at all." [39] Douglas agreed and announced that he was disqualifying himself from participating in rulings on obscenity appeals involving the film "I Am Curious (Yellow)" and a libel suit against Look magazine (in response to which Ford commented that the action was "tacit admission" that Douglas should have disqualified himself from the Ginzburg libel and obscenity case),[40] and retained an old friend and former Federal judge, Simon Rifkind, to represent him against possible impeachment charges.[41]

The first action the special subcommittee took was to request from Ford and the other sponsors of the impeachment resolution material relevant to the charges against Douglas. The subcommittee also requested relevant material from the Department of Justice, the Securities and Exchange Commission and the White House.[42] The subcommittee began the long process of collecting, collating and analyzing the information. However other events, the incursion of American troops into Cambodia and the accompanying unrest on college campuses, overshadowed the work of the investigating group, and for his role, Ford was forced to turn his attention to defending the Administration's actions in the fact of renewed anti-war efforts in Congress.

By early June, it appeared that the subcommittee had made little progress. Members of the group complained that they had received little cooperation and little new information from fellow Congressmen. Most of the evidence, solicited in earlier letters, proved to be newspaper clippings and the like. Rep. Brooks added that the Federal Government was not much more of a productive source of evidence. He commented: "They're just as slow as molasses to come up with any facts. We're slowly getting papers from the Justice Department. They didn't have very much, apparently." [43]

The subcommittee, stating that it needed additional time to conduct its investigation asked for, and was granted, sixty day extension. It issued, on June 20, an interim report containing material on the investigation up to that point.[44]

At the same time that some members were stating that there appeared little substantial evidence to impeach Douglas, there were reports that "recent checks on House attitudes" revealed that "if the House votes on charges any time before election day, Nov. 3, it very likely would vote to impeach Douglas." The reports stated that public opinion was running so heavily against Douglas, that most Congressmen would be forced to vote against him or run the risk of losing at the polls in November. Therefore, there was pressure from the leadership not to conclude the subcommittee investigation before the fall elections.[45]

On August 3, amid further reports that the Douglas unit was stalling its investigation,[46] Ford, who had little to say publicly about the Douglas investigation for the past several months,[47] joined with Reps. Waggonner and Wyman in a charge that the investigation was a "whitewash" and a "travesty." [48] Ford demanded that the panel hold public hearings, examine witnesses under oath and make public "all pertinent documents." He also revealed that one of his staff assistants, Robert Hartman, had been working with Waggonner in an independent investigation of Douglas. Waggonner had reportedly hired Benton L. Becker, a former trial lawyer in the Criminal Division of the Justice Department to conduct the probe. Becker had been on Waggonner's office staff for about two months.[49]

Celler replied saying that his inquiry was being obstructed by the refusal of Federal agencies to supply necessary information. He said that the State Department, the Justice Department and the Central Intelligence Agency had not furnished his material requested six weeks ago. Celler stated: "These delays and obstructions have hampered the special subcommittee in this investigation and hindered the completion of its task. In the light of the lack of cooperation from the executive branch, criticism of the special subcommittee is not justified." Celler indicated the investigation could run on for many months. So on August 11, the subcommittee released a second document, "Legal Materials on Impeachment," containing briefs by Rifkind and a Detroit law firm retained by Ford.[50] [51]

While political charges and countercharges continued, the case seemed to crystallize around Ford's views of what constituted an impeachable offense. In his April 15 attack on Douglas, Ford had stated: "The only honest answer is that an impeachable offense is whatever a majority of the House of Representatives considers it to be at a given moment in history." [52]

On May 18, Douglas' attorney, Simon Rifkind, had submitted a Memorandum On Impeachment of Federal Judges. Rifkind wrote: "A careful examination of the Constitution itself . . . clearly demonstrates that Federal judges may be impeached only upon charges of 'Treason, Bribery, or other High Crimes and Misdemeanors'. There is nothing in the Constitution . . . to suggest that Federal Judges may be impeached for anything short of criminal conduct. Rifkind's memorandum concluded: "There has developed the consistent practice, rigorously followed in every case in this century, of impeaching Federal judges only when criminal offenses have been charged . . . In consequence, while the Federal judiciary has over the years suffered a few judges who were unable to perform their duties, since 1805 it has been free from political purges and from harassment directed at the beliefs, speeches and writings of individual judges." [53]

On August 5, Ford had submitted a memorandum to the subcommittee from the Detroit law firm of Dykema, Wheat, Spencer, Goodnow, & Trigg, which at Ford's request had studied the question of what constitutes an impeachable offense. Bethel B. Kelley, a member of the firm, wrote Ford, "If a judge's misbehavior is so grave as to cast substantial doubt upon his integrity, he must be removed from office regardless of all other considerations. . . . We conclude, that misbehavior by a Federal Judge may constitute an impeachable offense though the conduct may not be an indictable crime or misdemeanor." [54]

On August 18, Rifkind wrote a letter to Celler indicating astonishment at the Kelley Memorandum. "Mr. Ford's definition of an 'impeachable offense' means that judges serve as the pleasure of Congress. This is so utterly destructive of the principles of an independent judiciary and the separation of powers that I could not believe that convincing historical support could be found for so radical a proposition. Now that I have read the Kelley memorandum, I am more than ever convinced that Mr. Ford's view is historically and legally as untenable as it is mischievous." [55]

In defending Douglas against the particular charges of Ford and the anti-Douglas forces, Rifkind made the following points:

On the Ginzburg case: "The Justice has never had any dealings with Ralph Ginzburg."

On "Points of Rebellion:" "The attack on the Justice's book . . . is not only profoundly subversive of the First Amendment, but is based upon an inexcusable distortion of what the Justice actually wrote . . . The book . . . is a patriotic call for our democratic processes to meet challenges of the day so as to pull the rug from under the small minority advocating violent rebellion."

On the Evergreen magazine article: "The Justice did not authorize its editors to reprint a portion of his book. Pursuant to its standard contractual rights, Random House, one of the nation's most prestigious publishers, made the decision."

On associations with Albert Parvin, alleged international gamblers, and the Albert Parvin Foundation: "The Foundation had no connection with the 'international gambling fraternity.' . . . Justice Douglas does not know the alleged underworld persons named in the attacks upon him . . . (He) has not engaged in the 'practice of law' . . . The corporate papers he is alleged to have drafted were drafted by a Los Angeles attorney . . . In serving as a director of the Albert Parvin Foundation, and receiving modest compensation for such services, Douglas followed long precedent—as, for example, did Chief Justice Warren Burger and Justice Harry Blackmun with respect to the Mayo Foundation and the Kahler Corporation."

On the Center for The Study of Democratic Institutions: "Mr. Douglas has participated in the activities of one of the free world's great academic institutions . . . So have Chief Justices Warren and Burger, George Romney and Robert Finch, and scores of other distinguished Americans. His services . . . have been uncompensated." [56]

While Ford was leading the Washington challenge against Douglas, he was reportedly presenting a different image in his reelection campaign in his home district of Grand Rapids, Michigan. In an election that was marked by emotional appeals from many contenders, Ford's campaign was surprisingly low-key. Wrote a Washington Post correspondent: "In the GOP's grand crusade for victory over permissiveness this fall, House Republican Leader Gerald R. Ford is clearly out of step. It is largely a matter of style and emphasis, but the distinction keeps popping up on TV screens throughout Michigan's heavily Republican 5th Congressional District: 'Return a man of peace to Congress. Support Jerry Ford. He gets things done.' That's it. No shrill cries for law and order. Not one of Ford's TV ads dwells on street crime or cam-

Footnotes at end of article.

pus unrest. Perhaps more significant, not one of them mentions President Nixon—or the Republican Party—by name." [57]

After the November election it appeared that the Douglas impeachment move was running out of steam, despite reports that the action might be continued by some unnamed "lame-duck" Congressmen.[58] Celler's special subcommittee staff had completed the bulk of its work in mid-September and on December 3, the subcommittee met and voted three to one that there were no grounds to impeach the Justice. One of the two Republican members, Edward Hutchinson of Michigan, announced that he would file a minority view. The other, William M. McCulloch of Ohio, refrained from joining in either the majority or minority view. McCulloch later said that there was "just not enough evidence to come to a final, fast, hard conclusion on whether an impeachable offense has been committed." Celler termed the report, "the most exhaustive inquiry I've known of during my 48 years in Congress." [59]

In response to the subcommittee's vote, Ford said: "For the present I can only say that this matter is far from finished and that the sentiment of House members, both Democrats and Republicans, is not accurately reflected in the subcommittee's vote." [60]

But when the new session of Congress opened in January, Ford indicated that he had decided to spend less time and effort in leading the public challenge against Douglas. One source was quoted as saying that Ford "doesn't intend to be so much the ball-carrier." And, though the anti-Douglas forces offered an opening day resolution to create a special six-member committee to conduct what they called a "meaningful" investigation, nothing came of the effort.[61]

FOOTNOTES

[1] Haynes Johnson, "The Douglas Case: No Neutral Ground," Washington Post, April 26, 1970.

[2] "Foundation Headed by Douglas Sells Its Stock in Company That Owns Casinos," New York Times, May 20, 1969.

[3] Johnson, *op. cit.*

[4] Fred P. Graham, "Ford Hints Move To Oust Douglas," New York Times, November 8, 1969.

[5] Johnson, *op. cit.;* Graham, *op. cit.;* Spencer Rich, "Ford Eyes Ousting Douglas," Washington Post, November 8, 1969.

[6] John P. MacKenzie, "Douglas Resigns From Foundation," Washington Post, May 24, 1969; "Foundation Says That It Paid Douglas $4,000 for Two Seminars," New York Times, May 22, 1969.

[7] Bernard Collier, "Douglas Says Tax Inquiry Aims to Get Him Off Court," New York Times, May 25, 1969.

[8] Congressional Record, May 26, 1969, pp. 13774–13775; George Lardner, Jr., "Celler Raps Douglas On Letter to Parvin," Washington Post, May 28, 1969.

[9] George Lardner, Jr., "Sen. Fannin Assails Douglas on Article," Washington Post, May 29, 1969; Bernard L. Collier, "Thurmond Urges Douglas To Quit," New York Times, May 30, 1969; Congressional Record, June 16, 1969, pp. 15861–15865.

[10] "Justice Douglas Gets A Pass," Chicago Tribune, July 23, 1969.

[11] Johnson, *op. cit.*

[12] Spencer Rich, "Ford Eyes Ousting Douglas," Washington Post, November 8, 1969; Fred P. Graham, "Ford Hints Move To Oust Douglas," New York Times, November 8, 1969.

[13] Royce Brier, "Douglas Hostage For Haynsworth," San Francisco Chronicle, November 19, 1969; "The Impeachment Bungle," Washington Post, November 11, 1969.

[14] "Contempt of Court," New York Times, November 11, 1969.

[15] "Rep. Ford Says He Pushes Study Of Justice Douglas," Washington Post, November 22, 1969.

[16] Johnson, *op. cit.*

[17] Lyle Dehniston, "Lawmakers Pushing Effort To Impeach Justice Douglas," Washington Evening Star, December 21, 1969.

[18] Israel Shenker, "Justice Douglas Says Revolution May Be Only Honorable Reply to Oppression," New York Times, February 1, 1970; William McPherson, "On Revolt," Washington Post, February 20, 1970.

[19] *Ibid.*

[20] Johnson, *op. cit.*

[21] *Ibid.*

[22] *Ibid.*

[23] *Ibid.*

[24] Milton Viorst, "Bill Douglas Has Never Stopped Fighting The Bullies of Yakima," New York Times Magazine, June 14, 1970, p. 52.

[25] Johnson, *op. cit.*

[26] Congressional Record, April 15, 1970, p. 11916.

[27] Johnson, *op. cit.*

[28] Congressional Record, April 15, 1970, pp. 11912–11927; "House Committee Studies Charges Against Douglas," Congressional Quarterly Weekly Report, November 13, 1970, pp. 2786–2789.

[29] Warren Weaver, Jr., "Inquiry By House On Douglas Urged," New York Times, April 14, 1970.

[30] Marjorie Hunter, "Ford Asks Douglas' Ouster," New York Times, April 16, 1970.

[31] Philip Warden, "2 Factions Grab For Probe Of Douglas," Chicago Tribune, April 17, 1970.

[32] Hunter, *op cit.*

[33] *Ibid.*

[34] Norman C. Miller, "House Judiciary Committee Names Panel To Investigate Charges Against Douglas," Wall Street Journal, April 22, 1970.

[35] Hunter, *op cit.*

[36] Richard L. Lyons, "Ford Seeks Removal Of Douglas, "Washington Post," April 14, 1970.

[37] "Douglas Denies Book Advocates Rebellion," Washington Post, April 18, 1970.

[38] *Ibid.*

[39] Viorst, *op. cit.*

[40] "Douglas To Skip 3 Court Rulings," New York Times, April 28, 1970.

[41] Majorie Hunter, "Lawyer is Retained By Douglas To Help In Impeachment Fight," New York Times, April 29, 1970.

[42] U.S. Congress. House. Committee on the Judiciary. First Report By The Special Subcommittee on H. Res. 920. 91st Congress, 2d Session. June 20, 1970. p. 9–10.

[43] "Evidence Meager On Douglas," Washington Post, June 7, 1970.

[44] U.S. Congress. House. Committee on the Judiciary. First Report by the Special Subcommittee on H. Res. 920, 1970. pp. 25–26.

[45] Lyle Denniston, "Pressure Building in House For Douglas Impeachment," Sunday Star, June 14, 1970; Willard Edwards, "Word For Douglas Case—Delay," Chicago Tribune, July 2, 1970.

[46] Robert S. Allen and John A. Goldsmith, "Celler Probe Of Douglas Raises Doubt of Sincerity," Jackson, Miss. Daily News, July 27, 1970.

[47] Ford had said very little on the floor of the House and in an appearance on the ABC radio and television program "Issues and Answers," On June 22, had not commented on the subject at all.

[48] Carroll Kilpatrick, "Douglas Whitewash Charged," Washington Post, August 3, 1970; Marjorie Hunter, "Critics of Douglas Call Inquiry A 'Whitewash' and 'Travesty'," New York Times, August 3, 1970; Shirley Elder, "Waggonner Irked, Starts Own Probe of Douglas," Washington Evening Star, August 3, 1970.

[49] *Ibid.*

[50] Warren Weaver, "Celler Says 3 Agencies Obstruct Douglas Inquiry," New York Times, August 5, 1970.

[51] U.S. Congress. House. Committee on the Judiciary. Legal Materials On Impeachment. Special Subcommittee on H. Res. 920. 1970.

[52] Congressional Record, April 15, 1970, p. 11913. The Constitution, Article III, Section one, provides that "The judges both of the Supreme and inferior Courts, shall hold their offices during good behavior. . . ." Article II, Section Four, provides that "The President, Vice President, and all civil officers of the United States, shall be removed from office on impeachment for, and conviction of, treason, bribery, or other high crimes and misdemeanors."

[53] Congressional Quarterly Weekly Report, November 13, 1970, p. 2788.

[54] *Ibid;* Fred P. Graham, "Impeach Douglas Plea Raises Constitutional Question," New York Times, August 24, 1970.

[55] Congressional Quarterly Weekly Report, op. cit., pp. 2788–2789.

[56] *Ibid.*

[57] George Lardner Jr. "Ford Strides Out of Step With His Party," Washington Post, November 2, 1970.

[58] Arlene Alligood, "Impeach Douglas Drive May Be Pushed by Lame-Ducks," San Francisco Chronile, November 15, 1970.

[59] Marjorie Hunter, "House Unit Finds No Basis For Action On Douglas," New York Times, December 4, 1970; Lyle Denniston, "Bid To Impeach Douglas Fails," Washington Evening Star, December 4, 1970; Richard L. Lyons, "No Grounds To Impeach Douglas Found," Washington Post, December 4, 1970.

[60] "Ford Calls Efforts To Oust Douglas Far From Finished," New York Times, December 5, 1970.

[61] Lyle Denniston, "Justice Douglas' Critics In House Renew Attack," Washington Evening Star, January 22, 1971.

Mr. GRIFFIN. Mr. President, I yield to the distinguished Senator from Nevada.

Mr. CANNON. Mr. President, I want to thank my distinguished colleague for the kind remarks he had to make about the chairman of the committee and our committee's actions on that matter, as well as the distinguished Senator from Rhode Island for his gracious remarks.

I certainly agree with my colleague from Michigan that we did consider very carefully the matters relating to Mr. FORD's role in what has been referred to as the attempted impeachment of Justice Douglas. We went into the research quite thoroughly to determine that that matter had been settled upon and that it was not necessary to bring that matter up further and to delve into it further beyond the information the committee had at hand.

I thank the Senator for pointing that out and for making a part of the RECORD the study that was given to the matter by the Rules Committee.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HATFIELD. Mr. President, the action to be taken by the Senate in participating in the selection of the next Vice President of the United States will be a first in our country's history. Little did we know that the 25th amendment would be utilized so soon after its enactment or under such circumstances.

As you know, the Senate Rules Com-

mittee has just completed one of the most thorough investigations of any nominee for any Federal office. I am proud to have served on this committee and want to publicly express my appreciation to Senator CANNON for the able leadership he provided the committee throughout the FORD hearings.

Mr. FORD's record as a public servant is well known to all Members of Congress and, therefore, I do not feel that it is necessary to review his career at this time.

Mr. FORD assured the Senate Rules Committee that he intends to serve as a liaison between the executive branch and the legislative branch. Mr. FORD is eminently qualified to serve the Nixon administration in this role.

The latest revelations concerning the Watergate tapes only cast more suspicion on the administration. The President's credibility is at an all time low and his ability to provide this country with honest leadership is being questioned. GERALD FORD's confirmation as Vice President will calm the questions of Presidential succession as well as bring an indiivdual of unquestioned integrity into the administration.

GERALD FORD will be in an unique position to serve as a liaison between the American people and the Nixon administration. Mr. FORD's greatest challenge over the next 3 years will be to convince the American people that Government officials can be trusted. GERALD FORD can be trusted and the American people will be able to believe in him. I believe GERRY FORD will be able to relate to the American people and in turn restore their faith in our political system.

Mr. FANNIN. Mr. President, due to a long-standing commitment in my home State of Arizona, it will be impossible for me to be here Tuesday for the vote on confirmation of JERRY FORD as Vice President of the United States.

I wish to state my enthusiastic support for Mr. FORD and go on record as saying that I would vote for confirmation if I could be here. I am deeply disappointed that I will not be present to add my voice to those voting for confirmation.

Mr. FORD has a distinguished record in the House of Representatives and he is superbly qualified to assume the duties of Vice President.

I know the vote here will be overwhelming in favor of Mr. FORD, and I would hope that the House of Representatives will expedite the confirmation proceedings there so that our new Vice President can be sworn into office promptly.

LEGISLATIVE SESSION

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the Senate return to the consideration of legislative business.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR RECOGNITION OF SENATOR MANSFIELD AND FOR TRANSACTION OF ROUTINE MORNING BUSINESS TOMORROW

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that on tomorrow, after the two leaders or their designees have been recognized under the standing order, the majority leader be recognized for not to exceed 15 minutes, after which there be a period for the transaction of routine morning business not to extend beyond the hour of 10:30, with statements therein limited to 3 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER OF BUSINESS

Mr. ROBERT C. BYRD. Mr. President, has the order already been entered to provide that at the hour of 10:30 a.m. the Senate proceed to the consideration of the extension of the debt limit legislation?

The PRESIDING OFFICER. It has.

Mr. ROBERT C. BYRD. Mr. President, I thank the Chair.

ORDER FOR DIVISION OF TIME ON EXTENSION OF DEBT CEILING LEGISLATION, H.R. 11104

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that there be a division of time beginning tomorrow at 3:30 p.m. on the Ford nomination, between the Senator from Nevada (Mr. CANNON) and the Senator from Kentucky (Mr. COOK).

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. ROBERT C. BYRD. Mr. President, on tomorrow the Senate will convene at the hour of 10 a.m. After the two leaders or their designees have been recognized under the standing order, the majority leader will be recognized for not to exceed 15 minutes, after which there will be a period for the transaction of routine morning business, not to extend beyond the hour of 10:30 a.m. with statements limited therein to 3 minutes.

At the hour of 10:30 a.m., the Senate will proceed to the consideration of H.R. 11104, an act to provide for a temporary increase in the public debt limit, and debate will ensue thereon with action on amendments thereto.

At the hour of 3:30 p.m., the Senate will go into executive session to resume the consideration of the nomination of Mr. GERALD R. FORD to be Vice President of the United States.

At the hour of 4:30 p.m., the vote will occur on the nomination of Mr. GERALD R. FORD to be Vice President of the United States.

Following the vote on the nomination of Mr. FORD on tomorrow, the Senate will resume the consideration of H.R. 11104, the extension of the debt limit legislation if that legislation has not been disposed of prior to that time, and undoubtedly it will not have been disposed of. Votes could continue to occur into the evening thereon.

ADJOURNMENT TO 10 A.M.

Mr. ROBERT C. BYRD. Mr. President, if there be no further business to come before the Senate, I move in accordance with the previous order that the Senate stand in adjournment until the hour of 10 a.m. tomorrow.

The motion was agreed to; and at 3:43 p.m. the Senate adjourned until tomorrow, Tuesday, November 27, 1973, at 10 a.m.

NOMINATIONS

Executive nominations received by the Senate November 26, 1973:

CIVIL AERONAUTICS BOARD

G. Joseph Minetti, of New York, to be a member of the Civil Aeronautics Board for the term of 6 years expiring December 31, 1979. (Reappointment.)

OVERSEAS PRIVATE INVESTMENT CORPORATION

David Gregg III, of New York, to be Executive Vice President of the Overseas Private Investment Corporation, vice Herbert Salzman, resigned.

DEPARTMENT OF JUSTICE

Wayman G. Sherrer, of Alabama, to be U.S. attorney for the northern district of Alabama for the term of 4 years. (Reappointment.)

J. Keith Gary, of Texas, to be U.S. marshal for the eastern district of Texas for the term of 4 years. (Reappointment.)

IN THE NAVY

Adm. Richard G. Colbert, U.S. Navy, for appointment to the grade of admiral, when retired, pursuant to the provisions of title 10, United States Code, section 5233.

IN THE NAVY

The following named officers of the U.S. Navy for temporary or permanent promotion to the grade of lieutenant (junior grade) in the line and staff corps, as indicated, subject to qualification therefor as provided by law:

LINE

Abernathy, Thomas H.
Ablett, Mark C.
Achille, Franklin S.
Acton, Thomas A.
Adams, David A.
Adams, Harold S., Jr.
Adams, James J.
Adams, Kay L.
Adams, Thomas D., Jr.
Adkins, Robert F.
Agnor, Robert J.
Albright, Jeffrey H.
Alburger, John F.
Aldrich, Daniel J.
Alexander, Ronald K.
Alexander, Patrick F.
Alexander, John F., III
Alexander, John W.
Alford, Ralph M., Jr.
Algarotti, Mary C.
Alger, James A.
Alleman, David P.
Allen, Dale I.
Allen, James J.
Allen, James R.
Almendinger, Sylvia S.
Almy, Thomas B.
Altmayer, Magnus S.
Alvarez, Richard E.
Ammerman, David C.
Ammons, Edward A.
Andersen, James B.
Anderson, Christopher E.
Anderson, Leonard M.
Anderson, Robert L.
Anderson, Robert A.
Anderson, Wayne H.
Aninowsky, William E.
Annis, Robert E.
Anthony, Joseph D.
Apley, Walter J., Jr.
Appleby, Robert T.
Archdeacon, Francis J., Jr.
Architzel, Ralph E.
Ardizzone, Vincent
Armstrong, Ralph F.
Arnold, Berthold K.
Arnold, Hollis D.
Arnote, Stanley D.
Athow, Karl J.
Atkinson, Leland D.
Austin, Robert B., Jr.
Austin, Simeon H.
Avera, Troy G., Jr.
Avery, Richard C.
Ayers, Carleton R., II
Babarik, Dan E.
Bach, Terrance S.
Baird, Robert K.
Baittinger, Eric W.
Baker, David L.
Baker, Leonyx G.
Baker, Peter A.
Baker, Timothy L.
Bakken, Gary C.
Baldasari, Nicholas E.
Ball, John C.
Balson, William E.
Baltz, Donald M.
Banellis, Charles E.
Banwarth, Mark C.
Bardwell, Robert R.
Barker, Jimmy L.
Barker, Laughlin M.
Barnes, Robert F., Jr.
Barnett, Harry E.
Barnett, Richard L.
Barnett, Richard L.
Barnum, Kenneth P.
Barrett, John M., Jr.
Barrington, John S.
Barron, James D., Jr.
Barron, Timothy R.
Barrowman, Glenn J.
Barry, John M.
Bartley, John A.

Barton, David C.
Barton, Walter H.
Bartosh, Stephen A.
Bartram, Roger W.
Bashore, Harry W., III
Bateman, Clifford B.
Bauer, Carl O.
Bauer, Dennis D.
Baughman, Wilfred E., Jr.
Bausili, Mark T.
Baxter, Richard B.
Beacham, Frederick B.
Beasley, Drew W.
Beatty, Charles T.
Beatty, Daniel A.
Beauchamp, David N., Jr.
Beaudet, Carl A.
Beavers, Michael C.
Beck, Ardie L.
Beck, Edward C., III
Becker, Fred R., Jr.
Beckham, Don H.
Beckham, Tommy L.
Beckman, Robert J.
Beckham, William L.
Bedell, Ronald A.
Beelby, Michael H.
Beeson, Dennis R.
Beier, Werner J.
Bekkedahl, Stephen L.
Bender, John P.
Beneflel, James W.
Bennett, Arthur K., III
Benson, Eric J.
Benziger, Philip E.
Berger, Robert D.
Bernard, Sanford K.
Berns, Michael S.
Bersticker, Keith P.
Bertelson, John D.
Bickford, John C.
Bickler, Jerome E.
Bien, Jay K.
Bingaman, James A.
Black, Carolyn F.
Black, Joyce R.
Blair, Coy L.
Blair, Gary W.
Blair, Gregory A.
Blair, Thomas B., II
Blake, Richard D.
Blakesley, Larry L.
Blanton, Sankey L., III
Blase, William E.
Blauvelt, Russell M.
Bloom, James A.
Bluestein, Michael S.
Boardman, Geoffrey P.
Bogdewic, Daniel D.
Bogdewic, Linda L.
Bogle, Ronald C.
Bohannan, James G.
Bohannon, Joseph A.
Bohrer, Herbert A.
Bolcar, James A.
Bolduc, David T.
Boller, George R.
Bolton, Patrick J.
Bond, Richard W.
Bongard, Charles R.
Boniface, John M.
Bonner, Patrick J.
Boomhower, Paul M.
Booth, James E.
Boriotti, Thomas
Borland, John
Boswell, Barry E.
Bottenberg, Richard B
Boucher, David L.
Bouton, Edwin H., Jr.
Bowen, John D., III
Bowman, Richard T., Jr.
Boyd, William K., Jr.
Brady, Patrick D.
Brady, Peter D.
Brake, Terry A.
Braman, Frederick A.
Branaman, Larry G.
Brandes, John C.
Brandt, Ted M.
Breedlove, Rodger D.
Breitinger, Thomas L.
Brender, Mark E.
Brennan, Michael E.
Breuer, Valerie L.
Brewer, Donald S.
Brick, James M.
Brinker, John A.
Brinson, Buck, Jr.
Brooker, Richard I.
Brooks, David A.
Brouhard, Jack W.
Brown, Charles W.
Brown, Daniel E.
Brown, Douglas L.
Brown, Duane W.
Brown, Harry P., Jr.
Brown, James B.
Brown, John R.
Brown, Lonnie C.
Brown, Nellie R.
Brown, Stephen H.
Brown, Steven A.
Brown, Steven J.
Brown, William B., Jr.
Brown, William B.
Brubaker, Robert C.
Bruce, Stephan R.
Bruggemann, Glenn A.
Brunelli, Duane L.
Bruwelheide, Dennis R
Bryant, James B.
Bullard, George C., Jr.
Bullock, James L.
Bumgardner, Paul R.
Buntrock, George E., III
Burd, John S.
Burgess, Lee E.
Burgess, Richard S.
Burkhead, Ferree R.
Burkland, Peter W.
Burlingame, Charles F.
Burman, Richard A.
Burns, Timothy J.
Burtt, Chester A.
Buschbaum, Dennis E.
Butkus, Stephen B.
Butler, Bruce A.
Butler, Frank K., Jr.
Butler, Thomas A.
Butler, William A.
Butt, Cyrus H., IV
Byers, Stephen A.
Byrd, Robert E.
Cadden, Charles J.
Cady, William D.
Cahill, John J.
Callahan, Joseph A., II
Campbell, Edward P.
Campbell, Richard D.
Cann, John D.
Capizzi, David A.
Capra, Robert A.
Carlin, James J., Jr.
Carlin, Thomas J.
Carlson, Richard J.
Carnahan, Thomas M.
Carr, Russell M.
Carro, Stephen J.
Carroll, Edward B., Jr.
Carson, Thomas H., III
Carter, Larry J.
Carter, Michael W.
Caruthers, William P.
Cash, Louie O.
Casselman, Richard D.
Catarella, Philip D., II
Cauchon, Richard P.
Cech, Ladd M.
Chadwell, Robert G.
Champagne, Gerald E.
Champagne, Lee W.
Chandler, Jeffrey D.
Chandler, Michael E.
Chaney, David A.
Chapman, Robert B.
Chappell, Thomas E., Jr.
Charvat, David E.
Chase, Peter M.
Chattin, James W.
Cheliras, Richard M.
Chew, David W.
Chimenti, Robert A.
Chiquelin, William R.
Christian, Robert H.
Christiansen, Terry G.
Christy, Leonard C.
Cichucki, Jon L.
Civiello, Constance E.
Clark, Augustus W., III
Clark, Lawrence F.
Clark, Mackenzie C.
Clayton, Gregory
Clements, Joseph E.
Clemons, Patricia E.
Clopper, Richard J.
Closs, John W.
Closson, Bradley D.
Coatney, Brian L.
Coats, Bruce A.
Cochran, Charles T.
Cocolin, David P.
Cocos, William J.
Cohen, Michael F.
Cohlmeyer, Alan S.
Cole, Christopher W.
Cole, Fred G.
Cole, Warren B.
Collier, Charles M.
Collier, Michael J.
Colling, Arthur K., Jr.
Collins, James P.
Collins, John H., Jr.
Colquitt, Richard E., Jr.
Comer, Stephen A.
Condon, John K.
Conkey, John A.
Conklin, Douglas G.
Connell, Mary K.
Connelly, Michael J.
Connelly, Richard J.
Conner, William R., III
Conners, Jeffrey D.
Conover, Richard P.
Conrad, Jack L.
Conte, Enrico E.
Cook, Roger D.
Cooksey, Mark G.
Coolbaugh, Robert J.
Cooper, Richard W., II
Cooper, Ward J.
Corack, Mary T.
Corbin, James H.
Cornelison, Ronald F.
Cosgriff, Kevin J.
Costa, Pat A.
Courtney, Thomas B., Jr.
Covington, George B.
Cowherd, Robert F.
Crabtree, Thomas E., Jr.
Cradduck, David C.
Cramer, Mark J.
Crane, Jeffrey R.
Crawford, Robert O.
Creath, Timothy G.
Creech, James W.
Creelman, James E., III
Crescimanno, Terry A.
Crompton, David R.
Croom, Miles M.
Crouch, Richard M.
Crow, Paul E.
Crowe, Robert K.
Crowther, Jackie M.
Crum, Robert C.
Culbertson, Frank L., Jr.
Cummings, Harold H., Jr.
Cummings, Jon R.
Cupps, Stephen L.
Curry, Daniel L.
Curry, Ronald N.
Curtis, Stephen K.
Cusick, Stephen K.
Custer, Robert C.
Dale, Charles J.
Dale, Thomas N.
Daley, Bradley L., Jr.
Damron, John S.
Danforth, Peter A.
Daniel, Gerald L.
Daniels, Andrew M., Jr.
Daniels, Thomas L.
Darnstaedt, Gloria J.
Daugherty, Jack E.
Davis, Jack M.
Davis, James A.
Davis, Kenny D.
Davis, Leroy W., II
Davis, Michael E.
Davis, Terry L.
Davis, Thomas E.
Davis, William B.
Dawson, Michael K.
Day, Fay, Jr.
Day, Ralph D.
Deacon, Glenn R.
Dean, Raymond E.
Decesari, Robert J.
Delaney, Dennis M.
Delbalzo, Michael F.
Deloof, Ronald M.
Demmon, William J. R.
Dennis, Ronald W.
Densmore, Russell A.
Denson, James P.
Dereniuk, Harry M.
Derrick, Jerry W.
Desandre, Lewis F.
Desmond, Dennis A.
Dessert, Ross S.
Dessommes, Jack C.
Devey, Graham R.
Devins, Robert S.
Devos, Peter F.
Dial, Kathy L.
Diantonio, Steven M.
Dick, Lawrence L.
Dickey, Thomas P., Jr.
Dies, Gregory B.
Dimmette, Joel P., Jr.
Disney, Donald B., Jr.
Dobrovoiny, Timothy G.
Dobrydney, Frank J.
Doherty, James E., Jr.
Dokos, James A.
Dolan, John K.
Donald, Balfour J.
Donges, William H.
Donlon, Stephen E.
Donnelly, Michael S.
Doores, Gale N.
Doorly, Dale M.
Dorman, Peter F.
Dornan, John R.
Dougherty, Terryll, Jr.
Douglas, Diantha L.
Doyle, Patrick M.
Drake, Carroll M.
Dresner, Jay D.
Driscoll, Edmund F., II
Driscoll, Michael L.
Dubay, Eugene N.
Dubay, Roland C.
Dubeck, John B.
Dubois, William L.
Duclos, Edward D.
Dudek, Frank J.
Duma, David W.
Duncan, David A.
Duncan, Michael G.
Dunford, Patrick J.
Dunlap, Barry C.
Dunlap, Philip S.
Duquette, Marc R.
Durocher, Peter H.
Durst, David P.
Dussman, Thomas R., Jr.
Duzy, Charles A.
Dvorak, William C.
Dyer, James R.
Dykes, Edward R.
Eakin, Philip J.
Earhart, Ralph P.
Earley, Anthony F., Jr.
Easley, Stephen W.
Easter, David T.
Easterday, Kenneth P., Jr.
Eastin, William P.
Ebright, Arthur L.
Ecker, William M.
Ector, Richard H.
Eddleman, Rickee D.
Eden, Michael S.
Edmonds, Robert W.
Edson, David P.
Edwards, Terence D.
Eldridge, John K.
Elfelt, James M.
Ellis, Ronnie J.
Ellis, William R.
Ellison, Alan A.
Emerson, Joseph D.
Emslie, William A.
Enderle, John P.
Enderly, Richard H.
Endo, Victor
Engel, Douglas T.
Engel, Gregory A.
Engelmann, Bruce H.
Englehart, William P.
English, Jerome R.
Enright, Joseph E.
Enzinger, Richard S.
Erickson, Bruce N.
Erickson, Charles A.
Erickson, Jerald L.
Ericson, Alfred E., Jr.
Erwin, Troy J.
Esposito, Vincent J., III
Estes, James L.
Estrada, Carmen C.
Etnyre, Terrance T.
Ettredge, Michael L.
Evans, John C.
Exstrum, Terry D.
Faith, Everett W., Jr.
Farrand, Thomas W.
Farrell, Richard J.
Fazio, Joseph L.
Feeley, Michael E.
Feeney, John P.
Feldman, Brian D.
Felts, William S., Jr.
Fenech, Robert A.
Fennell, Walter F., Jr.
Fergione, John A., Jr.
Fichter, John E.
Fields, David A.
Filka, Ronald A.
Finch, Randal C.
Findeiss, Lawrence W.
Fine, Jerry M.
Finegold, Brian D.
Finley, Richard G.
Finn, Michael P.
Finney, Robert D.
Fischer, Halsey R.
Fischer, Theodore A., II
Fishel, Henry G.
Fisher, Robert S., Jr.
Fitzsimons, John R.
Flanagan, Edward M.
Flanagan, Thomas J.
Flannery, Peter A.
Fleming, John B., Jr.
Fleming, Kenneth W.
Fleming, Richard P., Jr.
Fleming, William L.
Flenniken, Michael E.
Fletcher, Patrick J.
Fletcher, Richard S.
Flickinger, Stephen L.
Flones, Richard L.
Flood, Jeffrey L.
Flowers, Philip R.
Floyd, Thomas F., II
Foe, Christopher G.
Foerst, John E.
Foley, John M.
Foltz, Ricky A.
Foote, Edward P., Jr
Foraker, Allen S.
Foster, Bradley S.
Foster, Finley B.
Foust, John T.
Fox, Barry L.
Fox, Edward C.
Frame, Terrance C.
Frank, Joel S.
Franssen, Roger A.
Fredericksen, John S.
Fredricks, John A., Jr.
Freeman, Parker C.
Freeman, Russell D.
French, Michael J.
Freund, Robert H.
Frey, Robert A.
Friedman, Paul, Jr.
Fritchman, Wilson J.
Fritz, Robert W.
Frnka, Robert D.
Frohlich, Thomas W.
Frost, Charles W.
Frost, Jack W.
Fry, Scott A.
Fryman, Donn L.
Fujimoto, Gene T.
Fulton, Thomas B.
Funk, Richard L.
Funk, William T.
Funke, James C.
Funke, Richard H., III
Fuqua, Harry E., II
Furrevig, Harold L.
Gabe, Daniel E.
Gaffney, Michael G.
Gafney, Edward J., III
Gaiser, Manfred J.
Gallagher, Robert M.
Gallemore, James B.
Galloway, Thomas A.
Galloway, Thomas R.
Gandy, Russell E.
Gannon, Thomas H., III
Garcia, Frank C.
Garrow, James W.
Gatchell, James K.
Gates, Ronald A.
Gauthier, Normand C.
Gavrich, Douglas D.
Gearhart, Michael W.
Gecan, Anton S.
Geci, Karl E.
Geddes, Norman D.
Gehl, Michael T.
Geiger, Donald G.
Gemmell, Stephen L.
Gerlach, Gerry L.
Gessis, Scott N.
Gill, Robert L., Jr.
Gessner, Robert L., Jr.
Gilley, Edward R.
Gillogly, Jay T.
Gilmer, John B., Jr.
Girvin, Charles R., III
Givens, Joel D.
Gizzi, Lucia M.
Glanzmann, Christopher F.
Glick, Randall A.
Glynn, Dennis W.
Gokey, James W.
Golding, Joseph F.
Goldschmitt, Marc L.
Gonzales, James G.
Gorman, John J., Jr.
Gorski, Thomas H.

Gorton, Grant J., II
Gosma, James A.
Grabiel, Marolee
Grace, William J.
Graeber, Grant L.
Graham, Barry W.
Graham, Clive, Jr.
Graham, John E.
Graham, Linda L.
Graham, William R.
Grames, Steven M.
Granberry, Michael G.
Graves, Davie W.
Gray, Charles L.
Gray, Donald F., Jr.
Green, Barton L., II
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Green, Kevin P.
Greene, Brenton C.
Greeno, John L.
Gregory, Troy R.
Griffiths, Charles H., Jr.
Griswold, Henry C
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Groenig, Alice E.
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Groff, Lawrence L.
Groman, Mark S.
Gronroos, William E.
Gross, Mitchell I.
Gross, Thomas M.
Grubb, Ronald E.
Grupe, David A.
Gryde, Stanley K., Jr.
Gubanc, David M.
Gudenkauf, Bruce P.
Guest, Frank B., III
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Gunn, Donald P.
Gunther, Donald L.
Gurke, Lee S.
Gurry, Frank H., Jr.
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Haase, Martin R.
Hackett, David J.
Hagadone, Ronald S.
Hagstrom, David W.
Hagy, Michael R.
Hahn, Randall P.
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Hakanson, Donald K.
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Hallahan, Dorothy E.
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Hallenbeck, Wayne J., Jr.
Halligan, Michael J.
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Hamilton, Howard W., Jr.
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Hammer, Roger W.
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Haney, Robert E.
Hanneman, Richard K.
Hansen, Harold E., Jr.
Happ, David R.
Harbaugh, David R.
Hardee, James B.
Harding, Robert W.
Hardman, Samuel R., Jr.
Harkness, Mary A.
Harmon, William C.
Harms, Alfred G., Jr.
Harper, Gregory P.
Harris, Charles P.
Harris, Eldon D.
Harris, Jodie R., Jr.
Hart, John M.
Hart, William S.
Hartmuller, Roger L., Jr.
Hartshorn, Randy L.
Harvey, Gary W.
Haseltine, Raymond F.
Hash, David F.
Hass, Timothy F.
Hatcher, William L., III
Hawver, William S.
Hay, Willard C., Jr.
Hayden, Michael P.
Hayes, Bradd C.
Hayes, James A.
Headrick, Joseph R.
Health, Donald E.
Heath, Gregory G.
Hebert, Edward R.
Hecomovich, Michael R.
Hedegor, John W.
Heflin, William N., Jr.
Heil, Frances T.
Heil, James P.
Heine, Roger R.
Heinz, James A.
Heitmanek, James L.
Held, John T.
Helfrich, James C.
Helgeson, Marc A.
Hellmann, William E.
Helwig, Gary L.
Hemphill, William B.
Henbest, Philip M.
Hendershot, Robert P.
Henderson, Haywood H., Jr.
Henson, John W.
Herald, David M.
Herbst, Alan K.
Hergenroeder, James
Herger, Joseph F.
Hermanson, Bruce
Hermeling, Theodore A.
Herrera, Heriberto
Herring Frederick S.
Herring, Sonja M.
Herring, Thomas, III
Herris, John W.
Hess, Glenn E.
Hess, John M.
Hess, Mark W.
Hessler, Thomas J.
Hewett, Ronald E.
Hichak, Michael J.
Hickey, Daniel G.
Hicks, Leonard L.
Higgins, Timothy
Hiles, Charles H., Jr.
Hilton, William R.
Hines, Edward C., III
Hines, Jerome H.
Hingle, Leander L., Jr.
Hirsh, Louis M.
Hitt, Curtis W.
Hobart, Joseph R.
Hoepper, Charles T.
Hoert, Michael J.
Hoewing, Gerald L.
Hoffman, Thomas L.
Hoffmann, Mark W.
Hoffoss, Peter O.
Hogan, Raymond J.
Holland, Benjamin A.
Holland, John P., Jr.
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Holland, William W.
Hollingsworth, Arnold G.
Holloway, Robert H.
Holm, John A., I
Holmquist, Kurt E.
Holmstrom, Garry
Holstrom, Marshall V.
Hook, Kenneth J.
Hoover, William C.
Hope, Roger K.
Hoppus, Michael L.
Horais, Brian J.
Horgan, Mark M.
Hormel, Richard C.
Horn, Richard D.
Hornung, Scott A.
Hosier, Mark S.
Hoskins, Michael H.
Houck, Timothy L.
Hough, Thomas H.
Hovermale, Mark D.
Howard, David G.
Howard, John L.
Howe, David B.
Howe, Mark H.
Hower, James D., Jr.
Howze, Catherine D.
Hoxie, Joel P.
Hribar, James A.
Hubbard, John H.
Hudson, Steven D.
Huffman, Thomas D.
Hufford, Harriett M.
Hughes, Eric M.
Hughes, Joseph A.
Hughes, Thomas F.
Hulsizer, Stephen A.
Hume, John G., Jr.
Hunt, James C.
Hupp, Alfred R., Jr.
Hura, Leo O.
Hurst, Brian D.
Huss, Boyce W.
Hussey, John W., Jr.
Huston, Norman E., Jr.
Hutchins, Alfred G., Jr.
Hutchins, Stephen C.
Hutchison, Raymond D.
Hutson, Thomas W., III
Hyman, Harold D.
Ibert, Peter J.
Ilku, Michael
Isen, Forester W., Jr.
Ives, Kenneth R.
Jackson, Floyd S.
Jackson, John E., Jr.
Jackson, Walter A.
Jacobs, Alfred J.
Jacobs, Robert W.
James, Michael T.
Janes, Charles E.
Janiec, Jan D.
Jannusch, Craig M.
Jarabak, John P., Jr.
Jarrell, Carolyn E.
Jarvis, David E.
Jarvis, Vernon J.
Jastrab, Michael E.
Jenkins, Harry D.
Jenkins, Judith B.
Jenkins, Michael O.
Jensen, Jens A.
Jensen, John A.
Jerome, Douglas J.
Johanek, James F.
Johns, Joseph H.
Johnsen, Jeffrey K.
Johnson, David M.
Johnson, Dennis J.
Johnson, Eric C.
Johnson, James D.
Johnson, Jerry R.
Johnson, John C.
Johnson, Kenneth P.
Johnson, Larry C.
Johnson, Michael J.
Johnson, Michael B.
Johnson, Philip G.
Johnson, Ralph P.
Johnston, Phillip L.
Johnston, Steven A.
Johnston, Wayne A.
Jones, Douglas C.
Jones, Francis
Jones, Jimmie G.
Jones, John H., II
Jones, Mark W.
Jones, Roger N.
Jones, Stanley L.
Jones, Walter E.
Jones, Wayne M.
Jordan, Franklin W.
Jordan, Kenneth S.
Josefson, Carl E., Jr.
Josephson, Hardy R.
Jouannet, Peter R.
Judson, James H.
Junge, Dennis M.
Jurkowsky, Thomas J.
Kaiser, Edward W., Jr.
Kaltneckar, Steven R.
Kane, Dennis L.
Karlovich, James E.
Kaskin, Jonathan D.
Kasmiroski, Lige H., III
Keating, Charles L.
Keating, Timothy J.
Keenan, Philip V.
Kehoe, Michael J.
Keith, Fredrick W.
Keith, James S.
Kelley, Daniel W., Jr.
Kelley, Michael J.
Kelly, Dennis J.
Kelly, Edward W.
Kelly, Patrick R.
Kelso, Robert B.
Kemp, Allan W.
Kemp, Dieter K.
Kendall, David C.
Kendall, Gene R.
Kennedy, Francis J., Jr.
Kern, Dennis J.
Kesling, Willard R., Jr.
Keuhlen, Phillip J.
Keyser, Emmett M., III
Kidder, Jeffrey B.
Kimball, Jackson G.
Kimmel, Robert L.
Kindberg, Richard R.
King, Kendall J.
King, Michael R.
Klein, Fred C.
Klose, Craig W.
Knight, John R., Jr.
Koch, Ronald B.
Kocmich, Eugene J.
Koczon, Andrew
Koehler, Kathleen M.
Koerner, Douglas G.
Koger, Gary L.
Kohut, John G.
Kolle, George N., Jr.
Kolody, Paul W.
Kopec, John M., Jr.
Korff, Susan C.
Korin, Michael W.
Kortman, Gregory M.
Kosar, Peter G.
Kovacinski, Boleslaw A.
Kramer, Klaas
Kraus, George F., Jr.
Krech, Donald W.
Krouse, Cheryl M.
Krueger, Edward H., III
Kruger, Frederick B., Jr.
Krupsky, John W.
Kubic, Tad A.
Kubovchik, John F., Jr.
Kuemmel, James D.
Kuhlman, James R.
Kuhn, Kathryn M.
Kulikowski, Joseph G.
Kunselman, David E.
Laing, Clinton L.
Lalonde, Larry W.
Landers, Judson T.
Landrum, Richard H., Jr.
Lane, Christopher K.
Lane, Lawrence C., Jr.
Lanier, Richard J.
Lantier, Patrick D.
Lappano, Gilbert C.
Large, William R., III
Larkin, Robert J.
Larson, David A.
Larson, Gregg D.
Lassman, Abraham J.
Latsch, Bonnie C.
Lavery, William H.
Lawrence, Russel G.
Laws, David T.
Leake, Beverly F.
Leary, Dennis J.
Ledvina, Thomas N.
Lee, David L.
Lee, Thomas E.
Leestma, David C.
Legacy, Alan E.
Lehman, Michael P.
Leiby, Kenneth L., Jr.
Leichtnam, James J.
Leidholdt, Edwin M., Jr.
Leinenweber, Lewis E.
Leitch, Jerrold M.
Lemkin, Bruce S.
Lemoine, David E.
Lenfant, Philippe M.
Lengerich, Anthony W.
Lennon, Gerard T., Jr.
Leo, Barry L.
Leon, John A., Jr.
Leonard, Peter J.
Lepick, Mark H.
Leroy, Richard D.
Levien, Keith L.
Lewandowski, Allan A
Lewis, Frank L., Jr.
Lewis, Jeffrey E.
Lewis, Jerry L.
Lewis, Kirk T.
Ley, Gary W.
Liberatore, Donald J.
Linck, Victor T.
Linder, Bruce R.
Lindgren, Paul W.
Lindsay, William H., III
Linnehan, John J.
Linnenbom, Victor J., Jr.
Linton, Barbara J.
Liseno, Robert T.
Little, William H.
Loague, Anthony A.
Locke, James W., Jr.
Locke, William N., Jr.
Lohman, Gary W.
Loiselle, James W.
Long, John H.
Long, Paul B.
Long, Theodore W.
Long, William T.
Longinotti, Paul J., Jr.
Longworth, Michael W.
Loring, Paul M.
Louden, Peter E.
Loustaunau, Paul J.
Love, Glenn E.
Love, Vicki R.
Lovell, Bruce A.
Love, Aljurnel E.
Lowe, John M.
Loyd, Robert C.
Lucy, Robert W.
Ludowise, John D.
Luengen, David W.
Lusky, Charles A.
Luten, James G.
Lutkenhouse, Michael A.
Lutz, Michael H.
Lynch, Michael J.
Lynch, William D.
Lynn, James J., III
Lyons, Daniel W.
Lyons, Joseph F., Jr.
Lytwyn, Peter
MacCarthy, Patrick
MacDonald, Richard S.
MacDonald, Thomas L.
Macris, Athos C.
Mader, James F.
Madurski, Paul E.
Mahan, Robert L.
Maher, John W.
Mahoney, Stanton V., Jr.
Mahony, William B.
Maier, Larry K.
Mallgrave, Fred J., III
Mallory, Harry B., III
Maloney, Michael J.
Manning, William B., III
Marich, Milutin
Maris, James R.
Marks, Kenneth A.
Marks, Michael D.
Marle, William H.
Martin, David T.
Martin, David P.
Martin, John F., III
Martin, Michael R.
Martin, Paul H.
Martin, Robert R.
Martin, Ronald R.
Martin, Stephen R.
Martini, Perry J., Jr.
Martino, Nathan P.
Maskaluk, David C.
Mason, Lewis G.
Mason, Russell T.
Massa, Richard
Massengale, Saint E. M.
Massie, John L.
Masters, William D.
Mathews, Monty G.
Mathus, Edward F.
Matsunaga, Geoffrey D.
Matz, William P.
Mauriello, Mark E.
Maxey, John D.
Maxfield, Dennis W.
Maxfield, Gregory J.
May, Charles W.
May, James W.
Mayon, Michael H.
McAfee, Frank M., Jr.
McBride, Michael P.
McCabe, Robert J.
McCamish, Michael J.
McCarriar, Thomas L., Jr.
McCauley, George B.
McClary, William W.
McClellan, George W.
McClendon, Erwin L.
McClure, Bruce P.
McComb, Lorne B.
McConkey, David L.
McConnell, Daniel D.
McCormick, Robert C.
McCotter, Michael G.
McCoy, Kenneth F.
McCroskey, Bruce A.
McCuddin, Michael E.
McCulloch, Ben, Jr.
McDermott, James K.
McDevitt, Gerald R.
McDonald, Lawrence L.
McDonald, Terrance S.
McDougal, James M.
McDowell, Joel G.
McDuff, Douglas M.
McFarland, Clyde E., Jr.
McFarlane, Craig L.
McGee, Bruce B.
McGillvray, John W., Jr.
McGough, Larry W.
McGovern, Peter J.
McGrody, Robert J., Jr.
McIntire, Paul G.
McKay, Duane L.
McKee, Robert L.
McKee, Stanley W.
McKinstray, James M.
McLaughlin, Peter J.
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McLean, Peter, III
McLeod, John B.
McLochlin, John M.

McMacken, John C.
McMann, Donald F.
McManus, Donald E.
McMartin, James F., III
McMullin, Geoffrey L.
McNallen, John M.
McNamara, Donald H.
McPherson, Mark H.
McQuigg, Marion, L., Jr.
McSweeny, Joseph M.
McVoy, Richard E., Jr.
Meade, John T.
Measel, Richard A.
Meisenbach, Edward W.
Meister, John T.
Mell, John K., Jr.
Mellin, Peter J.
Melton, Daryl K.
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Mendenhall, Thomas L.
Mendez, Robert
Mercer, Lawrence D.
Mercier, Kevin G.
Merdes, Daniel W.
Meriwether, Gordon K., III
Merwin, Ronald J.
Metzger, James W.
Meyers, William A.
Micone, Theodore R., Jr.
Midgett, Joe C.
Miernicki, Michael J.
Mihalak, Edward
Milbrath, Arthur G., Jr.
Millenbach, Bruce E.
Miller, Arlington R., Jr.
Miller, Charles R.
Miller, David B.
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Miller, Donald P.
Miller, Douglas L.
Miller, George R.
Miller, Kathleen A.
Miller, Lee C.
Miller, Mark W.
Miller, Richard S.
Miller, Ronald R.
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Milligan, Jan S.
Milne, Thomas J.
Mims, Dwight C.
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Minnich, John H., III
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Moffitt, Eric C.
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Morawski, Richard T.
More, Gary K.
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Mosher, James K.
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Mullins, Patrick C.
Mulvaney, Gregg P.
Muncie, John C.
Murchison, Grover R.
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Myck, Stephen R.
Myers, Frederick H.
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Naedel, Daniel S.
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Nafziger, George F.
Nall, Robert C.
Naple, Richard P.
Nasief, Edmund G., Jr.
Naugher, Loran D., Jr.
Nave, Herbert M.
Needham, John J., Jr.
Neely, Frederick C.
Neely, Judith A.
Nelson, Frederick D.
Nelson, Robert E.
Nelson, States L.
Nelson, Stephen C.
Nemeth, Christopher P.
Neville, Richard C.
Nevins, John D., Jr.
Nevitt, William R., Jr.
Newberger, Stephen R.
Newman, Don R.
Newman, Micajah W.
Newman, Stephen H.
Newton, Laurence H.
Newton, Thomas A., Jr.
Nichols, Bruce E.
Nichols, David J.
Nichols, Greg
Nichols, Thomas J.
Nicholson, Harry X., III
Nickelson, Bobby L.
Nicolin, Kevin C.
Nielsen, William G.
Nise, James R.
Nixon, Leslie R.
Noland, Neal D., Jr.
Nold, William F.
Nordin, Michael T.
Norris, John A.
Norton, Joseph D.
Nottke, Bruce A.
Novin, Keith E.
Nowell, George W.
Oatley, Eugene T.
O'Brien, Thomas F.
O'Bryant, Kenneth M.
O'Conner, James J., Jr.
O'Connor, Joseph M.
O'Connor, Kevin J.
O'Dea, James E.
Odland, David J.
O'Donnell, Frendan J.
Ogden, Robert J.
Ogurek, Robert F.
Okerson, Eric C.
Olcott, Charles W., Jr.
Oliver, Diane E.
Oliver, Thomas A.
Olson, James D.
Olson, Kenneth L.
O'Neill, Kevin D.
Onyon, Dale E.
Opsal, James K.
Organek, William E.
O'Rourke, Michael P.
Orrison, Michael L.
Ortmann, Robert A.
Orton, Frederick C.
Osier, Christopher
Oslund, Dwayne A.
Oswald, Louis J., III
Ottesen, Karl R., Jr.
Otto, William E.
Owens, John R., Jr.
Owens, Terry L.
Oxford, Edward M.
Padgett, Gerald A.
Page, Steven G.
Palanca, Rodney A.
Palmer, Carleton A.
Palmer, Henry B.
Palmer, Michael C.
Palmer, William W., III
Paoletti, Aldo T.
Pappas, Gregory W.
Park, James A., III
Parker, Phillip K.
Parks, Edward J.
Parks, Philip D.
Parrish, Sharon E.
Parsons, Robert C.
Patterson, Thomas F., Jr.
Paul, Roy L.
Paulson, John J.
Pautler, David B.
Pearce, Robert K., Jr.
Pearl, David A.
Pearson, Charles W., II
Pech, Gerald R.
Pelstring, Stephen
Penley, Stephen S.
Penner, Stephen E.
Penniman, William T., II.
Perin, Jeffrey M.
Perkins, George W., Jr.
Perkins, Keith A.
Perkuhn, Claus P.
Pesce, Charles S.
Peters, Wayne A.
Petersen, Richard M.
Peterson, Kenneth E.
Petitte, Mark H.
Petrie, John N.
Petty, Randolph A.
Pharr, Alvis S., Jr.
Phelps, Norman J.
Phillips, Don A.
Phillips, David E.
Phillipson, William R.
Phipps, John W.
Pieper, Charles P., Jr.
Pine, John S.
Pinkham, Timothy H.
Pipis, John S.
Pitcher, William C.
Pittman, Ernest D. B.
Plank, Richard G., Jr.
Plourde, Elwood H.
Pluta, Joseph, Jr.
Polatty, David P., III.
Poleshaj, Valentin.
Pollard, Mark E.
Pollock, Weston J.
Polwarth, John B.
Polzien, David E.
Ponthan, Steven H.
Poole, Timothy E.
Poorman, Kenneth A.
Porter, Samuel J.
Porter, Thomas P.
Potter, Thomas L.
Powell, Frank R.
Powell, John R.
Powers, Lynn F.
Poyer, David C.
Prantil, John G.
Prather, David W.
Preston, Michael L.
Prevar, John R.
Prevatte, Carolyn V.
Price, John R.
Price, Michael L.
Prochaska, Norine A.
Proctor, Scott C.
Prunty, Robert W., Jr.
Ptak, Alan C.
Pugh, David C.
Pugh, William N.
Purcell, Colleen A.
Purdy, Stephen R.
Pyles, Thomas C.
Quadri, Anton S.
Quinn, Richard E., Jr.
Quinn, Timothy J., Jr.
Quint, Jeffrey D.
Radcliff, David H.
Radcliffe, David E.
Rader, Mark A.
Radich, Thomas F.
Ragnetti, Michael J., Jr.
Raines, Richard K.
Rainey, David R.
Rand, Michael M.
Rankin, Richard J.
Rankin, Robert H.
Raphael, Stephen T.
Rathbun, Michael S.
Ray, Samuel L.
Reasoner, James D., Jr.
Redmayne, Peter C.
Redshaw, Michael D.
Reece, Stephen M.
Reed, Billie M.
Reese, Gary A.
Reese, James C.
Reeve, Edward J.
Rehkopf, James A.
Rehwaldt, Anthony J.
Reinauer, Gordon S., II
Reinertsen, Donald G.
Reitz, Stephen L.
Repicky, John J., Jr.
Resch, Philip R., Jr.
Revolinsky, Joseph A.
Reynolds, John C.
Rice, Robert E., Jr.
Rich, Albert D., III
Rich, Patrick A., Jr.
Richards, Philip E.
Richardson, Isaac E., III
Richardson, Kenneth A.
Rickard, Danny L.
Rickman, Loy D., Jr.
Rickman, William L.
Rider, John D.
Ridgway, Donald C.
Ridley, John S., Jr.
Rigby, William H., Jr.
Rightmire, James W., Jr.
Riley, Daniel D.
Riley, Steven L.
Rinker, James R.
Rinz, William H.
Riordan, Michael E.
Ritter, William M.
Rivera, Robert
Rizzo, Michael F.
Roberts, Dana A.
Roberts, Ralph D., Jr.
Robertson, Brian D.
Robertson, Ronald L.
Robertson, David C.
Robinson, David R.
Robinson, Douglas R.
Rockwell, Donald E., III
Roda, Richard D.
Rodgers, Bette A.
Rodgers, Richard L.
Rogers, Ted E.
Rohrbaugh, Michael G.
Romann, John E.
Roscoe, Stacy A.
Rose, Robert R.
Ross, John C.
Ross, Jonathan M.
Ross, Roger D.
Rottler, Howard C., Jr.
Rottman, Robert E.
Route, Ronald A.
Roux, Max D.
Rowe, Daniel J.
Rowland, Mitchell L.
Rubel, Robert C.
Rubino, Woody M.
Ruddock, Theodore D., III
Runnion, Robert S., III
Rupertus, Leonard R.
Rusch, Christopher A.
Rush, David P.
Russell, Donald C.
Russell, Howard S.
Rutherford, Allan
Rutkowski, Edwin G.
Rutledge, William C.
Rychener, Bruce E.
Ryder, Richard E.
Sacia, Roger E.
Sackett, Craig P.
Sage, Michael J.
Sagendorf, Robert D.
Sagi, John P.
Salerno, Michael J.
Salinas, Manuel G.
Samar, Jack J., Jr.
Sameit, Douglas E.
Samons, George M.
Sampson, John A.
Sampson, Robert D.
Sanders, James H.
Sanderson, Edward J.
Santangelo, James A.
Sassen, John C.
Sauls, John I., Jr.
Saunders, Kenneth P.
Savage, Robert R.
Sawyer, Duane R.
Sax, Karl, II
Saylor, Roger S.
Schaeffer, Jacob D.
Schaffter, Alan B.
Schall, George E., Jr.
Schaper, Dorsey D., Jr.
Schapira, Joel R.
Scharfe, Mark C.
Schaufelberger, Albert A.
Scheina, Martin J.
Scherr, Michael R.
Schierer, Leon A.
Schilder, James F.
Schilling, Robert L.
Schlueter, Rory L.
Schmidt, Robert W.
Schmidtkunz, James E.
Schmitt, Stephen R.
Schmitt, William E.
Schneider, Peter P., Jr
Schnellenberger, James E.
Schoonmaker, Catherine D.
Schoonover, Robert A.
Schroder, Ronald D.
Schuknecht, Richard E.
Schuler, John J.
Schultea, Patrick D.
Schultz, John A.
Schultz, Joseph M.
Schultz, Robert R.
Schultz, Robert G., Jr.
Schultz, Warren R.
Schulze, James L., Jr.
Schutzman, Jay S.
Schuyler, John H.
Schwarz, Edward G.
Schwedhelm, Martin H.
Scott, John E.
Scott, Kenneth H., Jr.
Scroggins, Bradley D.
Seaton, Robert D.
Secorsky, Thomas A.
Seil, John W.
Selde, Peter J.
Seminoff, Gregory N.
Senior, Michael W.
Sentman, Orville L.
Settlemoir, Rex W.
Setzer, Charles W., Jr.
Severson, Robert E.
Sevi, Alfred N.
Shackelford, Leland S.
Shaffer, Daniel R.
Shatzer, Lewis A., Jr.
Shaver, Eric B
Shaw, Henry M., Jr.
Shaw, Robert S.
Shaw, Russell J.
Shaw, Samuel D.
Shay, Robert H.
Sheehan, Glenn W.
Sheffield, Harold L.
Sheldon, Patricia J.
Sheline, Theodore C., II
Shellem, James B.
Shellhammer, Gary R.
Shelton, John P., Jr.
Shepard, Fredric A.
Shepherd, William M.
Sheppard, James J.
Sheppard, Walter T.
Sherrard, John C.
Sherrard, Martin V.
Shields, Robert D.
Shoaff, Ray L., Jr.
Shobe, Ronald K.
Shockley, William R.
Shoffner, Mann A., III
Short, Kenneth D.
Shuk, John G.
Shutt, William L.
Sidor, Mary F.
Sieminski, Kenneth M.
Simila, James D.
Simmons, Charles H., Jr.
Simonds, Robert H.
Simoneaux, Lawrence F.
Simpkins, Earl L., Jr.
Simpson, Paul L.
Sims, Donald B., Jr.
Sinclair, William F., Jr.
Sisk, David P.
Sitler, Stephen D.
Sitterson, Allan E.
Sivers, Mark R.
Sixta, John A., Jr.
Skelton, Robert T.
Skibitsky, William S.
Skidmore, Michael G.
Skinner, Michael E.
Skirm, George L., III
Skurski, Paul R.
Slater, Arthur F.
Sloat, Mark S.
Smartt, Douglas A.
Smith, Craig H.
Smith, Duke A.
Smith, Gary J. E.
Smith, Gary L.
Smith, Harris L.
Smith, Jeffrey T.
Smith, Jeffrey C.
Smith, John K.
Smith, Lawrence D.
Smith, Leonard G., III
Smith, Paul T.
Smith, Richard M.
Smith, Samuel A.
Smith, Stephen W.
Smith, Steven C.
Smith, Steven, T.
Smith, Stuart W.
Smith, Sue K.
Smoogen, James L.
Snell, Frank W.
Snodgrass, Guy B.
Snook, Thomas R.
Snoots, Theodore E.
Snowdon, William H.

Snyder, Michael D.
Solomon, John W.
Somers, Larry L.
Soriano, Joseph R.
Sorrentino, Ludwig A.
Soule, William E.
Sowers, Gary G.
Spanbauer, Mark E.
Spancake, Steven C.
Speer, John P.
Speer, Robert G.
Spencer, Chares H., Jr.
Sperberg, Lester W., Jr.
Spotts, William W.
Staffel, Peter L.
Stage, Ronald A.
Stahlak, Russell F.
Stahler, Scott W.
Stahlhut, David M.
Stanke, Jay D.
Stanke, John G.
Stansfield, James D., III
Stanton, Karen A.
Stark, Richard R.
Starr, Kenneth W.
Starr, Lester L., Jr.
Stas, Nicholas J.
Steelman, William J.
Stefanick, Andrew
Steffen, Norman W.
Steinke, Paul D.
Stelling, Geoffrey H.
Stephens, Michael R.
Stephens, Michael W.
Stephens, Susan H.
Sterusky, Robert D.
Stevens, William T.
Stevenson, John G.
Stevenson, John H.
Steward, Paul E., Jr.
Steward, Scott C.
Stewart, Daniel D.
Stewart, Frank W.
Stewart, Michael B.
Stewart, Richard M.
St Germain, Robert D.
Stone, James B. Jr.
Stone, Timothy G.
Storms, Ernest N.
Strain, Hugh J.
Stratton, James W.
Strobbe, Robert J.
Strom, William W.
Strong, Robert A.
Struble, James F.
Stuart, Robert W.
Stubblefield, William H.
Stuhlman, Robert H.
Stull, Mark J.
Sullivan, Edward L.
Sullivan, Eugene
Sullivan, Kerry J.
Suman, Steven M.
Sudin, Melvin L., Jr.
Swacker, Robert N.
Swearingen, James D., Jr.
Swepston, Anderson H.
Swetland, Paul D.
Sydnor, Thomas L.
Szemborski, Stanley R.
Tapajcik, John M.
Taplett, Kenneth J.
Tappen, Frank R.
Tappen, Frank R.
Taylor, Dean E.
Taylor, Joseph E.
Taylor, Lee B.
Taylor, Perry R., Jr.
Taylor, Richard W.
Tempest, Mark J.
Tennant, John W.
Tennesen, Gary M.
Ternes, Thomas J.
Thaggard, Robert S., Jr.
Thalman, David M.
Thayer, Paul D.
Theis, James M.
Thom, John L., Jr.
Thomas, Harry F.
Thompson, Alan J.
Thompson, Douglas F.
Thompson, Jerry D.
Thompson, Peter M.
Thomson, David D.
Thorley, Robert A.
Thornton, James T.
Thornton, Peter B.
Thorpe, Lloyd A.
Tilden, Averill E.
Timmins, John P.
Tinsley, James W., Jr.
Tobergte, David J.
Todd, Dale E.
Tody, Stephen L.
Toliver, Lynden R.
Tomlinson, Phillip F.
Toms, Brian L.
Toomey, James E.
Towers, Kenneth W.
Towne, Bruce G.
Travis, Thomas L.
Treadwell, William P.
Tredway, Leo J., Jr.
Troutman, Stephen B.
Trudell, Michael A.
Turk, Richard S.
Turner, Jay E.
Turner, John S.
Turrentine, Luanne A.
Tuttle, Larry J.
Tylenda, Francis P.
Ulaszewski, Terence J.
Unger, Norbert S., Jr.
Uplinger, Joseph C.
Utschig, Thomas J.
Vagts, Steven W.
Vandeman, Frank L., IV.
Vandenbergh, Henry J., Jr.
Vanderels, David M.
Vanderpool, Michael E.
Vandover, David L.
Vanfleet, Larry W.
Vanhaute, Raymond T., Jr.
Vanhoy, William A.
Vannatta, John O.
Vansickel, Michael E.
Vassos, George A., III
Vaughan, Timothy L.
Vercellino, David L.
Vest, Louis C.
Vickery, Thomas E.
Viglienzone, Dennis E.
Villarosa, John P.
Virus, Terry P.
Vivian, John W.
Vivoli, James W.
Wassell, Joseph R.
Waddell, James B.
Wagemaker, Wallace J.
Wagner, Cort D.
Wagner, Randall D.
Wagoner, Henry M.
Wagoner, Robert C.
Walker, David L.
Walker, Frank T., Jr.
Walkwitz, Jon J.
Wall, Allan D.
Wallace, Robert C.
Wallis, Robert C
Walsh, Dennis F.
Walsh, Dennis M.
Walsh, Gregory E.
Walsh, Richard F.
Walter, Robert L.
Walters, John J.
Walton, Robert L.
Walz, Victor M., Jr.
Ward, Charles R.
Ward, Michael C.
Wargo, Joseph W.
Washam, Gary I.
Washington, Robert J.
Waters, Raymond S., Jr.
Watts, Patrick R.
Weatherington, Michael W.
Weaver, Charles S.
Weaver, Christopher E.
Weaver, Richard K.
Weaver, Vaughan C.
Webb, Lincoln P.
Weber, Frank C.
Weedon, Gerald W.
Weibley, Rolland E., Jr.
Weidler, Darlene R.
Weidman, Richard D.
Welch, Danield R.
Welles, Charles F., III
Welling, David C.
Wellman, William E.
Welsh, Edward J., III
Welsh, Harold K., Jr.
Wenner, David L.
Werner, Gerald C.
Werthmuller, Roy W.
Wessman, Ernest E.
Wessman, Mark D.
West, Michael C.
Westbrook, Gary M.
Wharton, Darryl M.
Wheatley, Charles D.
Wheeler, Richard C.
Wheldon, Richard G.
Whitacre, Robert F.
White, Grover L., III
White, Judith A.
White, Marcia A.
White, Richard L.
White, Russell A.
Whitefield, H. Leland, III
Whiteford, Daniel L.
Whitelatch, Robert C.
Whiteman, Charles W.
Whitman, David A.
Whitney, John D.
Whitson, William F.
Whittaker, Forrest R.
Whittle, Alfred J., III
Wiedemann, Carl J., II
Wieferich, James R.
Wiegand, Sue L.
Wiggins, Ronald L., Jr.
Wilbur, Steven G.
Wilder, Henry L. B.
Wile, Ted S.
Wiles, Tom D.
Wilhelm, John R., Jr.
Wilkinson, Lester P.

SUPPLY CORPS

Anderson, David G.
Argento, Terry J.
Armstrong, Frank D., III
Ayers, Robert S.
Baggett, Joseph E.
Bakaley, Stephen L.
Barcinski, Robert A.
Beassie, Leslie J.
Becker, Gregory P.
Bell, Douglas A.
Bender, Danny A.
Benson, Eugene T.
Bird, Robert R.
Blancq, John P.
Blanton, James E., II
Bocchino, David L.
Boecker, Theodore J.
Bond, Lewis F., III
Bott, Kerry C.
Butcher, Thomas C., Jr.
Byrnes, Gerald L.
Calia, John E.
Callaway, Michael P.
Camp, Gary L.
Carden, Robert J.
Caskey, John William, Jr.
Chamberlain, Stephen P.
Chambers, Thomas R.
Clack, Jeffrey R.
Clark, David W.
Clark, Thomas C.
Cole, John L.
Collier, Robert L.
Colvin, Bruce A.
Conroy, Denis S.
Cummins, John L.
Dewell, Kenneth G.
Difrancesco, Albert P.
Dmetruk, Stephen F.
Donlan, Robert J.
Edgerton, Joseph F.
Emerson, Jimmie D.
Engel, Steven R.
Ensminger, David S.
Etcher, John S.
Fages, Sheldon N.
Farrell, Anthony J.
Faulders, Cyril T., III
Faurie, Bruce R.
Flora, James H.
Fuller, Dana A., Jr.
Gilbert, Jack A.
Gillespie, Daniel D.
Gordohn, Richard E.
Griggs, William C.
Grimes, David M.
Grotjahn, Paul J.
Gulden, Gary W.
Gunia, Earl G.
Hammons, Thomas J., III
Hart, Philip N.
Heleniak, James F.
Henn, Loring K.
Hickey, Paul D.
Houlihan, Timothy P.
Howell, Arthur E., III
Hurley, Patrick E.
Jackson, John E.
Joens, Steven K.
Kaloupek, William T.
Keckley, William A.
Kelly, Daniel C.
Kilroy, Clark E.
Kirkland, Donald E.
Knauss, Walter W., III
Lakes, Danny E.
Lambert, John R.
Landes, Norman E.
Langevin, Richard R.
Lauer, Thomas H., II
Lowe, Michael D.
Lowry, Robert S.
Lundberg, James B.
Madge, Norman W.
Martinec, Dennis P.
Mathew, Paul A.
Matsushima, Rodney F.
McClellan, Lex L.
McGee, Gary O.
McKinney, William L.
McLaughlin, James P.
McLean, William D.
Moffitt, Michael A.
Moore, Joseph N.
Moran, Michael D.
Morrisset, John W.
Nichol, Eldon E.
Nightingale, Frederick C.
Nolan, Lawrence F.
Okeson, Kenneth L.
Parrino, Jack J.
Pathwickpaszyc, John C.
Payne, George A.
Perkins, Charles A.
Pierce, William B.
Rogers, John W.
Rose, Robert W., Jr.
Rova, Bruce W.
Royer, Frank E.
Rutledge, Dennis H.
Saunders, Daniel T.
Schlax, Thomas P.
Schmidt, William G.
Schneider, Jeffrey W.
Schwartz, Allen B.
Sharrocks, Charles S.
Shelton, Betty J.
Shiffman, Robert L.
Shoemaker, Charles K.
Sides, Stephen L.
Siembieda, Eugene J., Jr.
Simmons, Roger S.
Slettvet, Richard M., Jr.
Smith, Thomas P.
Soron, John E.
Stephenson, Ronald J.
Stevens, Lawrence A.
Stilwell, Robert R.
Storm, Louis O., II
Sumrow, Ronald G.
Sunday, John L.
Sweeney, Francis E.
Taylor, Robert W., Jr.
Tufts, John E.
Underwood, Brian C.
Ustick, Michael L.
Valade, Richard H.
Vining, Michael P.
Ward, James T.
Weidemann, James L.
Wells, Randolph R.
Wells, Robert B.
Williams, Jan L.
Williams, John W., Jr.
Williams, Richard L.
Wood, Robert H., II
Woods, Kevin J.
Young, Roger A.

CIVIL ENGINEER CORPS

Ackerbauer, Blair
Allen, James R.
Allen, Junius D.
Allshouse, Clare R.
Biter, Denzil J.
Campbell, Bruce S.
Cherry, John M.
Cortney, Michael C
Craft, Gary M.
Dean, Joseph C.
Dierckman, Thomas E.
Elsbernd, Robert L.
Foster, William W.
Gebert, David K.
Golden, Patrick F.
Haas, Richard F., Jr.
Hall, William M.
Herriott, Thomas R.
Hill, Jerry D.
Hocker, Robert G., Jr.
Huber, Paul R.
Hyatt, Andrew J.
Kotz, John S.
Laboon, Thomas A., Jr.
Leppert, John D.
Marcy, Hugh W.
McConnell, Craig V.
Moll, David C.
Morrow, James F., III
Pizzano, Robert C.
Plockmeyer, Dennis R.
Pyles, Troy K.
Ramsower, David C.
Rautenberg, Robert C.
Robins, John M.
Sandell, Charles G.
Schroeder, Donald J.
Scullion, Leonard P.
Shaw, Danny G.
Simon, Lee E.
Stockwell, Christopher J.
Stone, John T., Jr.
Terry, Ronald E.
Thomas, Clarence E., Jr.
Tull, Terrence W.
Turowski, Henry G., Jr.
Walker, William F.
West, Joseph D.
Weyrauch, Edwin F.
Wong, Jack J., Jr.
Zachary, James M.
Zuber, David E.

MEDICAL SERVICES CORPS

Barina, Fred G., Jr.
Cosenza, Joseph M.
Fristad, Arvid C.
Love, Douglas, Jr.
Malinoski, James W.
Martin, Donna R.
Peters, Anthony J., III
Williams, Warren, Jr.

NURSE CORPS

Connelly, Susanne T.
Cothern, Jimme G.
Fiddler, Iris E.
Graham, Alfred E., Jr.
Haley, Kathleen A.
Hamachek, Susan M.
Jones, Donald G.
Leifeld, Deanna R.
Lloyd, Thomas M.
Picchi, Christine A.
Ruschmeier, Elizabeth M.
Santos, Debra A.
Schemmer, Carol L.
Siegel, Robert M.
Smith, Margaret L.
Spangler, Catherine E.
Wright, Mitchell P.

Lt. Comdr. Allan C. Byrne, Jr., for temporary appointment to the grade of lieutenant commander in the Supply Corps of the U.S. Navy, subject to qualification therefor as provided by law.

Lt. Cmdr. Allen H. Wirzburger, for temporary appointment to the grade of lieutenant commander in the line of the U.S. Navy subject to qualification therefor as provided by law.

The following-named officers of the U.S. Navy for temporary promotion to the grade of lieutenant (junior grade) in the staff corps of the Navy, as indicated, subject to qualification therefor as provided by law:

MEDICAL SERVICE CORPS

Barber, Norman J.
Bartlett, James
Bauer, Peter J.
Bennett, Ronald
Boyles, Robert W.
Broadhurst, Rona
Brown, George R.
Buffington, John
Carroll, Robert
Crabtree, Roger
Dawson, Richard
Defibaugh, Thoma
Delong, Douglas
Denayer, John W.
Dial, William S.
Dittman, David
Dunkleman, Dennis
Ewing, Ronald C.
Fry, Wendell J.
Gibson, Kenneth
Greenan, John E.
Hastings, Jerry
Hetrick, John R.
Hickey, Rodney D.
Hisoire, Dennis
Hixson, Steven R.
Holman, Larry D.
Hovis, Robert S.
Hughes, Francis
Huju, John I.
Johnson, David E..
Joseph, William
Kane, Robert J.
Keenan, James M.
Knee, Dale O.
Kochis, James B.
Kunkel, Clyde E.
Kurtich, Richard
Lemmerman, Donald
Lewis, Morris N.
Malinky, Robert
Manley, Edward
Maskulak, Michael
McBride, Joseph
McNair, John D.
Mills, Wayne M.
Moody, Johnny M.
Morey, Arlen D.
Moses, William R.
Mullen, Michael
Mullin, Jack A.
Mullin, Jimmie J.
Oldham, Richard
Penn, Jerry D.
Peterson, Jack L.
Raymond, James L.
Roman, Michael J.
Ruffin, Tommy L.
Schick, Gary E.
Schweinfurth, Ka
Seelbach, Richard
Shannon, Kenneth
Shepherd, Jack W.
Sheridan, Peter
Silvas, Jose M.
Skog, Roy R.
Smith, Steven L.
Stewart, George
Stratman, Robert
Thompson, J. Rona
Tingley, Terry J.
Todd, David J.
Todd, Michael L.
Tomlinson, Tommy
Upton, Billy G.
Waggoner, Lemuel
Wallace, William
Wanamaker, John
Watts, Len S.
Weappa, Larry R.
West, Joseph J.
Willis, George R.
Yost, Harry E.

Lt. Adrian T. Doryland, of the U.S. Navy for permanent promotion to the grade of lieutenant (junior grade) in the line subject to qualification therefor as provided by law.

The following-named officers of the U.S. Navy for permanent promotion to the grade of chief warrant officer, W-3 subject to qualification therefor as provided by law:

Hallinan, Joan E.
Spencer, Saundra K.
Chandler, Susan A.

Lt. Tommy G. McDowell, U.S. Navy for transfer to and appointment in the Supply Corps in the permanent grade of lieutenant (junior grade) and temporary grade of lieutenant.

The following-named officers of the U.S. Navy for transfer to and appointment in the Supply Corps in the permanent grade of lieutenant (junior grade).

Bang, Paul G.
Burton, Robert N., Jr.
Gregory, Troy R.
Holland, Benjamin A.
McCoy, Rex C.
McKenzie, Donald R., Jr.
Pitkin, Richard C.
Wimett, William T.

The following-named officers of the U.S. Navy for transfer to and appointment in the Supply Corps in the permanent grade of ensign:

Assad, Shay D.
Atkinson, Eric J.
Bang, Paul G.
Cavanaugh, John H.
Feltes, Dale J.
Gregory, Troy R.
Holland, Benjamin A.
Mokodean, Mark M.
O'Connell, Matthew P.
Schrader, Thomas D.
Wimett, William T.

Lt. (junior grade) John B. Montgomery, U.S. Navy for transfer to and appointment in the Judge Advocate General's Corps in the permanent grade of lieutenant (junior grade).

WITHDRAWAL

Executive nomination withdrawn from the Senate November 26, 1973:

IN THE ARMY

Col. Leonard F. Stegman, [redacted], U.S. Army, for temporary appointment in the Army of the United States to the grade of brigadier general, under the provisions of title 10, United States Code, sections 3442 and 3447, which was sent to the Senate on October 10, 1973.

EXTENSIONS OF REMARKS

FRANK E. SULLIVAN RECEIVES JOHN NEWTON RUSSELL MEMORIAL AWARD OF THE NATIONAL ASSOCIATION OF LIFE UNDERWRITERS

HON. JOHN BRADEMAS

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Monday, November 26, 1973

Mr. BRADEMAS. Mr. Speaker, I was delighted to learn that an outstanding citizen and valued friend, Mr. Frank E. Sullivan, vice president of the Mutual Benefit Life Insurance Co., was recently honored by the National Association of Life Underwriters.

Mr. Sullivan received the John Newton Russell Memorial Award at the association's annual convention in Chicago. The award is the highest individual honor accorded by the life insurance industry, and is for "dedicated service above and beyond the call of duty."

Mr. Sullivan, until recently a resident of South Bend, Ind., in the district I represent, is not only an extremely successful insurance executive but has also made a lifetime career of civic service. I take great pleasure in his being recognized in this way by his industry, and include at this point in the RECORD the tribute to Mr. Sullivan which was delivered at the award dinner held a few weeks ago:

TRIBUTE TO FRANK E. SULLIVAN, CLU, RECIPIENT OF THE 1973 JOHN NEWTON RUSSELL MEMORIAL AWARD

If there is one truism that has validity and meaning in our lives, it is the reality that time is fleeting; that each moment given us to love, learn, serve, and share is truly precious and irreplaceable.

Even this perception of life does not deter most of us from being wasteful of time. However, there are those few in each generation who give it much higher priority . . . who are responsive to Marcel Proust's admonition: "The time which we have at our disposal is elastic; the passion that we feel expands it; those that we inspire control it; and habit fills up what remains."

You, Frank E. Sullivan, CLU, have used your God-given time in such fashion . . . in a manner that has not only brought you bountiful satisfactions and rewards; but, more importantly, has motivated the well-being of a socially-significant calling, enhanced the quality of life for your fellow citizens, and energized a commitment to excellence and service by thousands of your fellow life underwriters.

Frank E. Sullivan, CLU, you recently undertook great challenges as a senior officer of a large and esteemed life insurance company. You came to this position of trust and influence with impressive credentials as a life and qualifying member of the Million Dollar Round Table and a successful general agent, life insurance organizational leader, author, speaker, good citizen. Even more, you are acknowledged and lauded by your peers as a man of ever-stretching mind, of concern and empathy, of generosity of spirit and worldly goods.

Throughout an illustrious life insurance career beginning in 1953, you have held firm a conviction that the life underwriter's primary mission is to help protect the security of the family. Thus, you have followed assiduously and imparted to others the philosophy: "Life insurance still has to be sold."

Your fulfillment of this personal obligation was graphically achieved with skill, hard work and dedication—and, particularly, through the creative and innovative use of time. In your professional endeavors and in writings, speeches, and encouragements, you have demonstrated it is possible to systematize use of time in life insurance salesmanship so that routine is minimized and creative service to others maximized.

Frank E. Sullivan, CLU, you are a native of Massachusetts and a loyal alumnus of the University of Notre Dame. After United States Naval service, you joined the American United Life Insurance Company to attain company leadership as both a personal producer and general agent.

Because of your self-imposed discipline in managing and employing time well and for the benefit of others, you have made notable contributions to your business, your fellow life underwriters, your community . . . without reneging on devotion to your family, daily church attendance, and a regimen for physical and mental fitness.

You have been president of the South Bend, Ind., Association of Life Underwriters; president of the Million Dollar Round Table in 1967—the youngest man ever to hold this prestigious post; and chairman of the American Society of Chartered Life Underwriters *Journal* board . . . and you now are chairman of the Life Underwriter Training Council.

You have written three acclaimed books

and numerous articles on life insurance selling, travelled in excess of 500,000 miles in the United States, Canada and Europe to address more than 300,000 life underwriters and others engaged in financial planning; been guest faculty member at several universities; and appeared in a well-received sales film.

The finely tuned balance of your eventful life is further reflected in a host of community and extra-curricular activities . . . many of which brought you significant accolades. We commend you, sir, for service in the National Urban Coalition, United Community Services, Health Care Foundation, advisory council for the Notre Dame School of Business. We honor you as recipient of the Brotherhood Award of the National Conference of Christians and Jews; and the Golden Plate Award of the American Academy; as Notre Dame alumni man of the year; as one of your community's outstanding young men.

Frank E. Sullivan, CLU, in your position of life insurance leadership and influence, you have counseled your fellows to be men and women of conviction and dedication; to develop the art of clear and enthusiastic communication; to amass technical and worldly knowledge; and, perhaps above all, to use each moment of their time with creativity in good cause.

That you, personally, have followed this meaningful advice is a measure of your character and commitment . . . and the richness and relevance of your endeavors conclusively demonstrate its enduring worth.

Mindful of your moral conviction and exemplary attributes which have inspired so many others to emulate your example as of the country's incomparable life insurance salesmen, it is with the greatest pleasure that the Award Committee cites you, Frank E. Sullivan, CLU, as recipient of the 1973 John Newton Russell Memorial Award.

FUEL CRISIS AND ECONOMY

HON. RICHARD BOLLING

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Monday, November 26, 1973

Mr. BOLLING. Mr. Speaker, Hobart Rowen's column, "Fuel Crisis and the Economy," which appeared in the Washington Post of November 18 brings both perspective and realism to the problems this country faces in the current energy crisis:

FUEL CRISIS AND THE ECONOMY

(By Hobart Rowen)

Former Economic Council Chairman Walter W. Heller wisely observed in a special article for the Wall Street Journal last week that because of the oil crunch, all forecasts for inflation in 1974 are now "subject to change without notice." Let's go one step beyond that: all forecasts of any kind are useless.

The only realistic assumption that can be made is that the economy will be in some sort of recession next year and will continue to be depressed while the Arab oil embargo lasts.

Just how bad the economic slide here will be depends on a number of unknown factors, including the duration of the embargo and the wisdom of U.S. leaders in handling the shortage problem.

So far, there is little reason to be optimistic on either score: the Arabs seem interested in limiting their production and maximizing profits (already huge) regardless of the outcome of the Egyptian-Israeli negotiations; and the Watergated Nixon administration once again appears to be bungling an economic management job.

The clear need at the moment is to install a gasoline rationing program that would sharply cut pleasure driving, so that energy resources still available can be husbanded for essential industry.

But administration spokesmen are all over the lot on this issue, some trying to sweep the urgency of the problem under the rug. Others talk wistfully of a "free market" approach, letting prices skyrocket in order to create new production incentives as well as to diminish consumption.

The trouble with letting prices shoot up should be obvious. Not only would that mean the well-to-do could use and waste resources at will while people of modest means suffer, but such a "solution" would raise unholy hell with the economy.

Heller points out that fuel prices had been soaring even before the "sheik-down." Thus, the price index of fuels, related products and power (representing 7 per cent of the wholesale price index) had risen 20 per cent from September, 1972, to September, 1973. Refined petroleum products rose 35 per cent in that period.

Further price increases are certain. But unless rationing and price controls are made effective, costs will go out of sight.

Some administration officials, notably Economic Council Chairman Herbert Stein and Treasury Secretary George Shultz—who fear any kind of controls—would opt for a surtax system to reduce consumption of gasoline.

But Treasury experts admit that each penny of additional tax sucks $1 billion out of total purchasing power. If—as Gov. John Love suggested—the country needs a 30-cent tax to cut consumption of gasoline by 20 per cent or so, that would pull $30 billion out of individuals' pockets and into the Treasury.

Even if a chunk of that were rebated in various ways, it would be likely to throw the economy into a serious recession.

In any event, the administration has badly failed the nation in assessing and coming to grips with the energy problem. The most compelling energy statistic I've seen comes from Deputy Treasury Secretary William E. Simon:

Prior to the Middle East crisis, the administration's expectation was that energy consumption in the United States would increase by 4 per cent a year, doubling 1970's needs by about 1980.

And how did we plan to get that increased energy supply? From the Middle East, because oil there was cheap. The idea of considering national security in economic terms apparently never occurred to the administration. Now, Mr. Nixon talks of "independence" by 1980.

Back in April, the President sent a message to Congress in which he referred to an energy "challenge"—he wouldn't even use the word "crisis". Five years too late, Mr. Nixon abandoned oil quotas. Yet, there was no recognition that oil was an international problem, and that some day we would have to come to grips with an international cartel with a strangehold on key supplies.

Meanwhile, the domestic oil industry, fat and comfortable, wasn't anxious to add to refinery capacity or to prove out new reserves. Some oil industry leaders confess they badly underestimated how fast demand would rise, but most tend to blame the conservationists for holding back new exploration.

Early this year, former Commerce Secretary Peter G. Peterson came back from a trip around the world and reported to the President that energy would be the United States' overwhelming problem for the next decade, but he was politely ignored.

Peterson tried to get Henry Kissinger's attention focussed on the problem, but Kissinger was too preoccupied.

In his report, Peterson sharply highlighted U.S. dependence on Middle East oil for the projected growth of the economy through the 1970s and early 1980s. In an interview with him published in the Washington Post on July 9, 1973, I reported:

"Peterson's figures assume that the Middle East countries will continue to be attracted by higher prices, increase their production and sell the West all the oil it wants to buy.

"But the Middle East countries, knowing that their oil resources are finite, may decide not to increase production so rapidly. And in any event, the Middle East countries broadly suggest that unless there is a solution to the Arab-Israeli conflict more satisfactory to them, they may not cooperate with the West at all."

The administration wasn't listening.

Around mid-year, Mr. Nixon appointed Love to head an Energy Policy Office, but a sense of urgency didn't emerge until the shock of the oil embargo that accompanied the outbreak of war in the Middle East.

Mostly, the past few months have been a time of fumble and stumble. Mandatory allocation of propane and middle distillate fuels was put in, but gasoline and electricity consumption are still subject to only voluntary restraint.

Above all else, the administration needs to act at once to put a mandatory rationing system in effect for private transportation and home heating oils.

At the same time, it must address itself to developing new sources of energy for the long haul, and to working with other Western nations in the short run to find ways of persuading the Arabs to lift their embargo.

There is no reason why the Western nations should not consider economic countersanctions, from food shipments to sales of manufactured products (including aircraft and arms) to technical aid and knowhow. A retaliatory embargo, of course, would require the Western World to act together. Given the Arabs' success in forcing Britain and France to make the right anti-Israeli noises, and the possibility of similar successful blackmail against Japan, prospects for the success of such a concerted drive look dim indeed.

STATEMENT ON S. 1081—ALASKAN PIPELINE AUTHORIZATION

HON. DON EDWARDS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, November 26, 1973

Mr. EDWARDS of California. Mr. Speaker, I wish to express my deep concern regarding two very important issues now facing the Nation, the energy crisis and environmental protection.

Our Nation is facing a grave crisis because of decreasing energy resources. With the recent cutoff of some foreign supplies and increasing domestic demand for energy, it is obvious that we must find and tap available energy resources within the United States. We must have energy to remain a great nation; I do not think for a moment that we can suddenly cut our energy useage without creating a disasterous situation. The Alaskan oil reserves will supplement our energy input, and I feel we must begin using these reserves. However, the way we go about tapping the Alaskan oil fields is also very important.

One aspect of the greatness of this Nation is our quality of life. The natural beauty, grandeur and variety of our environment enhances our lives not only esthetically but in terms of our physical health. We must protect the environment from unnecessary and indiscriminate harm; environment protection is as important to the future well-being of this Nation as is maintaining adequate supplies of energy.

I believe that we can find a logical, fair, and extensively examined compromise between our energy needs and protection of the environment. We must carefully balance our demand for energy with the need for a healthy and safe environment in which to live. For this reason, I voted against S. 1081, the Alaskan Pipeline Authorization.

First, all possible alternatives were not adequately considered in the discussion of this legislation. The State Department failed to sufficiently investigate the adequacy and desirability of a trans-Canadian pipeline. A number of other alternatives should also have been considered in depth before the trans-Alaskan pipeline was authorized.

In addition, passage of this bill seriously jeopardizes present environmental protections. It was a difficult and lengthy battle to begin to incorporate environmental safeguards into our system of laws. Passage of the National Environmental Policy Act in 1970 took us a long way toward the goal of living in harmony with the environment. S. 1081, however, overrides the protective guarantees of NEPA and removes from the people the right of access to the courts for relief of injustices done by the construction of the pipeline. Not only is this a very dangerous procedure, it also sets a precedent for bypassing environmental protections in the future, rendering NEPA useless and ineffective and relegating environmental concerns to second place.

I also object to this legislation on other grounds. It favors west coast oil and shipping concern over those in the Midwest and Eastern sections of the country, the areas that will be hit hardest by shortages in the future.

Again, I want to say that my vote against S. 1081 does not reflect a lack of understanding and concern for U.S. energy needs. I believe that it is important that we tap the oil reserves in Alaska, but I feel that we must also show vital interest in the environmental problems this development will create. I feel that S. 1081 does not fairly balance necessary environmental safeguards and energy needs, and I, therefore did not support the bill.

STANLEY PENKALA

HON. RICHARD S. SCHWEIKER

OF PENNSYLVANIA

IN THE SENATE OF THE UNITED STATES

Monday, November 26, 1973

Mr. SCHWEIKER. Mr. President, it is alarming to know that some 750,000 children and adults suffer from cerebral palsy in this country. It has been estimated that cerebral palsy occurs in 1 out of 200 live births. At the present rate, approximately 15,000 infants are born each year with this condition.

Cerebral palsy is a condition which originates in the brain, usually at birth, and control of the muscles is affected. There are some preventive measures used for pregnant women, but our focus must be on management programs to help the afflicted child achieve maximum potential in growth and development. Despite the multitude of State and local organizations throughout this country who dedicate themselves to aiding those suffering from cerebral palsy, there is still not enough money or personnel to deal with the problem.

In this connection, I would like to call to the attention of Senators Mr. Stanley Penkala of Wilkes-Barre, Pa., whose untiring efforts on behalf of handicapped people have earned recognition locally and nationally. He received the Dr. Benjamin Rush Award of the Luzerne, Pa., County Medical Society and a special award by the National United Cerebral Palsy Associations. Mr. Penkala, who suffers from cerebral palsy, is well known by those who reside in Luzerne County as the chief of security at the Luzerne County courthouse. He is also active in community affairs. He was an original member of the United Cerebral Palsy Organization of Wyoming Valley.

I have known Stanley Penkala to be a dedicated, hard-working man. He was done much to bring comfort to children and adults in Luzerne County. Through his volunteer efforts, many are now able to lead a normal life. I commend him for his outstanding work, and his concern for his fellow man has made him an example for all of us who are privileged to know him.

UNITED STATES-MEXICO SALINITY AGREEMENT

HON. CRAIG HOSMER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, November 26, 1973

Mr. HOSMER. Mr. Speaker, the October issue of Aqueduct, the magazine of the Metropolitan Water District of Southern California, contains the following notable article concerning the recent agreement between Mexico and the United States to control salinity levels of the Colorado River at the border:

THE MEXICAN WATER TREATY—A NEW INTERPRETATION

A new chapter is being written on the often strained relations between the United States and Mexico over water from the Colorado River.

On its way to Congress soon will be a so-called "permanent, definitive" solution to Mexico's complaints about the salt content of water delivered in the past 12 years. The dispute has resulted primarily from highly saline irrigation return flow water from the Wellton-Mohawk Irrigation District near Yuma, Arizona.

The price tag on the solution: at least $115 million in works to be built by the United States, including the world's largest desalting plant on the Wellton-Mohawk drain at a cost of $67 million.

"It was a political settlement on the part of former U.S. Attorney General Herbert Brownell," said Ray Rummonds, chairman of the Colorado River Board of California. "He had to work amid conflicting interests of the United States and Mexico as well as those of the water-short seven Colorado River Basin States."

Brownell was appointed by President Nixon, with the rank of ambassador, to study the salinity problems and come up with a settlement.

Mexico, under a new interpretation of the 1944 treaty with the United States, will be provided water that is very comparable in quality to that being diverted for irrigation in Imperial Valley in Southern California. Specifically, it is to be only 115 parts per million higher in salt content than that at Imperial Dam. It's currently 850 ppm at Imperial Dam, the last major diversion point on this side of the border.

"Congress will now have to authorize the works and appropriate the necessary funds on a timely basis to carry out the settlement in good faith," Rummonds said.

"It is clearly a national obligation—one which should be borne at federal expense without adverse impact on water and power users of the seven states."

At a press conference at the Western White House in San Clemente, Brownell announced the signing by both countries of a new agreement specifying the quality of 1.5 million acre-feet annually that must be delivered under the treaty, which is administered by the International Water and Boundary Commission.

"It was part of the treaty after construction of Hoover Dam that Mexico would take water that included irrigation return flow," Rummonds said.

"But no one foresaw the development of the Wellton-Mohawk Project and the highly saline flow from drainage wells that would get into the river. In 1961, when Wellton-Mohawk drainage began entering the river, the water at Morelos Dam, where Mexico diverts to the Mexicali Valley, rose to well over 1500 parts per million salt."

The United States will line with concrete the first 50 miles of the Coachella Branch of the All-American Canal to conserve some 130,000 acre-feet of water that now leaks from the canal into the underground. That will allow temporary releases to Mexico of an equivalent amount of water from upstream storage.

For the past year, Mexico has been bypassing Wellton-Mohawk drainage water and the U.S. has replaced about 118,000 acre-feet, half the bypassed water, with supplies from storage or wells along the river.

Other aspects of the agreement, of principal concern to Arizona, will be limiting Mexico and the United States to 160,000 acre-feet each year which they can pump from an underground basin near the Arizona-Sonora boundary.

The United States will also support Mexico in obtaining loans from international sources to assist farmers of the Mexicali Valley and provide funds for the installation of tile drains. The Mexican government estimated to Brownell that 75,000 acres of land in the valley have gone out of production because of salty soil and salty water used for irrigation.

"You could fill volumes and volumes about the history of Mexico-U.S. relations on water from the river, going right back to the time of negotiations that resulted in the 1944 treaty," Rummonds said.

"For many years after construction of Hoover Dam there was a surplus of water flowing into Mexico.

"When the supplies became tighter and the United States limited the flow to the treaty terms, the Mexican farmers probably tried to stretch the supply over too much acreage. Without proper leaching, salt con-

tinued to build up in the naturally salty soil of the Mexicali Valley."

In announcing the signing of the new agreement, Ambassador Brownell said that the quality of water delivered could be improved permanently without adversely affecting any of the planned programs for development of the natural resources in the states.

That has not, as yet, alleviated the considerable concern of the Committee of Fourteen, a group with representatives appointed by the governors of each of the seven basin states. In the case of California, the two representatives are Myron Holburt, chief engineer of the Colorado River Board, and John R. Teerink, director of the State Department of Water Resources.

"Arizona officials have shown perhaps the greatest concern over Brownell's negotiations with the Mexican government because the Central Arizona Project has the lowest priority of water entitlement under the 'law of the river,'" Holburt said. "However, the other basin states could also be injured if the United States does not undertake the necessary measures to prevent adverse impacts on the states."

"If the necessary public works aren't built and operated effectively," he said, "Arizona wouldn't want to give up precious water for releases downstream to improve salinity at the border. Nor would the other states."

The committee has pointed out to Brownell and the Nixon administration and to Congressional representatives of the states that there are many questions that remain to be answered.

Where will the electric power come from to operate the desalting plant? And the 40,000 to 50,000 acre-feet of replacement water needed to carry brine from the desalting plant to the Gulf of California?

"It would be foolish, too, to concern ourselves only with salinity at the border while salt is building up slowly for nearly the entire river north of Imperial Dam," Holburt said.

Three bills now in Congress, signed by all 14 senators and 35 representatives of the Basin states, would authorize salinity control projects in the Upper Basin to remove 400,000 tons of salt annually from the river at a cost of some $135 million. The bills also authorize feasibility reports on other projects to remove even more salt from the 1400-mile-long river.

The field trips to the Mexicali Valley by Brownell and his staff are over. The closed-door negotiations with Mexican officials have resulted in a highly significant new reading of the 1944 treaty. The "good faith" plans to be laid before Congress call for relining the Coachella Canal by 1976 and completion of the desalting plant and brine disposal facilities of Wellton-Mohawk by July, 1978.

The "permanent, definitive" solution is on paper as a national pledge to our neighbors south of the border, contingent on Congressional appropriations.

But it's a pledge that remains of great concern to the water users of the seven states.

SOCIAL SCIENCE AND PUBLIC POLICY

HON. JOHN BRADEMAS

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Monday, November 26, 1973

Mr. BRADEMAS. Mr. Speaker, I insert in the RECORD the text of a most perceptive editorial concerning the relationship between social science and domestic programs in the United States.

The editorial, entitled "Faculty Engineers or Neglected Experts?" is by Amitai Etzioni, professor of sociology at Columbia University and director for the Center for Policy Research there.

The editorial appears in the July 6, 1973, issue of Science, a publication of the American Association for the Advancement of Science.

I believe Professor Etzioni's essay correctly draws attention to some of the thoughtless criticisms made of the role of social sciences in a number of federally supported domestic programs. The article follows:

FAULTY ENGINEERS OR NEGLECTED EXPERTS?

Social scientists are being made scapegoats for the failure of dozens of domestic programs. The October 1972 issue of *Fortune* reports that "social engineers retreat under fire"—a main source of the shots fired being *Fortune* itself. Its staff writer Tom Alexander reports: "There's plenty of material for recrimination." He then recites the by now familiar catalog of failures of the domestic programs, failure to abolish welfare, poverty, school segregation, and so on—problems that have not been solved despite "record" investments.

The charges against social scientists are about as well founded as those brought in the early 1950's, equating social science with socialism. The discipline, as such, is no more at fault for the failure of many Great Society programs than the study of international relations is for the American involvement in Vietnam.

First, most programs did not receive the funds and manpower they *needed*. Alexander is, of course, technically correct: the investments in domestic programs reached "record" levels. But this does not make them high, and certainly not high enough.

Second, many solutions require tradition-bound citizens and legislatures to reexamine their views about the world, human nature, and human values. If they balk, and block progress, there is little a social scientist can—and maybe should—do. Thus, crime is usually ranked as the number one domestic problem. Recently the President, on the heels of the governor of New York, has sought to reinstate the death penalty because, it is alleged, all other efforts to turn back the rising wave of crime have failed. But the fundamental remedies that most social scientists favor have not even been tried. Many politicos prefer to grandstand against crime with "tough" speeches and suggest "tough" measures that they must know are either ineffectual or unconstitutional or both. Why point the finger at social scientists?

The social sciences could be more vigorous than they are—if the politicos would let them. The social sciences, as a group, have been the neglected branch of the sciences, receiving a mere 2 to 3 percent of the resource pie, and even that much only in recent years. No wonder there are fields in which little is known: how to help disadvantaged children catch up, for example, or how to respond to the growing dissolution of the family. But even in these areas social scientists can at least point to what will not work. The Coleman Report pointed out that the kind of efforts undertaken, at a cost of roughly $1.2 billion a year, had no discernible results.

If America now seeks to attend to its long list of social problems, an increased investment in social science is the order of the day—not a chopping of their sources of support. Furthermore, social programs, in which the findings of social scientists are utilized, must be allowed to go through the same research and development sequence that missiles and lunar landing crafts go through. An initial mistake made by social scientists was agreeing to the use of their theories in attempts to plan societal changes. They should have insisted on design or table-top or wind-tunnel models in order to initiate, not to bypass, the research and development sequence. We must stop trying to jump directly from sociological blueprints into multibillion-dollar programs.

We can no longer delay facing our domestic needs, and we cannot deal with them without the help of the social sciences. But the social sciences themselves will require much nourishment and fortification before they will be able to fully measure up to this mission.

FUEL SHORTAGE

HON. CHARLES W. SANDMAN

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Monday, November 26, 1973

Mr. SANDMAN. Mr. Speaker, in light of the continuing fuel shortage we are now facing, it is ridiculous to reduce the speed limit on our highways to 50 miles per hour, while the automobile manufacturers continue to turn out gasoline-guzzling, 300-horsepower engines. I propose that all new car engines be required to meet a minimum of 20 miles per gallon in their performance.

Years ago, there were automobile engines that were able to get 25 to 30 miles per gallon with little or no trouble. It is rumored that the major oil companies, in order to boost gasoline sales, bought all the patents for those engines, and removed them from the market. These same oil companies, who recently registered near record quarterly earnings, are crying that they are the only ones really being hurt by the petroleum shortage and the attempts to control it. If they truly want to help take off some of the pressure, will they support my proposal?

Every antipollution device and luxury convenience item we install on our cars is just another factor in decreasing our gas mileage. The Environmental Protection Agency has announced that emission control devices reduce oil economy by an average of 7 percent, air conditioning by 9 percent, and automatic transmissions by 5 to 6 percent. Let us do some serious thinking, apply a little commonsense, and meet this energy crisis head-on. If we double the performance of gasoline engines, our consumption will be cut in half.

It looks as though we will have to accept some form of gasoline rationing in the near future. Of the various methods being discussed, there is one to which I am unequivocally opposed: a large increase in the gasoline tax. This type of tax is automatically regressive. The people who could least afford to pay the increased price are the ones who would be hit the hardest. In the long run, the tax increase method would have the least effect upon conserving fuel.

CRIME CONTROL NO. 11

HON. EARL F. LANDGREBE

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Monday, November 26, 1973

Mr. LANDGREBE. Mr. Speaker, the number of crimes committed in this country has been rising far faster than the population during the past several years. Yet, despite this enormous growth of crime there are those who think the victims or potential victims of criminals should be disarmed. Disarmament of the innocent, we are told illogically, will decrease crime. However, the persons advocating disarmament of the innocent have said very little about restraining the criminals; in fact, those who favor restrictions on the innocent are quite often the same people who believe that criminals should be rewarded by the erection of luxurious country-club motels in which criminals may be "rehabilitated." This reversal of morality is called liberalism, and it has been the cause of the growth of crime in this country. The liberals are determined to make crime pay—and they have largely succeeded.

I adamantly oppose gun controls precisely because they will make crime pay more than it does already. I believe and have always believed that crime should not pay—and that an armed citizenry is one of the most effective ways of insuring that crime will not pay. My point is well illustrated by the following article from the Detroit Free Press, October 10, 1973.

BURGLAR AND BANDIT ARE KILLED

A householder killed a burglar and a bar owner killed a bandit in separate incidents in Detroit only five minutes apart early Tuesday.

The unidentified burglar was slain by Ronald Goodwin, 19, in Goodwin's home at 18811 Hull at 1:20 a.m.

Goodwin found a rear window in his home broken when he arrived home about 11 p.m. He notified police, who came and made a report on the break-in.

He told police that he was watching television later when he heard noises at the rear of the house. He investigated and saw a man climb through the window.

Goodwin obtained a 12-gauge shotgun. The burgular turned to hand a pistol to an accomplice outside Goodwin said. The accomplice saw Goodwin and aimed the pistol at him.

Goodwin fired once, striking the first burglar in the upper right back. The man's companion fled.

The burglar was pronounced dead at the scene.

In the second slaying, at 1:25 a.m. in the West Detroit Bar at 2533 Woodward, witnesses told police that two bandits entered the bar.

One pulled a gun on a bartender, Peter Polonis, 50, and took Polonis' revolver from the bartender's belt.

The second man leaped over the bar and began emptying the till.

At that moment the bar owner, Richard Paquin, 41, came out of a rear room and fired once, hitting the second man in the abdomen. The first bandit fled.

The bandit was pronounced dead on arrival at Detroit General Hospital.

FARM CITY WEEK

HON. BILL NICHOLS

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Monday, November 26, 1973

Mr. NICHOLS. Mr. Speaker, recently Mr. Ed Maudlin, a long-time friend of agriculture from Town Creek, Ala., addressed the Birmingham Kiwanis Club in connection with their annual farm-city week.

Mr. Maudlin's remarks are so timely that I feel they merit the reading by the Members of this body and I am pleased to place them in the RECORD.

The remarks follow:

ADDRESS TO BIRMINGHAM KIWANIS CLUB BY ED MAUDLIN

On behalf of myself and farmers everywhere, I want to express my appreciation to you gentlemen and to all Kiwanians for your traditional annual recognition of agriculture through the designation of Farm-City week and your efforts to keep open the lines of communication and understanding between rural and urban America, in this manner. While all our aspirations and dreams for a more gracious society are the same, there are bound to be significant differences between your immediate problems and even your lifestyle and those of your friends who live, as I do, in rural Alabama and operate its farms.

Recognizing this, your program chairman, Carl Happer, has asked me to visit with you today about what is going on in rural Alabama and to share with you some of my views as to what the future might hold in store for us all. Let's begin our visit by thinking briefly about what has been happening just within the lifespan of most of us here today.

Many rural areas of the state which were heavily dependent on farming alone have experienced large declines in total population and purchasing power and the attendant loss in political influence. Just in the two decades since 1952, Alabama has lost more than one-half million of our rural citizens to other states. This mass migration, described in a study by the University of Alabama as the flight from the soil has already resulted in the loss of two seats in the Congress of the United States from Alabama—a political loss which adversely affects our urban citizens as well.

So severe is the impact of our loss in population that if you made a calculation beginning with the 1950 census figures and added all births and subtracted all deaths within our State since that date, the net result would be a figure equivalent to the present population of Alabama plus the added population of a city the size of Atlanta proper. Think of the social and economic loss to our state because of this drastic and, I believe unnecessary, depopulation of our rural areas—a loss we can never make up.

Why has it happened—why must it go on? These are the questions we in Alabama must find the answers for, if our state is to maintain its relative economic and political importance in this nation and the world.

Why must our Alabama farms continue to disappear at the rate of over 5,000 per year? Why must some of our finest, most patriotic and God-fearing citizens be driven off their land where they have known a cherished and respected way of life and into the cities that can only provide ghettos and welfare roles? Why must local business firms disappear from the rural scene in numbers so large as to cause the per capita cost of maintaining necessary local public services such as roads, schools, mail deliveries and electricity to be raised to prohibitive levels? Why must those left on the land suffer the personal hardships of being stranded in rural areas where there is little or no demand for their services and where depopulation has caused local governments to be hard pressed to raise the funds necessary for continued functioning, much less provide quality services?

Why must we, you and I, who like to think of ourselves as the responsible citizens of Alabama, continue to condone such grave wastes in human resources, as the jamming of rural Americans into the large metropolitan centers only to have them cause even more serious and costly problems of traffic congestion, air and water pollution, increased criminal activity, worsened race relations and swollen welfare roles?

It has been said that "land without people is a wilderness and people without land is a mob." Surely there is a better way than creating wilderness out of our once fertile fields and making mobs out of our displaced citizens. Surely this country must have something better to offer our citizens, both farm and city, than the prospect of more of the same.

I say to you, my city friends, the better way lies with the quality of rural life. Our own noble Alabama farm folk are just like people everywhere—they would rather live in the fresh air, on their own soil, enjoying the gifts of God and nature, provided they could once again expect the economic opportunity to provide their families with the quality of life enjoyed by their fellow citizens in the suburbs.

Quality rural life begins with economic opportunity. A day's pay for a day's work. Automobiles and the gas they burn, television sets and the electric power they consume, health care with its medical bills, all cost the rural American just as much as his city cousins.

Yet most urban workers have higher returns per hour of labor than most rural workers. And, almost all urban workers enjoy greater purchasing power per hour of labor than do their brothers who diligently till the soil to produce the food and fiber so vital to the well being, let alone the safety and security of this great country.

Now, please don't misunderstand me, I am happy to see my urban friends receive good pay, if for no other reason, simply so they can buy more of what we farmers grow. But my point is that quality rural life, equal quality, is necessary to save our country from the wilderness of rural depopulation and the mobs of urban overpopulation.

While rural population has declined so markedly in recent years, the actual farm population has declined even more critically. During the decade from 1960 to 1970, when urban population swelled by 19 per cent, rural population fell off 4 per cent, and actual farm population dropped a whopping 38 per cent. Here in Alabama studies by Senate agriculture economists reveal that this state's total farms have dropped to an alltime historic low of only 76,000 working farms in 1973. This compares to approximately 250,000 Alabama farms scarcely more than 30 years ago—an average loss of 5,000 farms per year for over three decades. Just over twenty years ago, Alabama planted more than two million acres to cotton—this year we will harvest less than one-half million acres of cotton, a 75% reduction since 1949.

Certainly, it doesn't take a professionally trained economist to look at these figures and determine why your wives should indeed be concerned over the price of meat and groceries. Looking ahead just a few years further with this continuing trend, they can forsee something much more serious than even high prices with which to concern themselves—the prospect of no meat, not

enough groceries at any price. The prospect of nobody left on the farms to produce the abundance of food and fiber which this country and its people have come to take for granted.

Commodity prices in recent months have indeed skyrocketed in the world's futures exchanges. New York cotton, Chicago soy beans, Tokyo beef and Russian wheat prices have all set record levels this year—won't that make the farmers prosperous you ask, won't that stop the attrition of our farms? Surely prosperous farmers don't abandon their land you say, and to that extent, you are correct.

The facts are that across the board inflation unbridled by sensible public policies, an unprecedented world demand for wheat, feed grains and meat, coupled with a long-time public policy of imposed deferred maintainance on our farms caused by sustained low farm prices has brought us for the first time in this generation to the brink of food shortages.

It is true, food prices resulting from these factors have gone up, month by month, day by day and every family—city and farm alike—feels the impact on the pocketbook. And even though everything else has gone up too, a clamor has arisen, making out the farmer as the villain solely responsible for rising food costs.

As responsible citizens, I am sure that you here today have no desire to engage in the luxury of wantonly blaming any particular segment of our economy for our problems to the exclusion of all others.

Rather I know that you feel as I do, that thoughtful farmers, business and professional people, our public servants, everyone that is truly concerned must work together to seek, to find a remedy.

All of us here I am sure recognize that it is in the total national interest to evolve public policies for agriculture that will continue to assure this nation an abundance of food and fiber and to prevent the grave national risk of potential shortages such as we have recently faced. But to do this, we must abandon some of the false gospels of the past which have forced our farmers into a continuous posture of deferred maintainance because of economic strictures that have also caused agriculture's human resources to so rapidly disappear.

The archaic policies of enforced poverty that have prevailed by the coupling of unrealistically low price supports with burdensome surpluses for so long that we have overdepleted our agricultural plant must be abandoned.

We must, this country must, if we are to continue to be the best-fed for the least-cost nation in the world, adopt long-range public policy that is keyed to demand, assures stable production, and provides sustained adequate income for the farmer who is prudent with his investment, energetic with his labors and productive with his resources.

A prosperous agriculture is necessary for the Quality of Rural Life which is the only answer to alleviate the conditions of the past which we have mentioned.

Now, in the remaining time let's think about some of the fascinating things which the future can hold and some of the really great things agriculture can do for this country.

This country, with its agricultural plant properly functioning, can produce enough wheat to feed us all and enough more to export twice that much. We can grow enough soy beans for all our needs and still sell an equal amount abroad. We can pick all the cotton our domestic mills choose to spin and still earn a billion dollars from overseas sales if we would but reestablish our dependable supplier reputation. Half our beef hides are available for overseas markets. We can grow three times as much rice as we normally eat.

And, we can do all of this with less than 5 per cent of our people while it takes more than one-third of the population of Russia to produce a scant supply of food and fiber for its domestic consumption.

Agriculture is truly this nation's largest industry and is America's largest dollar earner abroad with farm crop exports now representing more than 20% of all U.S. exports.

Indeed agriculture has become the brightest spot in our international trade picture; it contributed a surplus of $5.6 billion to the nation's trade balance last year—a time when non-agricultural trade was running in the hole by more than $9 billion.

Too few people seem to understand that this surplus—this favorable balance of trade—is the key to the ability to buy freely on the world market. If we expect to continue to buy in the world market we must sooner or later sell as much as we buy. Now only agriculture in our economy has the ability to make that contribution.

Farm crop exports last year were enough to pay for all our coffee, tea, rubber, bananas and all other agricultural imports and still leave us with $4.5 billion in purchasing power abroad left over. This was enough to offset the two-billion dollar oil import deficit with $2.5 billion more to apply to the cost of imported electronics and automobiles.

Scientists so desperately concerned with the energy crisis (destined to be a part of our lives for years to come) have determined that because the chief source of energy used in the production of cotton comes from the radiant sun, the nourishing earth and the refreshing rains that cotton production consumes only one-tenth as much commercial energy as does synthetic fiber production.

The Japanese who have the reverse problem of this country's surplus deficit are continually searching for ways to spend or invest the enormous accumulation of dollars which they have earned from the sale of their goods to America. This has resulted in many changes in their habits and customs, including a tremendous stimulation in their appetite for beef which costs ten times as much in Tokyo as it does in Birmingham.

Their ingenious way of satisfying this appetite includes buying our beef carcases on the west coast, having them boned out and the beef air freighted to Japan. Air shipment is economical because the depressurized freight compartments of their big jets are naturally refrigerated by high altitude temperatures. As they gradually relax their own beef import restrictions, the oriental appetite for U.S. beef promises to grow into a fantastic market.

Contract selling, which has attracted so much attention in the news media this year due to conflicts arising from the phenomenal increase in prices after the spring cotton contracts were made between the farmers and the mills has not always been available to our growers. Properly handled between responsible growers and reputable spinners, this marketing tool provides an innovation which could have lasting benefits for the cotton industry. It should afford the mills the expectancy of a dependable supply of cotton and it should provide the farmer with an opportunity to select with increased latitude that time of the year to fix his price which he deems to be most favorable to him. Heretofore, he has ofttimes had to pick his cotton, then go, hat-in-hand, to the buyer during the rush of the harvest season and ask how much will you give?

Hopefully, you will agree that farmers deserve the right just the same as other segments of the economy to become price-makers instead of being merely price-takers.

We have all noticed the extremely high prices quoted on the various commodity exchanges for certain crops this year. But do we all realize that only farm prices, if they go up then they always come down. Cotton went up to over 90 cents per pound then it went down to 60 cents per pound. Fifty years ago, in the 1920's, cotton was 40c a pound. Thirty years later in the early 1950's, it reached that level again but in recent years cotton prices have been so disastrously low that farmers were easy picking for the contractors who offered 30c this spring. So, most Alabama cotton growers will not benefit from the temporary high prices of 1973. Soy beans went up to $10.00 per bushel earlier this year; now as we gather our beans, they are bringing $5.00 per bushel.

This is the nature of farm crop prices. But not the farmers costs. His tractor prices go up in cost to him, but they never go down. We have a small farm equipment dealership which I have been involved with for nearly a quarter of a century now. Never during that entire time has the price of a tractor or a piece of equipment gone down. A cotton picker which fifteen years ago was selling for $7,500 is now more than $30,000. The cost of taxes, electricity, labor, fuel, fertilizer, chemicals and all the other inputs which the farmer must buy from others to make his crops goes up and up but never comes down.

But one thing he knows for sure, if cattle go up, they will certainly come down; if cotton goes up it will surely come down. It always has. For the farmer, the law of gravity works only on the crops he sells, but never on the supplies he buys.

This defiance of that law with the accompanying ever increasing input costs finds our farmers and rural businesses with an insatiable need for additional capital.

Recognizing this need and understanding the unavailability of capital in the rural areas, Congress passed the Rural Areas Development Act of 1972. As Carl mentioned, I was privileged to serve on Senator Talmadge's advisory task force seeking ways to implement this legislation.

As with many other innovative measures, the problem arose as how best such a program could be effected without being structured so as to become too complicated for the local banker to administer and for the local borrower to understand. Hopefully this obstacle has been overcome. If the administration should at some future date see fit to release the funds which have been congressionally appropriated but administratively impounded, the necessary seed money will then inaugurate a program that will bring the capital starved rural borrowers and the capital rich money markets together on a basis that should be equitable for both.

In closing, I ask you too keep in mind that farm programs in the past, though usually thought of as methods to increase farm income, have actually been as much or more a system that has resulted in cheap food for American consumers. Without price supports there would have been inadequate production and without production controls there could have been unmanageable surpluses.

If this nation is to continue to be the best fed and best clothed, and if our people are to continue to spend less of their net take-home pay for food and fiber than any nation in the world ever in history; then certainly, the power of public policy must be used to sustain the independent farmer in our economy which is otherwise so strongly organized. Ours is an economy in which almost all other production is planned, where most marketings are regulated, and where prices are administered and most other profits are by fiat added on to the cost of production.

The ten million people on the two million individually owned farms remaining in this country have no way to independently plan for the national production needed, no way to regulate their markets, or to administer their prices and consequently no farmer

acting alone has the capability of adding a profit to his cost of production.

Hopefully, I have helped you to understand why Alabama is loosing 5,000 farms and tens of thousands of our rural citizens each year.

Effecting a remedy is a problem worthy of the attention of us all.

It has been a pleasure to be with you and see so many old friends, to meet new ones and I applaud all Kiwanians for your interest in the challenges facing agriculture.

RESOLUTION NO. 221

HON. JOSHUA EILBERG

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Monday, November 26, 1973

Mr. EILBERG. Mr. Speaker, under title I of the Elementary and Secondary Education Act of 1973, children from sections of the country labeled "poverty areas" are receiving the benefits of special educational programs and projects while those children from low-income families not residing in these areas are deprived of such benefits.

Because this law seems grossly unjust and in need of revision, the Council of the City of Philadelphia has adopted a resolution in favor of amending title I to include other low-income areas in addition to the present designated poverty areas.

I enter into the RECORD a copy of the resolution which was adopted by the Council of the City of Philadelphia on November 1, 1973.

The resolution follows:

RESOLUTION NO. 221

Memorializing the Congress of the United States to amend Title I of the Elementary and Secondary Education Act, approved June 28, 1973, to include other areas in addition to the poverty areas as designated under Title I which deprive, limit or deny educational benefits to those school children not included in the poverty area designation.

Whereas, There are families of low income levels living in areas not designated as poverty area residents whose children are being deprived of the special education programs available only under Title I; and

Whereas, The children now being bused from designated poverty area schools to schools outside their area are being deprived of the special educational programs provided under Title I; and

Whereas, Schools declared ineligible for Title I funds are now depriving many school children of the benefits of the special projects and programs; therefore

Resolved, By the Council of the City of Philadelphia, That we hereby memorialize the Congress of the United States to amend Title I of the Elementary and Secondary Education Act, approved June 28, 1973, to include other areas in addition to the designated poverty areas so that Title I programs and projects are not denied those school children not included in the designated areas under the Act.

Resolved, That certified copies of this Resolution be forwarded to the Speaker of the House, President pro-tem of the Senate, and the members of the Senate and the House of Representatives representing Philadelphia in the Congress of the United States.

MARTHA GRIFFITHS—"DOES ANYBODY CARE ABOUT THE MIDDLE CLASS?"

HON. DAN ROSTENKOWSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, November 26, 1973

Mr. ROSTENKOWSKI. Mr. Speaker, recently, an article was brought to my attention that I believe captures much of the true spirit of one of our most able Members. It appeared 2 weeks ago in the Pittsburgh Press, and it concerns the social philosophy of our colleague from Michigan's 17th District, MARTHA GRIFFITHS.

I have had the privilege to serve alongside her on the House Ways and Means Committee for the past 9 years. Thus, I have not only benefited from her extensive insight into economic problems but also have been continually amazed at her ability to consistently find the heart of any legislative issue.

Since I know that this article will be of considerable interest to all my colleagues in the House, I would like to insert it in the RECORD at this point:

DOES ANYONE CARE ABOUT THE MIDDLE CLASS?

(By Alan D. Haas)

Our federal system of benefits provides a multiplicity of subsidies for the poor and a variety of income tax breaks to the rich, but the bulk of middle-class Americans—those earning $10,000 to $25,000—get little, if any, help from Washington, D.C., according to Rep. Martha W. Griffiths, D-Mich., a veteran of nerly 20 years in Congress.

"Even worse," claims Mrs. Griffiths, "these middle-income earners are paying the superlion's share of the nation's taxes. In these inflationary times, the family in the middle is the victim of staggering income inequities fomenting justifiable outrage and discontent."

The Michigan congresswoman is chairman of the Joint Senate-House Fiscal Policy subcommittee which is studying the problem and looking for ways to ease the burden on middle-class wage earners. "We are dangerously close to a political revolution in America," Mrs. Griffiths says, in a voice charged with anger, "unless we can provide suitable remedies that will enable the backbone American—factory worker, white collar person or professional—to pay his bills, retain adequate purchasing power and avoid excessive debts."

A massive study by Mrs. Griffiths' subcommittee documents the morass into which well-intentioned bureaucrats and legislators have led us by planning social programs on a piecemeal basis. "At the present time," the congresswoman observes, "we have 10 legislative committees and 11 executive departments running entrenched social programs without anyone capable of seeing the overall picture. What we really need is a central federal computer that could analyze and evaluate each new program as to how it affects every economic or social grouping in the country."

The myth that there exists in America a broad, comfortable middle class of two-car families, with color TV and luxurious suburban homes does not hold up. Only 30 per cent of U.S. families own a second car, and many have none. The median value of a single-family, owner occupied home in this country is around $17,000. The House Banking Committee recently estimated that half of all American households could not afford a mortgage on even a $20,000 home.

"Federal studies have shown that many American families make it into the $10,000 and over income bracket only when the wife works, and the husband may be moonlighting on a second job as well. Two of every three families in the $10,000 to $20,000 category require a minimum of two breadwinners," says Mrs. Griffiths. "We cannot continue to logically press for justice for minority groups in this nation, unless we at the same time provide for a more equitable distribution of wealth among all segments of the population."

The economic crunch operates in many ways and almost all of them put both ends of the financial scale against the middle. Here's a sampling of inequities that Mrs. Griffiths decries:

Taxes. A mythical urban families of four with a salary income of $10,971 pays about $1,800 in taxes and Social Security payments, leaving it with a disposable income of approximately $9,171 to cover food, housing, medical bills, transportation, clothing, insurance, etc. Considering all the benefits available, the average urban family of four—with nobody employed—comes out about two-thirds as well financially. "The dis-incentive to work under these conditions is very real. The U.S. tax structure, in effect, penalizes the working stiff, and rewards idleness," Mrs. Griffiths laments.

PENALIZED FOR MARRIAGE

Working wives are also discriminated against by tax laws. A woman earning $14,000 married to a man with the same income will owe an extra $984 annually in federal income tax for the privilege of being husband and wife.

"I know of at least one couple in my own constituency who got divorced and now live together, thereby saving $1,000 in taxes," Mrs. Griffiths said.

When each spouse earns $10,000, the tax equals that of a family in which the one working spouse earns $20,000. But the two-earner family has less taxpaying ability because it lacks the value of the nonemployed wife's untaxed labor in the home.

"Any tax reform worthy of the name would have to include the closing of some of the $22 billion in loopholes for the wealthy. But unless the wealthy suddenly acquire less clout in the nation's capital or the middle class adds some, this is a doubtful prospect."

Health Care. "At the present time, middle-class persons are paying (through taxes) for better health care for the poor than they can afford for themselves. Our subcommittee found a situation in New Jersey where a mother with three chilrden went on welfare, then found a job paying $900 a month. However, she was still entitled under New Jersey law to $19 worth of welfare assistance each month, which also meant that she was eligible for Medicaid for her family, as well as free milk, school lunches, subsidized housing and other benefits."

NATIONAL HEALTH INSURANCE

The congresswoman has introduced a national health insurance plan measure in the House of Representatives that is essentially the same as the one that Sen. Ted Kennedy is pushing in the Senate. "The only answer to the present medical care inequities is to treat everyone equally and to provide total health insurance for all, regardless of one's ability to pay," she says.

Housing. "Present housing regulations are particularly discriminatory against women—regardless of their financial resources—simply because they are members of the fair sex. I have received many complaints from women around the country, divorced and widowed ladies particularly, often with more than adequate resources, who have not been able to purchase homes

simply because the FHA won't guarantee a mortgage for them. I have introduced an amendment to the existing housing legislation to bar this kind of sex discrimination and I am hopeful of passage in this session of the legislature."

Day Care. "Poor and low income families qualify for free federally subsidized day care and their children have first call on the available facilities. Middle-class families can deduct modest amounts for day care expenses if they itemize their deductions. For instance, a family with a $10,000 income and one child can take a $95 deduction if it spends $500 per annum on day care facilities. At the $18,000 level, day care deductions start to be phased out and at the $25,000 level, there is no deduction permitted at all."

Social Security. "Many middle-income workers actually gain little or nothing from the years they and their employers contributed to Social Security. In Michigan, a man who has contributed all his working life is entitled to minimum benefits of $250 per month for himself and his wife, plus $32 a month under the welfare program for the aged poor. A man who never contributed a dime to Social Security can collect a full welfare check of $282, the same total amount. Thus, the Social Security contributor has nothing extra to show for long years of paying ever-higher payroll taxes."

Unemployment Insurance. "In Minnesota, an unemployed worker with a wife and two children can receive a maximum of $277 per month in unemployment insurance. However, if such a worker were not eligible for these funds, he could draw $360 per month under the aid to dependent children program. Once again, the wage earner comes out the loser when contrasted with the poor or out-of-work.

PART-TIME WORK DISCOURAGED

"Additionally, unemployed persons in a number of states are discouraged from taking part-time jobs because their earnings are deducted from their benefits, and after taxes and work expenses they could be worse off financially from having worked part time. Since higher unemployment benefits for those in need could only come from higher tax revenues, there appears to be little likelihood that this inequity will be corrected any time soon," Mrs. Griffiths concludes.

Scholarships and Student Loans. "According to a recent statistic, 62 per cent of families with incomes of $14,000 to $18,000 have been unable to save a dime towards sending their kids to college. With the cost of a college education now estimated at $12,000 to $20,000, it is easy to see that the middle class is just as disadvantaged in this area as the poor."

Retirement Pensions. "For the middle-class worker, up in years and facing retirement, the final and best hope for fiscal independence is his pension. Once again he finds the federal establishment has failed to adequately protect his rights. In the straw that breaks the camel's back, tens of thousands of corporate employes have discovered that the pension they counted on is not there. Perhaps he or she is fired a week or a year before completing eligibility. Or the company he worked for for 20 or 30 years has gone bust. Or the pension fund itself was mismanaged and his payments reduced. Some Washington legislators have been aware for years that private pension funds require federal minimum standards to protect workers, but reform has been held back partially because of the complexity of the matter. Now, at last, after more than three years of committee work, Congress appears to be moving towards passage of an adequate private pension bill.

"Legislators like myself, military men, and the like all have generous pension plans, which cannot suffer default due to federal guarantees. But the private citizen is still vulnerable. In America we virtually worship fairness, but too often we have not been fair to our most deserving citizens," declares Mrs. Griffiths.

FM RADIO—A GROWING INDUSTRY

HON. JOHN BRADEMAS

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Monday, November 26, 1973

Mr. BRADEMAS. Mr. Speaker, Thomas Burns of WMCB of Michigan City, Ind., recently published a most interesting article in Broadcast Management magazine entitled "How We Staked Out Our FM Audience."

Mr. Burns describes the rapid growth in recent years in FM programing nationwide and especially the experience of WMCB–FM in Michigan City, Ind.

Mr. Burns' article is most interesting reading for anyone interested in radio programing and I include it at this point in the RECORD:

HOW WE STAKED OUT OUR FM AUDIENCE

(By Thomas Burns)

FM radio in recent years has emerged as a major medium. Many say it will surpass AM radio in audience reached and revenue generated during this decade. In some major markets, FM stations have overtaken AM in audience rating. In Michigan City, Indiana, where the writer operates WMCB (FM), our billings have nearly quadrupled since 1969.

Although commercial FM began 31 years ago, it is only recently that marketing concepts have been applied to selling FM. In this paper, I will describe marketing channels for smaller-market FM stations. Since we are selling a non-tangible service, not a physical product, it is necessary to describe the entire marketing program and relate the channels to the other elements of marketing. In addition, two separate, but sometimes overlapping, channels must be considered: audience channels and advertiser channels.

Until about 1966, FM was a dormant medium. Its growth was halted during World War II, and in the post-war period it was bypassed for development of television. In the early 1950s, an engineer at WDWS, Champaign, Illinois, forgot to turn on the FM that duplicated AM programming. Hours passed before a listener called to inquire why the FM station was not broadcasting. The few independently-operated FM stations often sold time in blocks of 15 minutes to an hour at very low rates to anyone they could get to buy it. FM receiver ownership was very low and programming, when not a duplication of AM, was the lowest-cost material available. There were no systematic efforts to market FM . . . and no one cared.

But slowly in the 1950s a demand began for program material for hi-fi and later stereo systems. Discs and tapes were expensive, and an alternate, inexpensive source was needed. As a result, FM tuners were added to sound systems, and inexpensive imported FM table radios became available.

By 1966 a second generation of FM stations came on the air to meet the hi-fi and stereo needs. The same year survey firms began measuring demographic audience structures, and demographically-programmed FM stations, such as WFMT, Chicago, began showing up in these surveys—although with limited audiences at first. The reason appeared to be that hi-fi and stereo enthusiasts were very specific in the types of music they liked, and listened to the stations which came closest to fulfilling their listening tastes. By comparison, the mass-market AM stations, with something-for-everyone formats, did not appeal to the same extent to specific demographic groups.

Today more receivers are sold with FM than without. And consulting firms now offer demographically-structured syndicated programming services designed to reach target audiences. Some have been quite successful: Stereo Radio Productions Ltd., for example, achieved first place ratings among all stations, AM and FM, in Grand Rapids, Michigan, with WOOD–FM, and in West Palm Beach, Florida with WEAT–FM.

In these cases, and in Miami and Boston too (where FM is in first place), the programmer has selected a specific audience and developed and broadened it to exceed any other demographic audiences in those markets. As Kotler points out in *Marketing Management*, a smaller competitor should attempt to segment the market rather than to compete head-on with dominant firms.

As the programming was being demographically developed, it could be sold on a demographic basis. Recently ABC published a survey of product preferences of persons who listened to stero rock on FM. The study is being actively used by ABC–FM salesmen in calling on clients whose product types have a high appeal for stereo rock listeners.

In describing marketing channels of small market FM, I will draw upon my experiences in Michigan City and generalize them to this class of station. Although demographic programming has been slower in being applied in smaller markets, I believe there are advantages to such segmentation. In addition, it is often possible to redefine and expand a smaller market geographically. Thus it is possible to create a new service for a new market.

First we defined the geographic market. Although Michigan City has been traditionally considered an isolated market, a major enclosed shopping mall opened several years ago near two converging expressways at the south edge of the city. Between 40 and 60% of the shoppers were found to come from beyond the Michigan City limits. But the long established mass media in Michigan City, a daily newspaper and an AM station, continued to program and sell primarily to Michigan City.

WMCB–FM reaches most of northwest Indiana and southwest Michigan. There are several hundred thousand potential listeners within 30 miles of Michigan City, who shop both in Michigan City and at the businesses in their local communities. Thus, we decided to program our station for this regional market and direct our sales efforts to advertisers within about 30 miles of Michigan City, as well as those within Michigan City. (Thirty miles is a marginal limit for sales and programming.) Since WMCB–FM was a new medium, there were no traditions to alter. We could provide news, weather, sports, and features for listeners throughout the area without offending Michigan City listeners.

Second, we examined the census figures and found there was a large potential audience in the 21-to-45 age category. Our surveys indicated that WLS, Chicago, was dominant among teens, a number of background music FM stations were splintering the older audience for FM, and the Michigan City AM stations reached mostly persons over 45. Thus we structured our selection of music for the 21-to-45 age category by playing contemporary, popular music and directed our regional news, weather reports, sports coverage, and features to persons in that age category. We also discovered that no other station, AM or FM, in our desired coverage area was editorializing. We added that feature.

Prior to these modifications in the audience marketing channels, the station, under previous ownership, had been one of a num-

ber of FM stations broadcasting background music to this area. Many of these stations, broadcasting from Chicago, had better programming and better signals throughout much of the regional area we wanted to serve. These facts reinforced our decision to abandon background music. Further, the background music listener tends to listen to the station with the fewest commercials.

While we were developing the audience marketing channels directed to young adult listeners and promoting the audience on-the-air and through newspaper ads, we were simultaneously developing advertiser marketing channels.

We were actively calling upon clients within 30 miles of Michigan City whose products or services would have strong appeal to young adults. We showed them how our station could fill advertising needs.

We contacted national accounts where there was some logical tie-in with our regional area and audience age. We worked through local dealers or distributors. We avoided a shotgun approach.

In the last year we have added a national representative and have joined a group of stations in Michigan and Indiana who sell advertising jointly.

Our local and regional sales efforts have been quite satisfactory. In addition to in-town business, about a third of our business comes from advertisers in the surrounding region. We have gained some national business, but there is still a great deal of prejudice against FM among advertising agencies. They will buy with a strong recommendation from a local dealer. That is the only profitable means to pursue national agency business at this time. One day agencies will discover FM, and it will suddenly become the "in" thing. (My experience with agency people is that most tend to follow the herd.) Our efforts through our national representative and the group of stations has produced little yet, but I believe there is great potential there.

During the time we have been pursuing our defined channels we have been gradually expanding our scope of programming. We have softened and added a larger variety of contemporary music and mixed in lightly some music dating back to the 1950s. In addition our news, editorials, sports and weather coverage has gained response from older people, too. We have developed additional regional programs such as beauty pageants and election night coverage for both Indiana and Michigan, which sold easily to regional advertisers.

When we began in 1969, WMOB–FM had little audience an FM set penetration was about 70% of homes in the area. Our present surveys show we are the dominant FM station with an early 50% lead in listener preference over the second place FM station, which broadcasts background music. FM set penetration has climbed to about 90%. As audience loyalty continues to develop and set penetration nears 100%, I believe we can further broaden our audience appeal and advertising sales. We also plan a power increase, not so much to reach farther, but to increase our signal level in the areas we already serve.

We stimulated audience channels through occasional contests such as one in which listeners were rewarded for identifying sounds unique to this area, through saluting on the air a different local person daily, through on-the-air promotion, call-in programs, newspaper ads and mail directed to community leaders.

Advertising channels are stimulated with yearly demographic surveys of audience, documented success stories in letter form from advertisers, news releases public appearances of station personnel and by active participation in many community projects.

In smaller markets that have a number of competing radio signals, I believe segmentation of audience is as necessary as it is in a larger market. Only in isolated, single-station markets can a station be all things to all people. Too, I believe there are many markets where an FM station operator has an opportunity to redefine the geographic limits of the market as we did here. FM signal coverage is more constant than is AM coverage and is often greater. If a broader area than the local city can be served, and if there are no long-standing ties of the station to the central city, why confine the service area? In addition to Michigan City, I know of stations in Aurora, Illinois, and Traverse City, Michigan, which have successfully programmed and sold to a broadened geographic market.

In this story I have discussed the marketing channels, audience and advertising channels, and related them to the other elements of the marketing mix. Often the distinction is blurred since we are not transporting and distributing a product or service in the traditional sense. We have no inventory problems, unless you count unsold time; we have no distributors in our local area, unless you count the few local ad agencies; and we have no dealer network. In our business the channels become an inseparable part of the whole. But that is what makes it so interesting, and challenging.

DANGERS OF LAW ENFORCEMENT COMPUTER BANKS

HON. DON EDWARDS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, November 26, 1973

Mr. EDWARDS of California. Mr. Speaker, I would like to call my colleagues' attention to an editorial which appeared in the San Jose News, November 7, pointing out the dangers of law enforcement computer banks. As you may know, I have introduced legislation which would limit the dissemination of arrest records, H.R. 187, but as the editorial and the National Advisory Commission on Criminal Justice Standards and Goals have indicated, we need to go further than this basic protection. My Subcommittee on Civil Rights and Constitutional Rights, will be looking into this subject in greater depth to insure increased protection of individual, civil liberties.

The editorial follows:

PLACING A REIN ON DATA BANKS

There have been several unfortunate incidents of persons being arrested and held in jail for several hours because of inaccurate information in police computer files.

Each of us lives increasingly with the fear of how outdated or inaccurate information, centrally collected in vast data banks, might adversely affect our lives.

The concern is not misdirected. The question is what to do about it. Part of the answer is to carefully regulate what type of information may be gathered about American citizens, to severely limit unnecessary dissemination that invades privacy—and to insist that an individual is not hounded by inaccurate or outdated information.

The National Advisory Commission on Criminal Justice Standards and Goals has recommended that law enforcement computer banks periodically be purged of such data and that persons cleared of wrongdoing be allowed to retrieve their police records.

A similar recommendation was made earlier this year by California Atty. Gen. Evelle Younger.

The recommendations merit prompt consideration, both at the federal and state level. Basic civil liberties are involved. Guidelines on security of the files, protection of privacy, and purging of outdated, inaccurate or irrelevant information cannot be left to chance or whim.

MAYBE ENERGY CRISIS WILL TEACH US A LESSON

HON. EDWARD J. DERWINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, November 26, 1973

Mr. DERWINSKI. Mr. Speaker, a very hard-hitting, sharp editorial carried in the Illinois Suburbanite Economist on November 14 on the subject of the energy crisis is well worth reading by all of us.

The article expressed the fact that the current energy crisis could be handled more effectively and it makes several very practical solutions to be made to curb this growing national problem.

The article follows:

WILL AN ENERGY CRISIS TEACH US THE LESSON?

We are the world's only nation going to the poorhouse riding in automobiles, this country's celebrated cowboy said in the early 1930s.

Will Rogers' puzzlement would have turned into disbelief in more recent years as the country with "the most" has been agonizing through a host of similar paradoxes.

We have been the world's only nation with tens of thousands of highly educated technicians and scientists whom we could not employ; the world's strongest military power but we were bogged down for over 20 years in a war with a small, backward country in Southwest Asia; the country with the most comfortable and fanciest skyscrapers but we still have millions of people buried in the slums; the world's only nation where we can buy new cars as often as people in other advanced countries change suits and still find it increasingly difficult to reach our jobs in the morning.

And now, to top it all, the kingsize paradox: We are the richest nation in the history of this planet so far but we will soon be unable to heat our homes and drive to a forest preserve for a few hours of relaxation. Fuel rationing is coming, soon, the government has told us and we have succumbed to the belt-tightening as if it were inevitable.

But in the midst of calls for an austerity program to conserve on fuel and to get the most out of existing energy resources, the administrators of our government failed to tell us one thing:

It is not the boycott by the Arab states (suppliers of a meager 6 per cent of our oil needs) that has caused the present crisis.

It is lack of planning by the less-than-bright boys in Washington that has created this latest crisis.

The Arab boycott simply brought to an explosive point a crisis that has been bubbling for almost a decade and erupted quite visibly in 1969.

In the years to come, history will judge government administrators severely for inexcusable shortsightedness. They have sat around carefree showing greater eagerness to deal with politics rather than running the country.

For an entire decade now, economists and conservationists have been pointing out that growth cannot be sustained indefinitely since all of our known resources of energy are finite. Our resources have been dwindling and our economy cannot continue to grow without energy.

In 1969, Texas and Louisiana oil fields that

produce two thirds of the oil in the U.S. suffered a reserve loss of more than 45 million gallons of oil, the largest decline of crude oil reserve in history.

Crude oil stocks of the 10 largest companies in the U.S. were down in 1972 and we were faced with higher gasoline prices early last spring. But the government steadfastly refused to face up to the real issue which is the decline of the existing energy sources.

Now, under the gun of the Arab states, the President goes on TV and announces the launching of Project Independence.

Well, that is a step that should have been taken years ago as part of a long-term, unhurried plan. What the present condition proves is that the government has failed us in the most profound sense.

It has not deceived us or lied to us. It has ignored us. It has quite clearly failed to fulfill its main obligation which is to plan on a long-term basis. It has humiliated us at a time when the epithet "paper tiger" is still ringing in our ears.

With all its computerized capacity and its hordes of bureaucrats, Washington in the most elementary terms failed to plan for the future.

To be sure, this nation in the past functioned well under pressure, as President Nixon has pointed out. The Project Manhattan and the space program were carried out successfully with little long range planning. Does that mean that we have to operate under such pressure continually?

This latest crisis has assaulted the life of every American with an unprecedented forcefulness and, what is more frustrating in retrospect, it seems the most unnecessary. Depending on its severity, it will affect our lifestyles and our economy beyond anything else since Depression.

Will we ever learn any lessons from our past? Will Washington ever learn to take heed of early warnings?

If not, we may also find ourselves holding another record. We may become the nation on this planet that declined faster than any other, the only civilization that died 200 years after its birth.

PRISON REFORM

HON. MICHAEL HARRINGTON

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Monday, November 26, 1973

Mr. HARRINGTON. Mr. Speaker, approximately 14 months ago, as a result of the brutal riots at Attica, national attention focused on prison reform. Since that time, continued prison riots have repeatedly shattered our complacency. They force us to notice what, at best, can be termed subhuman living conditions and treatment. Many of us are guilty of ignoring the tragedies produced by the continual debasement which goes on in our prisons. As a nation, we have done little to address the problems which foment such furious outbreaks. Filthy conditions, savage brutality, and disregard for the sanctity of human life, and lack of creative and purposeful rehabilitation programs continue to plague most inmates.

The definition of cruel and unusual punishment has been debated at length before and after the Supreme Court's decision on capital punishment. It seems to me that for some, capital punishment would almost seem preferable to the treatment and neglect suffered in prison by such individuals as Jackson "Curly" Fee who killed himself this October in the U.S. penitentiary in Marion, Ill., after being beaten by prison guards and isolated in a special cell. The torment and anguish suffered by these men surely passes well beyond the intent of the judges who sentenced them.

There are few people in our society today who do not feel threatened by the rising crime rate. A substantial portion of this crime is committed by ex-convicts—which testifies to the failure of rehabilitation programs to adequately induce inmates to lead peaceful lives upon release. It seems to me that the adoption of comprehensive and far-reaching programs of rehabilitation would surely reduce the incidences of crime committed by ex-offenders.

There are some who argue that our prison systems are not so inadequate; that these conditions may not be as critical or as desperate as they have been depicted. However, it would be a mistake to be lulled into a false sense of complacency and to expect that this issue will eventually resolve itself. It is necessary for the Congress to address this issue in a responsible manner and to enact legislation to eliminate the potential for abuses within our prison system.

At this time, I wish to insert a letter sent to me by an inmate of the U.S. Penitentiary in Marion, Ill., and a news item prepared by Earth News. The situation described in the letter from the inmate presents a challenge to our sense of decency and morality. The letter and editorial follow:

HUNGER STRIKE AT MARION

Prisoners at Marion federal penitentiary are continuing a hunger strike that began with the death of a fellow inmate October 22nd.

Prison officials reported that 48-year-old Jackson "Curly" Fee hanged himself in his maximum security cell. Inmates have alleged his death was murder. Several prisoners have written letters that claim Fee was beaten in his cell a week before the apparent suicide. Fee reported that incident to his attorneys and made sworn statements concerning threats that were made against him by prison guards. Jackson Fee had a lawsuit against the officials at the prison and his attorney claimed late last week that there was strong evidence he was beaten before his death last month.

One of Fee's attorneys in that suit, G. Flint Taylor, said the official version of the death may be accurate, but noted that the highest crossbar in Fee's cell was only five-feet seven-inches high. Fee was five-feet five-inches tall—leaving little room for a hanging.

Inmates and attorneys have called for a congressional investigation.

U.S. PENITENTIARY,
Marion, Ill., October 28, 1973.

DEAR SIR: Are you aware that during the last few years in the federal prisons (and some states also) a policy of preventive detention has been put into effect? It used to be that you had to break some rule or regulation—not always, but generally—before you were locked up in the "hole". Not now though; they're putting many of us in the "Long Term control Unit" indefinitely—not for what we did, but for what we might do. They've even converted normal cell blocks into segregation units to handle the hundreds of prisoners locked up.

On Oct. 22, 1973, a squad of "correctional officers" armed with clubs, helmets, and plastic shields beat Jackson "Curly" Fee (weight 125–135 lbs.; height 5'6" or 5'7") in cell H–D–17 and dragged him to the "boxcar" cells (which are yet more punitive). On Oct. 27, 1973, he was found hanged to death.

Lt. Culley, Manager of this "Long Term Control Unit", wouldn't allow Curly's best friend, Richard Montgomery, to talk with Curly, when he, in a complete reversal of his normal manner, stopped speaking. It was obvious, even to us uneducated prisoners, that there was something seriously wrong with him but our overseers couldn't—or wouldn't—do anything for him.

Under their policy of perpetual lock-up there will be more suicides, self-mutilations, prisoners being driven insane, psychosomatic illnesses, etc. (see the articles in the Kansas City newspapers on the many Leavenworth suicides.) Meanwhile, Norman Carlson, Director of the Prison Bureau, continues to prate his "rehabilitation" theme to the unknowing, or uncaring, public. Congress, of course, continues to vote millions for "Correctional services"—with over 90 percent spent for guns, bars, locks, Long-Term Control Units, etc. I believe two billion dollars are allocated for constructing new prisons in the near future: to what end—to force, beat, coerce, more good people, like my friend Curly, into suicide?

Since much of my mail "vanishes" (contrary to their own policy statements), I would appreciate a brief acknowledgment of this letter.

Thank you.

Sincerely,

_____.

P.S. our cell block is now on a hunger strike—as futile as that may be.

RESOLUTION FOR DR. THOMAS KILGORE, JR.

Hon. Yvonne Brathwaite Burke

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, November 26, 1973

Mrs. BURKE of California. Mr. Speaker, under leave to extend my remarks in the RECORD, I include the following:

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, D.C.

Whereas, Dr. Thomas Kilgore, Jr., has served the Los Angeles Community as Pastor of the Second Baptist Church for the past 10 years and 37 years as a spiritual leader here and throughout the South and East, and,

Whereas, Dr. Kilgore's activities have not been limited to his pastorate, but to the unending struggle for the betterment of mankind during which he organized and led the Prayer Pilgrimage to Washington in 1957 and helped to organize the famous March on Washington in 1963, and,

Whereas, Dr. Kilgore has demonstrated outstanding leadership in other ways, as President of the American Baptist Convention in 1969–70, in the Council of Churches, the National Association for the Advancement of Colored People, Southern Christian Leadership Conference, Opportunities Industrialization Center, College and Seminary Board of Trustees, and as special advisor of the President of the University of Southern California on community relations.

Therefore, be it known this 20th day of October 1973, that we are in recognition of the enduring accomplishments of Dr. Kilgore and join with his many friends and admirers in paying tribute to him. Be it further resolved that a statement of this Recognition will be placed in the Congressional Record.

ARTICLES OF INCORPORATION OF THE AMERICAN BICENTENNIAL COMMISSION OF JACKSONVILLE, FLA., INC.

HON. CHARLES E. BENNETT

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Monday, November 26, 1973

Mr. BENNETT. Mr. Speaker, herewith, I include in the RECORD the articles of incorporation of the American Bicentennial Commission of Jacksonville, Fla. I do this because almost every community in the country will eventually be seeking to set up a similar organization and the inclusion of this document may be of assistance to others who might use it as a format. In doing so I pay particular tribute to George M. Linville of Jacksonville who has ably spearheaded the bicentennial work in the Jacksonville area.

The articles of incorporation of the American Bicentennial Commission of Jacksonville, Fla., Inc. follow:

ARTICLES OF INCORPORATION OF THE AMERICAN BICENTENNIAL COMMISSION OF JACKSONVILLE, FLA., INC.

(A corporation not for profit)

We, the undersigned, with other persons, being desirous of forming a corporation for charitable, educational and philanthropic purposes under the provisions of Chapter 617 of the Florida Statutes do agree to the following.

ARTICLE I—NAME

The name of this corporation is The American Bicentennial Commission of Jacksonville, Florida, Inc. The principal office of this corporation in the State of Florida is located in Jacksonville, Duval County, Florida.

ARTICLE II—OBJECTS AND PURPOSES

The general nature of the objects and purposes of this corporation shall be:

1) To promote, conduct, present and operate in the City of Jacksonville, Florida, and in Northeast Florida, celebrations leading up to and commemorating the Two Hundredth Anniversary of the establishment of the United States of America, the American Revolutionary War, the signing of the Declaration of Independence, and in cooperation with other indivduals, corporations, commissions or authorities, including but not limited to the St. Augustine Committee for the National Bicentennial, Inc., the Bicentennial Commission of Florida, and the American Revolution Bicentennial Commission of the United States, to provide in Jacksonville, Florida, and Northeast Florida a festival of freedom through the bicentennial era of 1973 to 1987 and to foster and encourage a new spirit of '76 in the people of Northeast Florida. The festival of freedom shall embrace three themes which are:

(a) Heritage '76. A summons to recall our heritage and place in its historical perspective, including the promotion, preservation and dissemination of information relating to the history of Jacksonville, the State of Florida and the United States, the identification, recordation, preservation and renovation of historical sites, structures, folklore and history of Jacksonville, the State of Florida and the United States in order that the people of our community may re-examine our origins, our values, take pride in our previous accomplishments and better understand the meaning and purpose of our social, economic and political environment.

(b) Festival USA shall be the central component of the bicentennial commemorative celebration evoking the spirit of hospitality, exchange of ideas and movement which has characterized American development with its focal point the year 1976 and the day July 4, 1976, and including appropriate celebrations each year from 1973 through 1987.

(c) Horizons '76, looking toward America's third century, is a challenge to every American to undertake or to participate in programs and projects which manifest the pride, priorities and hope of his community in a constructive effort to demonstrate concern for and promote the freedom, welfare and happiness of our fellow Americans; to assist in the development of the City of Jacksonville and Northeast Florida as a tourist center; to favorably advertise and promote Jacksonville and its institutions; to promote the general business and orderly growth of the Greater Jacksonville Area; and to cooperate with business and civic organizations in promoting the cultural advancement and economic betterment of Jacksonville and Northeast Florida.

ARTICLE III—POWERS

In order to carry out the general purposes and objects stated above, this corporation shall have all powers granted by law and in addition thereto the following specific powers:

1) To contract and be contracted with, sue and be sued, invest and reinvest, the funds of the corporation, and to do all acts and things requisite, necessary, proper, and desirable, to carry out and further the objects and purposes for which this corporation is formed.

2) To act as trustee of funds, or other assets, given for its purposes; to receive by bequest, devise, gift, purchase, or lease, either absolutely or in trust, any property, whether real, personal or mixed; and to administer such property and such trusts; to sell and convey such property, and to invest or reinvest the proceeds from the same, or the proceeds and income therefrom, in such manner, for the purpose of this corporation, as in the discretion of the Board of Directors, will best promote the objects of the corporation.

(a) In each instance where specific intructions shall have been given the corporation by the donor, grantor, testator, or testatrix, as to the disposition of property, or funds, whether such gift, devise, or bequest, shall be absolute or in trust, such gift, devise or bequest shall be placed in a fund to be known as a "designated fund" and the instructions, insofar as the same are legally possible, shall be binding upon the Executive Commitee and the corporation, and shall be faithfully performed; provided, if the objects and purposes for which any designated gift was made shall cease to exist then such designated gift, devise, or bequest, shall become part of the undesignated funds or property of the corporation and shall be administered as such.

(b) In the absence of specific directions by the donor, grantor, testator, or testatrix, any gifts, grants, devises and bequests to the corporation shall be known as "undesignated funds" and the distribution of such property and funds, and the income therefrom, shall be made for the purposes of the corporation as the Executive Committee in their discretion shall deem best.

3) To sell, lease, exchange, mortgage, pledge or otherwise dispose of and encumber any real estate or any personal property at any time owned or held by the corporation, and any interest or estate therein or to donate all or any part of such real and personal property, or any interest or estate therein, to the State of Florida, or to any political subdivision, agency or municipality of the State of Florida or to any educational, historical, charitable or benevolent corporation now or hereafter organized or existing under the laws of the State of Florida, and in connection with the sale, lease, exchange, mortgage, pledge, donation or other disposition of any such real or personal property to impose such restrictions upon the use thereof as the Executive Committee may deem proper.

4) To maintain and manage lands, parks or historical sites or buildings which may be entrusted donated, conveyed or leased by the United States, the State of Florida, or any of its political subdivisions, or by any person, firm, corporation or association, for the purpose of public recreation, environmental protection, preservation of natural features, historic sites, or sites, structures or articles possessing historic value.

5) To borrow money for any of the purposes of the corporation, and to issue bonds, certificates of indebtedness or other obligations therefor, and to secure the same by pledge or mortgage of the whole or any part of the property of the corporation, either real or personal, or both real and personal or mixed, and/or the income therefrom, or to issue notes or other obligations without any such security. To draw, make, accept, endorse, discount, guarantee, execute, and issue promissory notes, bills of exchange, drafts, warrants and all kinds of obligations and certificates and negotiable or transferable instruments.

6) To carry out all or any part of the foregoing objects and purposes as principal, agent, contractor or otherwise, either alone or in conjunction with any person, firm, association or other corporation, public or private; and in carrying on its business and for the purpose of attaining or furthering any of its objects or purposes, to have and maintain offices in Jacksonville, Florida, and other places in the State of Florida, the United States, or foreign countries, as may be necessary; to make and perform such contracts of any kind and description; to do such acts and things, and to exercise any and all such powers, as a natural person could lawfully make, perform, do or exercise, provided, that the same be not inconsistent with the laws of the State of Florida Articles of Incorporation.

7) To do any and all things necessary, suitable, convenient or proper, for, or in connection with, or incidental to, the accomplishment of any of the purposes or the attainment of any one or more of the objects herein enumerated, or designed, directly or indirectly to promote the interest of the corporation, or to enhance the value of any of its properties. To do any and all things and exercise any and all powers which it may now or hereafter, be lawful for the corporation to do or to exercise under the laws of the State of Florida that may now or hereafter be applicable to the corporation; and to do all things incident or necessary to the carrying out of the purposes and objects of this corporation.

ARTICLE IV—MEMBERS

The members of this corporation shall consist of the commissioners listed in the attached Schedule "A", and such other commissioners as may be added from time to time in the manner provided in the by-laws.

ARTICLE V—TERM OF EXISTENCE

This corporation shall exist perpetually.

ARTICLE VI—SUBSCRIBERS

The initial subscribers of this corporation are:

George M. Linville, 6842 Old St. Augustine Rd., Jacksonville, Florida.

Hans G. Tanzler, Jr., Mayor, City of Jacksonville, City Hall, Jacksonville, Florida.

James C. Rinaman, Jr., P. O. Box 447, Jacksonville, Florida.

ARTICLE VII—OFFICERS AND EXECUTIVE COMMITTEE

The affairs of this corporation shall be managed by the officers of the corporation and the Executive Committee. The officers of the corporation shall be a President (who shall also be Chairman of the Executive Committee), a Vice President, a Secretary, and a Treasurer (all of whom shall serve as members of the Executive Committee), and such other officers as may be provided in the by-laws.

Members of the Executive Committee in addition to those who serve by virtue of their office as provided herein shall be appointed by the President and shall serve at the pleasures of the President. The names and addresses of the persons who shall serve as the initial officers and members of the Executive Committee until their successors are appointed or elected are:

Office—Name—Address

President (and Chairman of the Executive Committee, George M. Linville, 6842 Old St. Augustine Rd., Jacksonville, Florida.

Vice President and General Counsel, James C. Rinaman, Jr., P. O. Box 447, Jacksonville, Florida.

Secretary, Constance Hansen, Gulf Life Ins. Co., Gulf Life Tower, Jacksonville, Florida.

Treasurer, Rodell Roberts, 330 East Bay Street, Jacksonville, Florida.

Executive Committee Members. The initial members of the Executive Committee shall include the officers listed above and the members of the Board of Directors listed in Article VIII.

ARTICLE VIII—BOARD OF DIRECTORS

The determination of policy matters, identification of goals and objectives, and control over the officers and Executive Committee in the management of the business affairs of the Commission shall be vested in the Board of Directors. The Board of Directors shall consist of the officers and ten directors whose number may be increased according to the by-laws and who shall be elected by the members at the annual meeting or a special meeting called for that purpose. The initial Board of Directors which shall serve until the annual meeting of the corporation in June of 1974 or until their successors are elected or appointed in the interim by the President shall be:

George Linville, Chairman of the Board, 6842 Old St. Augustine Road, Jacksonville, Florida.

James C. Rinaman, Jr., Vice President and General Counsel, P. O. Box 447, Jacksonville, Florida 32201.

Constance Hansen, Secretary, Gulf Life Insurance Company, Gulf Life Tower, Jacksonville, Florida.

Rodell Roberts, Treasurer, 330 East Bay Street, Jacksonville, Florida 32202.

Robert R. Feagin, 1 Riverside Avenue, Jacksonville, Florida 32201.

William W. Gay, 523 Estelle Lane, Jacksonville, Florida 32204.

Harold Gibson, P.O. Box 8000, Jacksonville, Florida 32211.

Ira M. Koger, 3986 Boulevard Center Drive, Jacksonville, Florida 32207.

Donald T. Martin, 500 West Water Street, Room 204, Jacksonville, Florida 32202.

Robert B. Massey, 2434 Atlantic Boulevard, Jacksonville, Florida 32207.

Dr. Paul A. Mori, 3599 University Boulevard South, Jacksonville, Florida 32216.

Fred Rebman, 2037 Main Street North, Jacksonville, Florida 32206.

Christine Schmidt, 4232 Ortega Forest Drive, Jacksonville, Florida 32210.

Dr. Benjamin R. Wygal, Florida Junior College of Jacksonville, Cumberland Campus C-25, Jacksonville, Florida 32205.

ARTICLE IX—ELECTION AND APPOINTMENT OF OFFICERS

All officers and directors of the corporation shall be elected as provided in the by-laws.

ARTICLE X—BY-LAWS

The corporation may provide such by-laws for the conduct of its business and carrying out of its purposes and objects as may be deemed necessary from time to time. Upon proper notice the by-laws may be amended, altered or rescinded by a majority vote of the Board of Directors.

ARTICLE XI—AMENDMENTS

These Articles of Incorporation may be amended at any regular meeting or any special meeting of the Commission called for that purpose by a majority vote of those present and voting at such meeting providing that a quorum of at least twenty-five commissioners must be present at such meeting and further provided that written notice that such amendment is proposed and the text of such amendment shall be mailed to the members of the Commission not less than three days prior to any such meeting.

ARTICLE XII—VESTED INTEREST AND COMPENSATION

No members of this corporation shall have any vested right, interest or privilege of, in, or to the assets, functions, objects, or franchises of this corporation, or any right, interest, or privilege which may be transferable or inheritable, or which shall continue if his membership ceases, or while he is not in good standing.

No dividends shall be paid by this corporation and no part of the income of this corporation shall be distributed to its members, commissioners or officers.

No officer or commissioner of this corporation shall receive directly or indirectly any compensation for his services; however, expenses incurred in and about the work of this corporation, or advances made for the account of the corporation, reasonable in character and amount, may be paid by the Treasurer to persons of the aforesaid classes after a statement thereof shall have been submitted to and approved for payment by the Executive Committee.

ARTICLE XIII

The corporation shall provide for and obtain an annual audit by a certified public accountant of the books and records of the corportion immediately after the close of each fiscal year. Such audit and the books and records of the corporation shall at all reasonable times be open for inspection by the public.

ARTICLE XIV—DISSOLUTION

In the event of the dissolution of this corporation, its assets, after payment of all debts and charges of the corporation, and expenses of dissolution, shall be distributed to one or more organizations which have qualified for exemption under Section 501 (c)(3) of the Internal Revenue Code of the United States as the same may be amended. No part of the net earnings of this corporation shall enure in whole or in part to the benefit of incorporators, private shareholders, or any individuals, nor shall this corporation engage in carrying on propaganda or otherwise attempting to influence legislation, nor shall it participate in or intervene in (including the publishing or distribution of statements) any political campaign on behalf of any candidate for public office.

In witness whereof, the incorporators of this corporation intending in good faith to carry out the purposes and object set forth in these Articles of Incorporation, have hereunto subscribed their names this 8th day of November, 1973.

GEORGE M. LINVILLE.
HANS G. TANZLER, Jr.
JAMES C. RINAMAN, Jr.

JACKSONVILLE, FLA.

STATE OF FLORIDA, COUNTY OF DUVAL

Before me, a Notary Public, duly authorized in the state and county named above to take acknowledgments, personally appeared George M. Linville, Hans G. Tanzler, Jr., and James C. Rinaman, Jr., to me known to be the persons described as subscribers in and who executed the foregoing Articles of Incorporation, and they acknowledged before me that they executed and subscribed these Articles of Incorporation.

Witness my hand and official seal in the County and State named above this 8th day of November, 1973.

SHERYL D. SMITH,
Notary Public, State of Florida at Large.

SCHEDULE "A"—COMMISSIONERS

H. S. Albury, Richard A. Altobellis, Karl J. Ambrose, Jr., James H Arnold, Edward D. Baker, Edward G. Ballance, Wm. U. Bankhead, Chas. H. Barco, Ralph E. Becker, Chas. E. Bennett

Wm. O. Birchfield, Donald M. Bolling, John R. Bond, Richard A. Boone, John W. Bowden, Richard Lee Bowers, Tyrie A. Boyer, Donald L. Braddock, Lewis B. Brantley, Alexander Brest.

Donald Edward Brewer, Jr., Harry E. Brinton, Jacob F. Bryan, III, Kendall G. Bryan, Franklin S. Bunch, Percival E. Campbell, Sr., Smiley Carlton, Frank Carlucci, Joe A. Carlucci, Thos. G. Carpenter, Ph.D., Dale G. Carson, Wm. E. Carter, Geo. Champion, Jr., Wm. V. Chappell, Jr., Harold R. Clark, Jack Coleman, Patricia C. Cowdery, M.D., Alexander M. Crenshaw, John Crider, Joseph L. Cullen.

J. J. Daniel, Henry V. Dartigalongue, Bernard S. Datz, Michael F. Davidson, DeWitt C. Dawkins, Lamar Dean, Miss Kathleen L. Dilonardo, R. Earl Dixon, Wm. B. Doe, Wm. L. Durden.

R. V. Elder, Mrs. Wm. E. Elsberry, Mrs. James S. English, Robert Evans, Julian E. Fant, Jr., Robt. R. Feagin, Ms. Carolyn Fisher, Geo. R. Fisher, John R. Forbes, Joe B. Forshee, Jr.

John A. Futch, Wm. W. Gay, Sidney J. Gefen, Lawrence R. Geis, Harold Gibson, Jim Glisson, Mark A. Gluckman, Jake M. Godbold, Edward L. Green, Geo. R. Grosse.

John T. Gunning, Ed.E., Stephen P. Gyland, M.D., Mattox S. Hair, John A. Hammack, Frank Hampton, Mrs. Constance H. Hansen, David E. Harrell, Wilson L. Harrell, Mrs. E. Ross Harris, Norman J. Harrison, Jr.

Malachi Haughton, III, Lewis A. Hester, Wendell P. Holmes, Jr., Rev. James S. Hornsby, Wm. S. Howell, Homer H. Humphries, Jr., J. Earl Huntley, Donald G. Ingram, Wm. A. Ingram.

Preben Johansen, Earl M. Johnson, Gustave E. Johnson, Ted S. Johnson, Mickey R. King, Frances B. Kinne, Ph. D., Peter Kirill, Ira M. Koger, John F. Lanahan, Rev. Dr. Sidney M. Lefkowitz.

Rt. Rev. Monsignor Lenihan, Geo. M. Linville, James B. Lumpkins, David C. MacNamara, Robt. A. Mallard, Donald T. Martin, Robt. B. Massey, Wm. S. Mathias, Jr., Mrs. Sallye Mathis, Donald R. McClure.

Thos. R. McGehee, Alton E. McLeod, Ms. Linda Menke, Mrs. Gene W. Miller, Wm. Butler Mills, Richard H. Montney, James E. Mooney, Jr., Paul A. Mori, M.D., Henry G. Motes, Jr., Edward A. Mueller.

Sanford A. Mullen, M.D., Harry M. Nearing, Robt. A. Nelson, Virgil R. Norris, Carl Ogden, Robt. W. Olcott, Wm. R. Opp, Willis H. Page, Mrs. Fred S. Patterson, Jr., Wesley C. Paxson.

Rev. Richard A. Petry, Mrs. Geo. E. Pharr, Robt. E. Phillips, Miss Emily L. Price, Wm. P. Pridgen, Jr., John Roger Pugh, Mrs. Irene S. Racine, Mrs. Oscar G. Rawls, Frederick J. Rebman, Frank Reyes.

Alvin Richer, James C. Rinaman, Lynwood Roberts, Rodell F. Roberts, Chas. B. Rogers, III, David E. Russell, John Sanders, Dan I. Scarborough, Robt. W. Schellenberg, Mrs. Christine Schmidt,

Gert H. W. Schmidt, Hugh Schulman, James J. Scott, Jr., Frank W. Sherman, Mary L. Singleton, Frank G. Slaughter, M.D., O. H. Slaughter, Bruce A. Smathers, Mrs. Amelia H. Smith, Eric B. Smith.

Harold K. Smith, Frank E. Snell, Jr., Robt. H. Spiro, Ph. D., Wm. J. Staten, Dalton R. Steele, Martin Edward Stein, Malcolm L. Stephens, Jr., Robt. J. Stroh, Mrs. Gray Strum, Richard H. Suddath.

Clarence Suggs, James J. Sugrue, I. M. Sulzbacher, Ms. Eugene M. Suter, Marion E. Sweet, Hans G. Tanzler, Jr., Larry Teague, Gerald Tjoflat, Geo. B. Tobi, Samuel J. Tucker, Ph. D.

Mrs. R. L. Vanderslice, John Van Ness, Wm. Ashley Verlander, Joel D. Wallach, D.V.M., James N. Watson, Charles Webb, Mrs. Fred L. Whitmore, Chester G. Whittaker, Roger K. Wilkinson, Walter L. Williams, Jr.

Gerald Wilson, Hugh Wilson, Nathan H. Wilson, James B. Windham, Louis H. Winnard, James H. Winston, Michael J. Wood, Benj. R. Wygal, Ph.D., Claude J. Yates.

DO WITH LESS—OR DO WITHOUT

HON. EDWARD J. DERWINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, November 26, 1973

Mr. DERWINSKI. Mr. Speaker, last night the President again spoke to the Nation on the current energy shortage and outlined in detail some of the steps that should be taken to ease this shortage.

Coincidentally, I read with satisfaction an editorial response in the Harvey Star Tribune of Suburban Cook County, to the President's original message. The editorial, which follows, stresses the significance of the measures that must be taken for the Nation to overcome the current crisis:

DO WITH LESS, OR DO WITHOUT

President Richard Nixon's sobering announcement that the country is faced with a critical energy shortage poses a new challenge for the American people. As citizens of a country blessed, until now at least, with an embarrassment of riches in natural resources, many understandably reacted in pained surprise to the realization that the United States has almost depleted the cupboard and must now begin to do with less or eventually do without.

The President's message was to the point: Not since World War II has the country's need for energy of all types placed such a severe strain on its resources. Indeed, the implication is, unless steps are taken immediately, it undoubtedly will be necessary in the very near future to invoke the logical consequence of the World War II shortages—nationwide rationing.

In order now, as the President indicated, are voluntary economies in lots of little ways all along the line, including such seemingly ordinary things as lower room thermostat settings, elimination of unnecessary lighting around the home and other places, a maximum highway driving speed of 50 miles an hour, and formation of work day car pools.

Some of these measures undoubtedly will prove unpopular with part of the population; fortunately, however, the great majority of Americans will recognize the situation for what it is and do their patriotic best to help the country pull through this latest emergency. This characteristic is another great national resource.

PRESIDENTIAL TELEVISION

HON. JOHN BRADEMAS

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Monday, November 26, 1973

Mr. BRADEMAS. Mr. Speaker, I insert in the RECORD an excellent editorial by Don Oakley, published in the November 19, 1973, issue of the Goshen, Ind., News concerning the recent publication, "Presidential Television."

The editorial follows:

PRESIDENTIAL TELEVISION

(By Don Oakley)

A just-published report on a study commissioned by the 20th Century Fund could not be more timely.

At a time when Americans are intensely concerned about the health of our governmental system of checks and balances, the report charges that "the president's overwhelming access to prime-time radio and TV, unmatched by any other branch of government," has fundamentally altered that system.

The report, entitled "Presidential Television," has been brought out in book form by Basic Books. One of its authors is former Federal Communications Commission chairman Newton N. Minow, the coiner of that immortal description of television as a "vast wasteland."

Maybe it is for the viewing public. But for the past four presidents, television has been a land of golden opportunity. Via the electronic medium, the report contends, the chief executive has been able to outmaneuver, outconvince and out-headline the other branches of government as well as the opposition party.

In Minow's view President Nixon is probably the most innovative and adept user of presidential television.

He has commanded and received more free time than any predecessors. During his first 40 months in office prior to his Moscow trip in 1972, Mr. Nixon made 32 special appearances in prime time, compared to only 24 by President Johnson in more than five years, 10 by President Kennedy in under three years and 23 by President Eisenhower in eight years.

The president's ability to choose when and how to appear—without cost—before the American public is completely unmatched by his political or congressional opponents, says Minow.

"It means," he writes, "holding a press conference before a potential audience of 60 million people . . . It is the carefully presented presidential 'image.' It is the nationally viewed justification of war, invocation of peace, praise for political allies, damnation of opponents, veto of legislation, scolding of Congress . . .

"The president may make a formal address, hold a press conference, consent to an interview, telephone an astronaut, go to a football game, receive a visiting chief of state, take a trip abroad or play with his dog on the White House lawn. He may send his family, his cabinet members or his political allies before the cameras. In almost every case, he, and he alone, decides."

The report makes a number of suggestions to correct this imbalance. Among them:

Televised debates from the floor of the House and Senate; live debates between spokesmen for the two major parties four times a year; guaranteed air time for the opposition to reply to any presidential address broadcast in the months preceding a national election; improved coverage of Supreme Court decisions.

Also, by way of countering the influence of big money in presidential campaigns, the report proposes allotting each candidate certain amounts of network time, to be paid for by the government at half price.

It is a good thing and in the public interest for a president to speak to the nation frequently, says Minow. But it is also important that the political opposition and the other branches of government have equal opportunity to influence public opinion.

And that is today's "hysterical" comment.

PRECEDENT INVOLVING PRESIDENT THOMAS JEFFERSON

HON. JOSHUA EILBERG

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Monday, November 26, 1973

Mr. EILBERG. Mr. Speaker, President Nixon in two televised press conferences, cited a precedent involving President Thomas Jefferson as his principal defense for not turning over the Watergate tapes to the court.

Although the President has since agreed to release these tapes, he still continues to use this example as a reason why he does not have to do so.

The fact is that President Jefferson made every effort to comply with the court order.

At this time I enter into the RECORD a study done by the Library of Congress which presents the facts in this case.

The study follows:

DOCUMENTS FORWARDED BY PRESIDENT THOMAS JEFFERSON TO THE TRIALS OF AARON BURR IN 1807

(By Stephen Stathis)

The trial of former Vice President Aaron Burr on charges of treason against the United States had entered its third week when Mr. Burr stunned the courtroom with an announcement that he desired the court "to issue a subpoena to the President of the United States, with a clause, requiring him to produce certain papers; or in other words to issue the subpoena duces tecum."[1] It was Mr. Burr's intent to secure as evidence in his defense a letter dated October 21, 1806 which had been sent to President Jefferson by General James Wilkinson, as well as documents containing instructions for the army and navy "to destroy" Burr's "person and property."[2] Burr added that if the Attorney for the United States (George Hay) would produce the documents requested, he would withdraw his motion for the issuance of a subpoena. In his affidavit of the following day Burr summarized his rationale for the subpoena duces tecum.[3]

Upon the introduction of Burr's motion, an immediate controversy arose over the right of the court to subpoena the President of the United States. Chief Justice John Marshall, the presiding judge in the trial, called for argument because "I [Chief Justice Marshall] am not prepared to give an opinion on this point."[4] For the next four days the propriety of the question was debated. The prosecution admitted that the court might issue a subpoena to the President as well as any other man, but maintained that he was not bound to disclose confidential communications.

On June 13, 1807 Chief Justice Marshall delivered his opinion on the motion proposed by Mr. Burr. Marshall held that the Presi-

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Footnotes at end of article.

dent was subject to subpoena just like any other citizen, that there was nothing in the Constitution that exempts a President from a subpoena. However, Marshall stated that: "if, upon any principle, the President could be construed to stand exempt from the general provisions of the Constitution, it would be, because his duties, as chief magistrate, demand his whole time for national objectives." [5] If the President's duties did require his full time, he could submit the papers instead of appearing before the Court.[6]

President Jefferson previously had been informed of Burr's request in one of John Hay's regular letters.[7] On June 12, 1807, the day prior to the issuance of Marshall's opinion, Jefferson wrote Hay that all the papers relevant to the Burr case had been hand-carried to Richmond by Attorney General Caesar A. Rodney. As to the Wilkinson letter, Jefferson explained that he did not recollect the entire contents of the letter and requested Hay to exercise his own discretion in "withholding the communication of any part of the letter [Wilkinson's] which are not directly material for the purpose of justice." [8] With regard to the copies of military correspondence requested by Burr, Jefferson indicated that only those papers which were "proper for communication and pertinent to any point" would be forwarded to Mr. Hay. Two letters apparently within the context of the definition of relevance as applied by the President were forwarded to Hay by the Secretary of War on the same day.[9]

On the 17th of June the President personally forwarded additional papers to Hay. Jefferson felt that these documents substantially fulfilled the objective of the subpoena. If, however, questions should still exist, the President stated that he and the Heads of the Departments would be willing to submit a deposition, "through any persons whom the Court shall authorize to take our testimony at this place [Washington]."

Jefferson continued by arguing that this was the suitable alternative to a personal appearance at the trial. Such an appearance Jefferson explained would set a precedent that might expose him to subpoenas to attend other trials as far away as the Mississippi Territory.

"To comply with such calls would leave the nation without an executive branch, whose agency, never the less, is understood to be so constantly necessary, that it is the sole branch which the Constitution requires to be always in function. It could not mean that it should be withdrawn from its station by any co-ordinate activity." [10]

Again, on June 20th [11] and later on the 7th of September,[12] Jefferson repeated, to Hay, his strong convictions regarding the separation of powers under the Constitution. In the second letter Jefferson stated:

"As I do not believe that the district courts have a power of commanding the executive government to abandon superior duties and attend on them, at whatever distance, I am unwilling, by any notice of the subpoena, to set a precedent which might sanction a proceeding so preposterous. I enclose you, therefore, a letter, public and for the court, covering substantially all they ought to desire. If the papers which were enclosed in Wilkinson's letter may, in your judgment, be communicated without injury, you will be pleased to communicate them. I return you the original letter." [13]

Stemming from Jefferson's declarations on executive privilege a question began to emerge which ultimately has become the focal point of discussion among historians and constitutional scholars today. Although numerous long and weighty expositions have attempted to trace the degree of compliance exhibited by President Jefferson to the subpoena for the Wilkinson letter of October 21, 1806, a wide range of opinion still exists. Yet extensive research has disclosed a number of apparently incontrovertible facts. The original copy of the subpoenaed October 21, 1806 letter from General Wilkinson to President Jefferson was never found, as Jefferson explained in his letters of the 17th, 21st and 23rd of June to Hay and Wilkinson.[14] An authenticated and complete copy of this letter, however, was presented as evidence before the Grand Jury prior to Burr's treason trial [15] and later during his subsequent misdemeanor trial.[16]

Apparently, confusion has arisen over the Wilkinson letter because of the incomplete condition of the records of Burr's trials,[17] and the fact that on September 4, 1807 (during the misdemeanor trial) Burr requested a second letter from Wilkinson to Jefferson dated November 12, 1806.[18] Although this second letter was not specifically requested by Burr in his original motion, his right to make such a request was not questioned. Hay, however, did explain that President Jefferson had devolved upon him the authority, which constitutionally belonged to the President, to withhold those portions of correspondence not relevant to the case now being tried. The accuracy of his judgment in this regard, Hay explained, he was "willing to refer to the judgment of the court, by submitting the original letter [of November 12, 1806] to its inspection." [19]

Burr's attorneys argued that the President's power of discretion could not be passed on to Hay.[20] Chief Justice Marshall subsequently upheld the contention of the defense by declaring that "In this case . . . the president had assigned no reason whatever for withholding the paper called for. The propriety of withholding it must be decided by himself, not by another for him." [21] Thereupon "Hay stated that there was one passage in General Wilkinson's letter [of November 12, 1806] which he was certain the President himself would hold back." [22] As a result he would not turn over that letter to the defendant, but "would immediately send an express to Monticello for instructions . . ." [23]

On September 9, 1807 Hay reported the response of President Jefferson. After reading the correspondence from the President, [24] "Hay observed, that in his own and in the President's extracted copy from Gen. Wilkinson's letter [of November 12, 1806] there was not a variation of more than ten or fifteen words; the omitted passages were, indeed, so manifestly improper to be submitted to the court." [25]

Three times thereafter (during the misdemeanor trial) the Wilkinson letter of November 12, 1806 was discussed. On September 16, 1807 Burr again stated his dissatisfaction with the abbreviated version of the letter of the preceding November that was submitted to the court; [26] and on September 29, 1807 defense attorney Wickham in his cross-examination of General Wilkinson asked if Wilkinson could turn over a complete copy of that letter to court. Hay at that point protested, citing the President's correspondence. Chief Justice Marshall apparently then closed the issue. Marshall "remarked that after the president had been consulted, he could not think of requiring from General Wilkinson the exhibition of those parts of the letter [of November 12] which the president was unwilling to disclose." [27] By the first of October when the contents of the November letter were again discussed the disclosure of the complete letter had apparently ceased to be an issue.[28]

Unwilling to attend the trial yet cooperative to a large degree, the President had exercised his allowable option under Marshall's opinion. Although Jefferson believed that it was "the necessary right of the President of the U.S. to decide, independently of all other authority, what papers coming to him as President, the public interest permits to be communicated and to whom," [29] he apparently made available a majority of the records sought by the Court. Unfortunately, a complete list of the documents forwarded apparently does not exist. And a record of the parts of Wilkinson's letter of Nov. 12, 1806 which were withheld by Hay and (later) by Jefferson likewise is unavailable.

FOOTNOTES

[1] David Robertson. Reports of the trials of Colonel Aaron Burr for treason, and for a misdemeanor. Vol. I Philadelphia, Pennsylvania: Published by Hopkins and Earle. Fry and Kammer, Printers [1808] pp. 113–114.

[2] *Ibid.*, p. 114.

[3] *Ibid.*, p. 119.

[4] *Ibid.*, p. 118.

[5] *Ibid.*, p. 181.

[6] *Ibid.*, p. 182. See also Thomas Perkins Abernethy. The Burr conspiracy. Gloucester, Massachusetts: Peter Smith [1968] p. 238; and Robert K. Faulkner. John Marshall and the Burr trial. The journal of American history, v. 53, No. 2, September 1966: 257.

[7] John Hay to Thomas Jefferson, June 9, 1807, Thomas Jefferson Papers, Manuscript Division, Library of Congress.

[8] Thomas Jefferson to John Hay, June 12, 1807, Paul Leicester Ford, ed. The writings of Thomas Jefferson, Vol. IX, 1807–1815. New York: G. P. Putnam's Sons [1898] p. 55.

[9] *Ibid.*, p. 55–56.

[10] Thomas Jefferson to John Hay, June 17, 1807, P. L. Ford. The writings of Thomas Jefferson. Vol. IX, p. 57.

[11] Thomas Jefferson to John Hay, June 20, 1807, P. L. Ford. The writings of Thomas Jefferson. Vol. IX, p. 60.

[12] Thomas Jefferson to John Hay, September 7, 1807, P. L. Ford. The writings of Thomas Jefferson, Vol. IX, p. 63.

[13] *Ibid.*

[14] Thomas Jefferson to John Hay, June 17, 1807, and June 23, P. L. Ford. The writings of Thomas Jefferson. Vol. IX, pp. 56, 61; and Thomas Jefferson to General James Wilkinson, June 21, 1807, H. A. Washington, ed. The writings of Thomas Jefferson. Vol. V Washington, Published by Taylor and Maury [1853] p. 109.

[15] General Wilkinson testified on September 29, 1807 that a copy of his October 21, 1806 letter to President Jefferson had been given to the Grand Jury. For the text of that disclosure see: T. Carpenter. The Trial of Col. Aaron Burr on an indictment for treason before the Circuit Court of the United States, held in Richmond, (Virginia) May term 1807: including the arguments and decisions on all motions and trial, and on the motions for an attachment against Gen. Wilkinson. Vol III. Washington City, Printed by Westcott and Co. [1808] p. 254.

[16] For the details on how the October 21, 1806 letter from General Wilkinson to President Jefferson became a part of the record of misdemeanor trial see: T. Carpenter. The Trial of Col. Aaron Bur. Vol. III. pp. 38–46. For a complete copy of the letter see: James Wilkinson to Thomas Jefferson, October 21, 1806, U.S. Department of State: Letters in Relation to Burr's conspiracy 1806–1808, Manuscript Division, Library of Congress.

[17] David Robertson's Reports of the trials of Aaron Burr is most frequently cited as documentation for discussions on the Burr trials; however neither Robertson's work nor the records of the Burr trial held by the Virginia State Library in Richmond accurately describe events after September 9, 1807. Only the out-of-print three-volume work by T. Carpenter, The Trial of Aaron Burr, details the events of Burr's misdemeanor trial into October of 1807.

[18] D. Robertson. Reports of the trials of Aaron Burr. Vol. II. p. 504.

[19] *Ibid.*, p. 514.

[20] *Ibid.*, p. 512.

[21] *Ibid.*, p. 536.

[22] T. Carpenter. The trial of Col. Aaron Burr. Vol. III. p. 38.

[23] *Ibid.*

[24] Thomas Jefferson to John Hay, September 7, 1807, P. L. Ford. The writings of Thomas Jefferson. Vol. IX, pp. 63–64.

[25] T. Carpenter. The trial of Col. Aaron Burr. Vol. III, p. 46.

[26] *Ibid.*, pp. 111–112.

[27] *Ibid.*, p. 254.

[28] *Ibid.*, pp. 265–266.

[29] Thomas Jefferson to John Hay, June 7, 1807, P. L. Ford. The writings of Thomas Jefferson. Vol. IX. p. 55.

THE ADVENTURES OF RANGER FORD

HON. MARGARET M. HECKLER

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Monday, November 26, 1973

Mrs. HECKLER of Massachusetts. Mr. Speaker, as you know, the Congress is now investigating the background of our colleague, the Honorable JERRY FORD, prior to voting on whether to confirm his nomination as Vice President. An interesting sidelight of JERRY's past—his service as a seasonal ranger at Yellowstone National Park—has been kindly brought to my attention by National Park Service Director Ron Walker.

The latest edition of the NPS newsletter contains a fascinating account of JERRY's activities riding shotgun on a bear-feeding truck, his courtly service dancing with unescorted young ladies, and above all, his coolness under stress. Here, for the enjoyment and information of our colleagues, is the newsletter story on the "Adventures of Ranger FORD":

VICE-PRESIDENT-DESIGNATE—JERRY FORD—"A DARNED GOOD RANGER"

(By Jean Bullard)

Gerald R. Ford will be the first National Park Service seasonal ranger to become Vice President of the United States if his nomination is confirmed. His name has become familiar to most Americans recently, but few of us in the Park Service realize that Jerry Ford was a seasonal ranger at Yellowstone the summer of 1936.

"One of the greatest summers of my life," Jerry Ford responded enthusiastically to a query from the Newsletter about his summer as a ranger.

This answer was delivered by his wife, Mrs. Betty Ford, who invited me with a warm welcome to the Ford's home in Alexandria, Virginia. She said that the Yellowstone summer was one often mentioned in the Ford family.

Among the favorite bedtime stories of the four Ford children, Mrs. Ford explained, was the one their father used to tell about his adventures as a ranger feeding the bears at Yellowstone.

"Of course we realize that rangers feeding the bears at Yellowstone is a thing of the past," Mrs. Ford quickly explained.

At that moment her tall blond son, Steve, 17, a senior at local T. C. Williams High School, entered the living room. Mrs. Ford asked him, "Steve, do you remember your father's Yellowstone stories?"

"You mean the bear tales? said Steve with a smile. "I sure do."

Mrs. Ford mentioned that the influence of the west and the parks has been evident in the whole family. She said that the Ford's second son, Jack, 21, a forestry student at Utah State University, spent last summer working in Utah for the U.S. Forest Service in a position similar to his father's Park Service job.

Mrs. Ford generously lent the Newsletter their only photo of Jerry Ford in his NPS ranger uniform. The other photo of the Canyon District rangers and ranger naturalists (see page 7) was obtained from Frank Anderson through the persistent efforts to locate him by Else Doherty, park technician, PNRO.

The Newsletter contacted several men in the photo to learn more about that summer in Yellowstone.

"Jerry was a darned good ranger," said his former supervisor, Canyon District Ranger Frank Anderson, now retired. "I had a letter from Jerry just last August mentioning his fine memories of that summer we shared in Yellowstone."

Among the duties Frank assigned to Jerry was the task of armed guard on the bear-feeding truck. Every evening visitors were fenced-in in an area with benches while grizzly and black bears roamed free when they appeared about 7:30 p.m.

The ranger truck would drive into the garbage pit to feed the bears while Jerry rode in the back with a gun in case there was any trouble. He never did have to fire a shot but there were some close calls.

Another ranger duty was meeting the VIPs at Canyon Hotel and Lodge, a job that called for someone who could meet people well and who had a very neat appearance in uniform. "When I asked Jerry to do the job," Frank explained, "he said he felt it was undemocratic and un-American to give special attention to VIPs, but he did the job and did it well."

Everyone contacted mentioned the evenings they used to hold wrestling matches among themselves and with some of the road crew in the community room of the ranger station. One night the conversation turned to football and Wayne Repogle suggested that Jerry Ford demonstrate a straight-on tackle.

Ford gave an energetic try and both he and Wayne went right through the thin masonite wall into the next room. There followed a great scramble to repair the damages before arrival of the chief ranger.

Wayne Repogle, senior seasonal of the group, roomed with Jerry Ford in the ranger station and frequently shared duties with him.

"I never saw Jerry show any excitement or emotion during a difficult rescue or at other times of stress," said Wayne.

"He would always say, 'Calm down everybody. It'll turn out all right.' He was always so reliable that we looked to him to get difficult assignments done right, even though he was one of our youngest rangers that summer.

"In those days," continued Wayne, "rangers were on duty 24 hours a day, seven days a week. You could not get out of uniform without permission from your district ranger who in turn had to clear it by phoning the chief ranger at Mammoth.

"Even to go on a picnic you had to ask for permission and then tell where you were going, who with and when you would return. Jerry was handsome and young, maybe 24, and with the girls he was the most popular of us bachelors that summer.

"He was frequently chosen for dance duty. This meant spending the evening at the lodge or the hotel in uniform all cleaned and pressed with riding boots polished with a clean white dress shirt and green tie. Daytime shirts were grey wool.

"Visitors really flocked around and would often ask pointless questions just as an excuse to say that they had talked with a ranger."

One duty Jerry liked was the early morning check, about 5 to 7 a.m., of every auto in camp. Rangers recorded the make, state and license number of each vehicle and type of tent. Wayne said, "We had to run most of the time to get 150 to 200 licenses listed in two hours."

"Jerry, a football player, was in good shape and enjoyed this early duty. In fact he was fine company because he genuinely enjoyed just about everything we rangers had to do," Wayne concluded.

MEDICAL EMERGENCIES IN THE SNOW

HON. WILLIAM F. WALSH

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, November 26, 1973

Mr. WALSH. Mr. Speaker, the combination of heavy snow and a medical emergency can be a serious problem indeed. A problem that all levels of government, the medical profession, and countless volunteer and professional agencies dealing with health have been trying to solve for years.

In Syracuse, N.Y., my hometown, a detailed plan has been worked out and will get its first serious test this winter. A recent article in the American Medical News detailed this plan and I would like to share that article with my colleagues:

MEDICAL EMERGENCIES IN THE SNOW

Every winter, a cold wind sweeps across Lake Ontario and dumps an average of 135 inches of snow on the unlucky residents of Syracuse, N.Y., and surrounding communities.

And that's a serious medical problem. Emergency treatment systems that run smoothly under normal conditions simply won't function in a snowstorm—an almost weekly occurrence in Syracuse. Ambulances won't run. Power goes out. Phone lines go down. People get stalled, stuck and lost.

But thanks to the Onondaga County Medical Society, the 415,000 citizens of that county will be getting medical care when they need it this winter, snow or no snow.

Using automobiles, sled ambulances, snowplows, two-way radios, and hundreds of volunteers, the society's "snow emergency medical program" can dispatch physicians and nurses to isolated places to aid the ill and injured and provide other health services—even during blizzards.

It's a cooperative effort, involving about 80 physicians, 225 nurses, 54 fire departments, four ambulance services and scores of firemen, municipal crews, and rescue units—all unpaid volunteers, working on their own time.

In fact, one of the project's interesting features is that it won't cost the taxpayer a cent, since all services and equipment are donated, and the medical society pays for the medications and supplies used by the physicians and nurses.

The entire project, under the direction of Edward D. Sugarman, M.D., a Syracuse orthopedic surgeon, was started and organized by the county medical society. It's a remarkable demonstration of close cooperation between individuals and a large number of public and private agencies.

Dr. Sugarman said the program has actually been operating for two years, though this winter the system has been expanded to operate county-wide. It was ready to go last winter, but Onondaga County was fortunate in having an unusually mild winter.

However, "test runs" conducted in previous winters prove that volunteer systems work, as when a sudden blizzard isolated a small town 30 miles south of Syracuse two years ago. The emergency units quickly reached the town, established communica-

tions with outlying areas, and set up overnight aid facilities.

The goal of the program is to insure that emergency services are available when heavy snowfall brings normal emergency systems to a grinding halt. For example, when illness or injury strikes a snowbound farm, participants work together to find out about it and dispatch a nurse or physician—aboard a snowmobile, if necessary—to bring help.

THE RED CHINESE SPEND MILLIONS ON PROLETARIAT HOUSING IN WASHINGTON

HON. JOHN R. RARICK

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Monday, November 26, 1973

Mr. RARICK. Mr. Speaker, the most recent and tangible evidence of expanded United States-Red China relations is the multimillion-dollar purchase of a large Washington hotel to house Peking's growing diplomatic mission to the United States.

The 50 people of the Chinese delegation have apparently outgrown their old quarters at the Mayflower Hotel. China-watchers view this move to the 400-room Windsor Park Hotel as a major step toward full-scale diplomatic relations. The staggering sale price, reported at between $5 and $6 million, makes it evident that the Red Chinese plan to make their mission more than just unofficial.

Connecticut Avenue, in the exclusive Northwest section of Washington, is a far cry from the "proletariat housing" found in other areas of the Nation's Capital. Apparently, "the people's representatives" have been influenced to some degree in their taste for housing by the "running dogs of capitalism."

I include the related newsclipping at this point:

[From the Washington Post, Nov. 18, 1973]

CHINESE BUY WINDSOR PARK HOTEL

(By Judy Luce Mann)

The People's Republic of China has signed a contract to purchase the 400-room Windsor Park Hotel for use as a chancery and residence for its expanding liaison staff.

The purchase price could not be ascertained, but an industry source who was asked to act as a real estate broker for the hotel earlier this year put the price at between $5 million and $6 million.

The purchase comes in the wake of an announcement on Nov. 14 that the United States and China have agreed to expand and upgrade their liaison staffs in Peking and Washington. The move was viewed by observers as a major step toward full diplomatic recognition and the establishment of embassies between the two countries.

The Chinese delegation in Washington, about 50 people, has been using space at the Mayflower Hotel. The delegation has been looking for permanent facilities since last April.

Hampton Davis, a State Department protocol officer, said members of the delegation looked at the Windsor "quite early. They've been considering this one for six months or so." Real estate agents were invited to submit facilities for consideration and the State Department also gave some suggestions as to properties, Davis said.

"They wanted to have a place where they could combine offices and residence for people. They were hoping to have some space around this for a garden. This necessarily represents some compromise," Davis said.

The hotel, at 2300 and 2310 Connecticut Ave. NW, has about 400 rooms, a Korean restaurant, newstands, a gift shop and reception rooms. It does not have space for large formal gardens.

Wallace B. Agnew, a real estate broker in the District, who was asked to sell the hotel earlier this year, said yesterday the Chinese paid "a lot more for it than it's worth because they needed a place badly. They had to buy something they could move into that was already furnished. It would be hard to find all that many rooms ready to go, with linen service and telephones in all the rooms." He estimated the sale price at between $5 million and $6 million and said a sale price of $4 million would be "pretty high."

The hotel is owned by Bernard Bralove and Stafford Fletcher, who also manages it. Bralove refused to disclose the purchase price. "I'm not going to give you any idea of the price. I don't think it's anybody's business," he said. Settlement on the contract has not been made, so it does not show up on public records.

Bralove said that none of the current occupants of the hotel hold leases but he would not disclose how soon they would be moving out and the Chinese delegation members moving in, saying such information should be disclosed by the Chinese.

Members of the delegation could not be reached for comment. However, a State Department official said he understood that some members of the delegation are scheduled to move in this week.

Attorneys for the Chinese asked the District board of zoning adjustment Wednesday for a special exception to establish a chancery and residential facility at the hotel. The board granted a similar exception on Sept. 19 for use of a limited portion, the "executive wing," of the hotel as a chancery.

At that time, only one person questioned the request, wanting to know if the property would be kept up.

The brief filed with the board Wednesday states that "upon further investigation and examination" of the site, "the liaison office has determined that the purchase of 2300 Connecticut Ave. . . . permit larger accommodations for residential uses and a larger area for chancery uses."

The brief also states that the "major portion of both premises will continue in residential uses, serving the chancery staff, supporting personnel and their families." The board is scheduled to act on the request Tuesday.

KINDERGARTEN CLASSES ARE RESCHEDULED TO SAVE GASOLINE

HON. JOHN BRECKINRIDGE

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Monday, November 26, 1973

Mr. BRECKINRIDGE. Mr. Speaker, I submit for the information of my colleagues the action of Kentucky's Montgomery County School Board in adapting the school program to meet the exigencies imposed by the petroleum shortage, as outlined in the Lexington Herald of November 22, 1973.

While our people are concerned about the disruptive effects of the possible imposition of national daylight saving time, I deem the action of the Montgomery County Board of Education a refreshing reminder of our people's ability to adjust to the needs of the times.

KINDERGARTEN DAYS REVISED TO SAVE GAS

MT. STERLING, KY.—Classes of the kindergarten of the Montgomery County school system will be rescheduled after the first of the year to save gasoline.

The Board of Education at a special meeting voted to hold classes for half of the children during regular school hours on Monday and Tuesday and half a day Wednesday, and the other half Wednesday afternoon and all day Thursday and Friday beginning Jan. 7. At present half of the pupils are attending in the morning and the other half in the afternoon.

Board members also agreed that gasoline for school trips be purchased at nearby service stations in order not to use the school's allotment.

In the event the nation goes back to Daylight Saving Time the schools will open an hour later, at 9 a.m., and close at 4 p.m.

The board voted to purchase four new 66-passenger buses with automatic transmissions and awarded the Bailey Nursery, Mt. Sterling a $1,355.75 contract for landscaping at the new junior high school.

SOUTHERN BAPTIST FELLOWSHIP BREAKFAST

HON. OLIN E. TEAGUE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Monday, November 26, 1973

Mr. TEAGUE of Texas. Mr. Speaker, on October 30, 1973, the Members of Congress were invited to a breakfast in the Members private dining room to share fellowship with some distinguished visitors. The visitors included: Owen Cooper, president, Southern Baptist Convention; Cecil E. Sherman, pastor, First Baptist Church, Asheville, N.C.; and C. Welton Gaddy, director of Christian Citizenship Development, the Christian Life Commission of the Southern Baptist Convention.

The visitors at the Southern Baptist fellowship breakfast spoke on the subject "Focus on Intergity." I would like to share their remarks with you, other Members of Congress, and the general public because they can be an inspiration to each of us.

The remarks follow:

INTEGRITY: CHALLENGE TO A NEW COMMITMENT

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 outcrys of dismay because of their obviously illegal and unethical nature. Southern Baptists join in 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 antedate 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 in order 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 round trip 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 your 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.

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, or 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 vascillate 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 creative 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 even 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 followship of the One who was the incarnation of integrity, the One who thus can make us free. Amen.

WISDOM FROM YOUTH

HON. CLEM ROGERS McSPADDEN

OF OKLAHOMA

IN THE HOUSE OF REPRESENTATIVES

Monday, November 26, 1973

Mr. McSPADDEN. Mr. Speaker, I include the following: Part of a letter from Tracy Taverner, Student Energy Crisis

Day Committee Chairman, Sooner High School, Bartlesville, Okla.

DEAR MR. MCSPADDEN: The students of Sooner High School in Bartlesville, Oklahoma, have become deeply concerned with the increasing lack of energy facing our nation today. Because of this concern, we, the Sooner student body, have decided to set aside Thursday, November 29, 1973, as "Energy Crisis Day."

Our goal is to make ourselves and others more aware of the national problem of the lack of energy and how we, as high school students, can help our country to conserve the nation's natural energy and to convince other high school students to do the same.

To accomplish this purpose, we have planned and organized a student body march, to be led by the Sooner Spartan band, from a local church to school, the purpose being to conserve the gasoline used daily by Sooner students in their travels to and from school. Lights, heat, and most electrical appliances will be shut off at Sooner during the day.

Sooner students are issuing a challenge to every high school in the nation to take up the crusade to encourage the youth of today to conserve our natural resources. Although we realize that the energy saved on this day by our students will not make a significant difference in the energy crisis, it is our hope that through these efforts we will inspire other schools to follow the example in conserving energy so vital in our nation's existence. We feel " 'tis better to light one candle than to curse the darkness." . . .

Yours sincerely,

TRACY TAVERNER,
Student Energy Crisis Committee Chairman.

PRESENT LAWS DISCOURAGE ENERGY SAVINGS

HON. WILLIAM LEHMAN

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Monday, November 26, 1973

Mr. LEHMAN. Mr. Speaker, the realization that the energy sources upon which we depend may well be either depleted or unavailable sometime in the future has encouraged many of us to begin to look more closely and with more enthusiasm as the vast possibilities of solar energy.

While science and industry press on to find cures for the energy crisis, we should examine our present laws to see if they inadvertently discourage energy savings. One such area is title II of the National Housing Act under the Federal Housing Administration.

As the law now reads, the ceiling on mortgages dissuades homebuyers from installing energy conserving devices because of their higher initial cost. In the case of a single family dwelling, the maximum FHA insurance is $33,000. Presented with either a short term capital savings or a lower fuel bill in the future, the average consumer will take the former to keep near the $33,000 limit.

The long-term effect of the limited ceiling discourages sales of solar energy devices, and also discourages research into what companies see as a deadend market. With fuel costs certain to rise, and in the interests of reaching self-sufficiency in energy, it is time to encourage the regrowth of the solar energy business by granting dollar for dollar rises in the FHA ceilings for solar energy devices approved under the provisions of my bill.

It is obvious that there is enough solar energy to meet our demands. Even if our demand were increased to the ultimate saturation level estimated at 45 kW person, which is 22 times the present level, and even if our population grew to 500 million persons, only 0.3 percent of the solar energy coming in contact with our land would be needed to fill the resulting enormous demand.

Some 2 trillion kilowatt hours—kWh—of electrical energy were used in the United States in 1970. Incident solar energy in our deserts averages some 2,000 kWh per year per square meter. Simply put, our electrical energy consumption was equivalent to the solar radiation falling on only some 400 square miles of desert.

The Solar Energy Panel in the White House has identified three broad applications of solar energy. These are: First the heating and cooling of homes and commercial buildings, second, the chemical and biological conversion of organic materials to liquid, solid, and gaseous fuels, and, third, the generation of electricity.

Some 15 percent of our present energy consumption, electric and otherwise, are used today for space heating and cooling. This percentage represents a larger share than our total electrical power generated today.

Rising fuel costs are beginning to make solar energy feasible for space heating. Already it is less expensive than electric heating in many areas, such as New Mexico and Arizona, and even Miami. Office buildings are especially suited for solar heating and air-conditioning, because they are used most heavily during daylight hours.

There are even a few companies which manufacture solar water heaters in the United States. Before natural gas became widely available in Florida, for example, one solar water heating company sold more than 60,000 units.

There are seven prime factors which enter into the cost of a solar-run home: the cost of the solar system, the cost of money or interest rates, the lifetime of the components of the solar system, maintenance, taxes and insurance, and the annual average of the energy collected by the system.

One scientist estimated that with the current state of the art, the cost of a solar electric/thermal system for a single family dwelling would exceed a conventional system by approximately $3,000. Setting the interest rate at 6.5 percent, with 2.5 percent levelized amortization, and an average 3 percent maintenance and insurance charge, the cost of energy for such a home would be about $360 per year. This represents about 12 percent of the initial cost. However, increased production and advances in technology would reduce this price.

Erich Farber, who is the director of the solar energy laboratory at the University of Florida, is well aware that installation costs of a solar system run about eight times as high as for electrical systems and about twice as much as for gas. But he also estimates that a solar system will pay for itself in 7 or 8 years.

For most uses, the cost of converting solar energy to useful forms of energy is now higher than conventional sources, but with the increased prices of conventional fuels, shortages of those fuels and constraints on their use, it will surely become competitive in the near future.

Solar energy also sustains the winds. It is estimated that the power potential in the winds over the continental United States, the Aleutian Islands, and the eastern seaboard is about 10^{11} kilowatts of electricity. Winds are both repeatable and predictable, and the momentum could be extracted from the moving air by momentum-interchange machines located in places such as plains, valleys, and along the continental coast shelves.

The Solar Energy Panel has concluded that with adequate research and development support over the next 30 years, solar energy could provide us with at least 35 percent of the heating and cooling needs of future buildings, more than 30 percent of the methane and hydrogen we need for gaseous fuels, and eventually, greater than 20 percent of the electrical power we need. All of this could be done with a minimal effect on the environment and a substantial savings of nonrenewable fuels.

H.R. 11566

A bill to direct the Secretary of Commerce to research and develop new building designs and construction methods which utilize solar energy and to authorize the Secretary of Housing and Urban Development to increase the maximum amount of mortgages insured under title II of the National Housing Act for certain facilities utilling solar energy

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Solar Energy Act of 1973".

SEC. 2. (a) The Secretary of Commerce (hereinafter in this section referred to as the "Secretary") shall conduct research into how solar energy can be used to heat and cool buildings and shall collect appropriate weather data for the various climatic regions of the United States for the purpose of determining the extent to which reliance upon solar energy is feasible in each region.

(b) The Secretary shall—

(1) develop and test new building designs and construction methods which involve the utilization of solar energy equipment such as solar collectors, heat storage units, heat exchangers, absorption refrigeration equipment, and auxiliary heat supply facilities;

(2) prescribe standards and specifications for such building designs and construction methods; and

(3) specify the climatic regions of the United States where the use of such building designs and construction methods is practicable.

(c) The Secretary shall issue initial standards under subsection (b)(2) of this section not later than one year after the date of enactment of this Act. Such standards shall be promptly published in the Federal Register and otherwise disseminated as widely as possible to the construction industry and to the general public.

(d) In carrying out the research, development, and testing required by this section, the Secretary shall consult with the National Aeronautics and Space Administration, the National Science Foundation, and other Federal agencies engaged in housing and building regulation.

SEC. 3. Title II of the National Housing Act is amended by adding at the end the following new section:

"HOUSING UTILIZING SOLAR ENERGY EQUIPMENT

"SEC. 244. In determining the maximum dollar amount of a mortgage which may be insured under any section of this title with respect to any dwelling or residence which involves a building design or construction methods which meet the standards and specifications prescribed by the Secretary of Commerce under section 2(b)(2) of the Solar Energy Act of 1973, the Secretary may increase the maximum amount of a mortgage which may be insured under such section with respect to such dwelling or residence by the amount by which (as determined by the Secretary) the cost of using such building design or construction methods exceeds the cost of using conventional building design and construction methods."

MURDER BY HANDGUN: THE CASE FOR GUN CONTROL

HON. MICHAEL HARRINGTON

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Monday, November 26, 1973

Mr. HARRINGTON. Mr. Speaker, opponents of strict gun control legislation often contend that restrictions on private possession of firearms would unfairly deny homeowners the right to own handguns for self-protection. They claim that privately owned firearms are not a contributing factor to the crime problem. This allegation is tragically easy to refute. In almost any newspaper you pick up these days there is a story of an accidental shooting, which often results in death.

Citing a recent report, an editorial on the Washington radio station WTOP stated, "handguns kill friends and relatives and the users six times more often than the intruders." A recent newspaper story tells of a 12-year-old boy who was accidentally shot and killed by his 11-year-old playmate—just one illustration of the consequences of allowing the possession of handguns in the home.

Included below is the article from the November 6 Courier-News as well as the text of the WTOP editorial of November 13:

BOY, 12, SHOT

BRICK TOWNSHIP, N.J.—A 12-year-old boy was accidently shot and killed Monday by an 11-year-old playmate toying with his father's .38 caliber target pistol, police said.

Kenneth Beatty was shot in the right side of the chest in the bedroom of his friend's home, near his own home. Police say the gun was loaded with five rounds of target bullets.

The boys had stayed home from school and were watching television and listening to records alone in the house, police said. The younger boy went into his parent's bedroom and took the pistol from a closet shelf.

[A WTOP editorial, Washington, D.C.]

HANDGUNS SHOULD BE BANNED FROM HOMES AS WELL AS THE STREETS, NOVEMBER 13 AND 14, 1973

A recent study indicates that guns in the home are more dangerous than useful as self-protection.

A four-year survey showed that death from firearm accidents in the home was about six times more frequent than death from gunshot of burglars, robbers or intruders.

In fact, while death by accidental gunfire is still below the rates for auto and industrial accidents, it's increasing at much faster rates.

Furthermore, the overwhelming majority of these fatal firearm accidents resulted from *handgun* misuse.

This study is only one more piece of evidence that handguns should be banned, whether on the streets or in the home.

The only legitimate purpose that handguns in the home could have is to ward off intruders. But if handguns kill friends and relatives and the users six times more often than the intruders, they are grossly and tragically inefficient.

We are *not* talking about guns designed for reasons other than to kill people . . . such as hunting and sporting firearms. These guns are *not* the primary problem. We're talking instead about handguns, which exist basically for one reason: to kill people.

But more and more frequently, it seems, they are killing the *wrong* people.

Ridding our society of handguns is a cause we should keep alive.

This was a WTOP Editorial . . . Ray White speaking for WTOP.

SECRETARY MORTON BITES THE "ENERGY" BULLET

HON. RALPH S. REGULA

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Monday, November 26, 1973

Mr. REGULA. Mr. Speaker, on November 15 the Honorable Rogers C. B. Morton, Secretary of the Interior, spoke to the Rubber Manufacturers Association meeting here in Washington, D.C. The subject of his address was the "energy crisis." Secretary Morton's call for a reorientation of American attitudes toward energy is a challenge that all of us share. I include the text of his address be at this point in the RECORD for all to read:

REMARKS OF THE HONORABLE ROGERS C. B. MORTON, SECRETARY OF THE INTERIOR, BEFORE THE RUBBER MANUFACTURERS ASSOCIATION, NOVEMBER 15, 1973, WASHINGTON, D.C.

The energy crisis, at least for many Americans, is still asymptomatic. The unequivocal facts of supply and demand, however, tell another story. The energy crisis is here, and within the next four to six weeks there is going to be more than enough evidence to convince any skeptic.

Let's not be mistaken, the energy crisis is cold, dark, and disquieting news. It isn't going to go away. And no one is going to be able to order, litigate, or legislate it away from your door by the end of the year.

We are transitioning from an era where energy was a "given" in every business, manufacturing, or personal decision we made, into a period—and I'm talking about the balance of the decade—where every product we build, sell, buy or use is going to have an energy price on it.

We are entering an era where government and industry will be talking about "regulating shortages" instead of regulating supplies.

We are crossing the threshold into an era with an altogether new and forgotten generation experience—rigid fuel allocations, and the growing possibility of fuel rationing. On a personal basis this means that there are no assurances that you can buy an unlimited supply of heating oil for your home, propane for your farm, gas for your car, or electrical power for your factory.

And when the short term aspects of this energy crisis are over we must all recognize that energy will cost more.

Let's examine the dimensions of our near term energy prospects.

First, our problem is neither physical, environmental, or geological. Instead, it is a function of *time*—and *economics*. It is a question of when we can bring new supplies to the market? And when we do, what kind of a price are we going to have to pay for it?

In the very short term, at least, we are going to have to make up the supply by managing the demand—and that means allocation *today*—and the *possibility* of some kind of rationing in the future.

Second, energy demand. The most evident reason for our current energy situation is that demand has been and is now growing at a geometric rate—doubling about every fifteen years. We have now reached the point where Americans will use as much energy in a year as half the rest of the world will use in the same period.

In fact, the 210 million people in the U.S. use more energy than the 500 million people in the other leading industrial nations including Germany, Great Britain, Japan and the Soviet Union combined.

Third, for a period of years—as far back as the mid-sixties—the U.S. has been moving away from energy self-sufficiency.

Since 1965, drilling activity for petroleum has been declining. And domestic oil production has continued to drop off, in spite of the fact that last year virtually all of our domestic wells were producing at 100 percent capacity.

Since 1968, we have been using natural gas faster than we discover it.

Coal—our greatest fossil fuel resource—has taken a declining share of our total energy supply because of technical, and environmental factors. Today, in fact, coal accounts for a smaller share of our energy supply curve, than it did twenty years ago.

And nuclear power provides a meager 1 percent of our total energy supply—about as much as we get from firewood.

The thing that is hard for all of us to understand is: How did these negative trends occur in this great land of plenty? We have nearly half the world's coal supply and many years reserves of oil and gas.

In the meantime, second generation energy sources such as fusion, solar energy, oil shale, and geothermal steam are still confined to the conceptual laboratory, or bench testing stage—in spite of all the wistful editorializing that "we plug into the sun, or make gasoline out of a top hat."

Fourth while energy supply and demand has continued to dance along a delicate razors edge, the Arab oil embargo exacerbated a shortfall situation.

In the last few years, we have continued to underwrite a growing chunk of our economy with foreign oil imports.

Up until 1972, we were able to meet about 80 percent of our petroleum import needs in the Western Hemisphere.

Since then, however, production in Venezuela has leveled; Canadian supplies are tightening up; and the only other future in our oil portfolio—Arab oil—has disappeared.

The recent hostilities in the Mid-East have turned the threat of oil diplomacy into reality. The Arab oil embargo means a loss of between 2 and 2¾ million barrels of oil a day—about a third of our total oil imports.

No matter how you add this up, we come up with a 12 to 15 percent shortage.

Whether we have an allocation program or not, I can promise you that consumption is going to drop by at least 2 million barrels a day by the end of the year.

And the reason it will drop is because we can't burn oil we don't have.

Even without the oil embargo—and it certainly hasn't helped—the oil import situation would have become tighter. The Arab members of the organization of petroleum exporting countries (OPEC) raised their prices 70 percent across the board in mid-October on top of sizeable increases earlier in the year.

All of these dimensions, consumption, supply, world market conditions, and a continuing trend away from domestic self-sufficiency bring us down to our only alternative: a thoroughly national effort to regain energy independence.

That is the program President Nixon called for last week. We need new legislation, new funding and, most important, new energy habits. That is what the President called for, and anything short of full support from everyone—the Congress, the private sector, and the consumer—could have severe consequences.

At the least we are going to have to use our finite energy resources as wisely and efficiently as possible. This means energy conservation, and an end to energy waste.

Let me be frank. No one I know of in Congress or in the administration wants to go to rationing. In fact, I would like to see us do everything within our grasp to keep from going to rationing. However, if the voluntary measures the President has outlined fail—and I hope they don't—we may find that there is no alternative except to go to rationing. The critical measure of whether that will happen is in the hands of the consumer. And with over 40 percent of our total energy supply going to industry—a large share of that decision is in *your* hands.

On the supply side, it is imperative that we accelerate the development and delivering of *all* domestic energy resources to the market.

A first major step will be to match our energy usage patterns with our energy resources.

Almost 90 percent of our domestic fossil fuel resources are coal. Yet American depends on natural gas and oil to meet almost 80 percent of our total energy needs, and coal's share is only about 17 percent. We may have to suffer a reduction in environmental quality temporarily—and this can be minimized—but anything less than a return to coal, will fail to see us through the near term.

We are going to have to accelerate the development of *all* energy resources. The President, for example, has called for tripling our outer continental shelf leasing programs to bring new supplies of natural gas and oil into the market.

It may seem incredible, but after almost two decades, less than 2 percent of the OCS has been leased. And to date, not a single exploratory well has been sunk on the Atlantic OCS.

We are going to have to bring new funding and greater momentum across the board in all of our energy R & D programs.

The perfection of coal gasification, for example, should enable us to convert coal into pipeline quality, synthetic gas. At expected rates of conversion, if our coal reserves were converted into gas, they would yield almost 6,000 trillion cubic feet of gas—many more than the world's known gas reserves of about 1,500 trillion cubic feet.

And the potential of oil shale, the breeder reactor, fusion, solar energy, and a number of other technologies still await economic development.

We are going to have to face hard decisions that lead to achievable goals within the inflexible constraints of time and money.

Many of these decisions will require accepting reasonable environmental tradeoffs and, for a brief period of time, harsh environmental impacts.

Still other decisions are going to call for massive amounts of capital, new funding, and a total reorientation of American attitudes towards energy.

One thing that we can be sure of, none of these decisions are going to be easy.

Most of these proposals require Congressional action. All of them, however, require the understanding, participation, and support of every facet of the American public.

Congress has shown a willingness to act to meet our national energy needs. Their action on legislation for the Trans-Alaska pipeline is a broad illustration of their necessary role in delineating a national energy policy. Hopefully, that momentum will extend to other critically needed energy legislation.

There is a limit, however, to what Government can do.

We know, for example, that many of our current energy dilemmas are the result of the infirmities of long-standing regulatory and economic policies which have retarded the development of our domestic resources.

Fortunately, there is still time—time to build new plants, time to develop new energy technology, time to match energy use with energy efficiency.

In the meantime, the dizzy economics of foreign oil have driven some of our new energy sources onto the edge of market economics. Oil shale, gasification and liquefaction processes for coal, and geothermal steam are ready to be brought to their potential—I say let's do it *now*.

Energy is the delicate sinew that binds our economy and our entire social system together. Without adequate supplies of energy, we have little hope of continuing our current way of life.

Our ability to produce needed raw materials, minerals, and even fibers, depends upon energy. The mining and minerals industries including fuels, for example, account for almost one-fourth of our total U.S. energy production.

Nothing, in my view, could be more disastrous than to create a severe and unwarranted disruption of vital business and production activity.

At the same time, however, we are going to have to take a hard and unbiased look at those operations that are not efficient—from an energy standpoint. And when we have to reduce energy supplies, ensure that we do it as equitably as possible.

Make no mistake about it. We are talking about jobs, about production, and about profits.

Fortunately, we still have a margin of time to re-evaluate, and re-examine our energy usage patterns. However, I would not be frank with each of you, unless I warned you that unless you do this, and do it *now*—more severe shortages could result in government stepping in and doing it for you.

It is a challenge that all of us share, and one that we can meet if we pursue it together—with a common spirit of determination.

PAUL A. KHASIGIAN BECOMES EAGLE SCOUT

Hon. Yvonne Brathwaite Burke

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, November 26, 1973

Mrs. BURKE of California. Mr. Speaker, under leave to extend my remarks in the RECORD, I include the following:

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, D.C.

Whereas, Paul A. Khasigian, son of Dr. and Mrs. Amos Khasigian of Ladera Heights, at the age of 13, has achieved the rank of Eagle Scout, highest rank a boy can attain in Scouting, and;

Whereas, Paul A. Khasigian, son of Dr. through the ranks of Scouting to the highest level attainable with 24 Merit Badges, while, at the same time, maintaining an outstanding scholarship record at Crozier Junior High School in Inglewood, and remaining active in Sunday School and Youth Service at St. James Armenian Apostolic Church, and;

Whereas, for his Eagle Service Project, Paul Khasigian, planned and directed part of a program for the cleaning and repair of the grounds of the historic Centinela Adobe, birthplace of the City of Inglewood.

Therefore, be it known this 20th day of November 1973, that we are in recognition of the outstanding accomplishments of this young man in the field of Scouting, and his exemplary conduct in his personal life, and further direct that this resolution be entered in the CONGRESSIONAL RECORD.

AMNESTY: AN ONGOING CRITICAL ISSUE

HON. BELLA S. ABZUG

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, November 26, 1973

Ms. ABZUG. Mr. Speaker, amnesty remains an issue of grave concern to me and to the thousands of young men and their families who refused to participate in the war in Vietnam. As the author of legislation that would grant universal, unconditional amnesty to all those who refused to participate or cooperate in that war I am please to include in the RECORD a statement of amnesty that has been signed by many leading Americans. In its eloquent plea for reconciliation and its reiteration of basic American principles, it is worthy of note. I include it at this point in the RECORD:

STATEMENT OF AMNESTY—OCTOBER 1973

We ask again that the public and the government face the fact that for all that has happened in our Vietnamese war, only men who are young have been or are being punished; and that in disproportionate numbers these men are non-white and from low economic estate.

We are speaking of those men who are or were imprisoned for refusing induction; of those who expatriated themselves before or after induction or who have lived underground; and of those given "less-than-honorable" or other discriminatory discharges from the military.

We believe that justice—justice that is symmetrical in its equal treatment of all citizens—requires an unconditional amnesty, pardon, or fair restitution for all men who are charged with, may be charged with, or have been convicted for offenses arising out of their refusal to participate in the military action in Southeast Asia, or for offenses against military law while doing so.

A country which has found only a lieutenant guilty for My Lai, has found no one legally culpable for the massive deception revealed in the Pentagon Papers and in the disclosures of later lawlessness and deceit in the war's conduct, has seen its honor sacked by Watergate and similar affairs—

such a country so long as it may belong to a just people cannot now impose its penalties only on these young and powerless men. That cannot be fair, cannot be in keeping with our best ideals.

Our war, we trust, is over. The nation now has much to do, much that it can do only as a united people. There is too little mutual trust among us, too much that is corrosive of hopes and spirits.

A general and unconditional amnesty would be a simple and clear act. It would be a sign that we want to live at peace with each other, that we want to end within ourselves the awful divisions caused by the war, that we want to get on with the work of making this a better land.

Who can be opposed to such an act? Can the dead speak, and advise us; or can any speak for them? Would we really want to turn to parents of the dead and set them speaking against each other, some urging amnesty and some opposed?

Are veterans (including former prisoners of war) opposed? They appear divided, many for, many against, many indifferent. Although interest and weight do attach to the views of the veterans of this war who were themselves enlisted men, even they, in the tradition of our civil society, have now to advance those views as citizens, and not as a distinct group.

Can Congressmen and members of the administration, both present and former ones, who put us into the war and who kept us in it so long, have it in their hearts to absolve themselves while they hurt these young men?

Can those Congressmen who opposed the war, in the way the public empowered them to do, want to hurt those powerless men who opposed the war in the only way *they* could or knew how, men who in the process helped create and sustain that public disgust with the war which finally gave some success to Congressional effort to end it?

We believe that Congress and the President are, in fact, fully free to act for amnesty, and that they cannot rightfully claim to be held back by constituents' pressures. We believe amnesty, as was segregation in the South, is an issue wherein statesmen would not trade on fears but can, and therefore should, lead. We believe that the people will respond helpfully to forthright leadership, as did people in the South when segregation was outlawed.

We believe that if Congress or the President will give the American people the opportunity to be generous and just, the nation will be so. We ask for that opportunity.

Does this nation, that was established to "form a more perfect union" and to "insure domestic tranquility," not want to heal itself? Do we not want to take this chance on justice?

There are few acts a government can decide upon that clearly and immediately benefit individuals; amnesty would be one. We think it would be even more. We would be saying to ourselves that we now put the Vietnam war behind us, with its terrible freight of bitterness and recrimination, and of corruption and brutality too. We would signal a decisive turning away from the darkness of the war years, and toward rebuilding and restoring and healing, both here and, as we are morally bound to do, in Indo-China. We also would be affirming to ourselves that America has no time or need for vengeance against ourselves, and especially not against our youth. We would, instead, be welcoming the return, as free members of a freer society, of young men who can give much to the future—theirs and ours and our country's.

Roger Baldwin, founder and former Director, American Civil Liberties Union.

Rev. Eugene Carson Blake, retired General Secretary, World Council of Churches.

Rabbi Irwin M. Blank, Temple Ohabei Shalom, Brookline, Mass.

Rev. Robert McAfee Brown, Professor of Religious Studies, Stanford University.

Heywood Burns, Director, National Conference of Black Lawyers.

Rev. Will D. Campbell, Director, Committee of Southern Churchmen.

Rev. W. Sterling Cary, President, National Council of Churches of Christ in the U.S.A.

Kenneth B. Clark, Professor of Social Psychology, City University of New York; President, Metropolitan Applied Research Center.

Rev. William Sloane Coffin Jr., Chaplain, Yale University.

John R. Coleman, President, Haverford College.

Robert Coles, psychiatrist, Harvard University; author.

Dorothy Day, Editor and publisher, *The Catholic Worker*.

Patricia M. Derian, Democratic National Committeewoman from Mississippi.

Leslie Dunbar, Executive Director, The Field Foundation.

Vernon A. Eagle, Executive Director, The New World Foundation.

Rabbi Maurice N. Eisendrath, President, Union of American Hebrew Congregations.

Erik H. Erikson, psychoanalyst and author.

W. H. Ferry, Executive Director, D.J.B. Foundation.

Lawrence J. Friedman, President, U.S. National Student Association.

Willard Gaylin, Professor of Psychiatry and Law, Columbia University; author.

Ernest Gruening, former U.S. Senator from Alaska.

Michael Harrington, Chairman, Democratic Socialist Organizing Committee; author.

Rev. Theodore M. Hesburgh, C.S.C., President, University of Notre Dame.

M. Carl Holman.

David R. Hunter.

Rev. James M. Lawson, Jr., Pastor, Centenary Methodist Church, Memphis, Tenn.

John Lewis, Executive Director, Voter Education Project, Atlanta, Georgia.

Robert Jay Lifton, Professor of Psychiatry, Yale University.

Benjamin E. Mays, President, Board of Education, Atlanta, Georgia; President Emeritus, Morehouse College.

David McReynolds, War Resisters League.

Charles Morgan, Jr., Executive Director, Washington National Office, American Civil Liberties Union.

The Rt. Rev. Paul Moore, Jr., Bishop of New York, Episcopal Church.

Rev. Robert V. Moss, President, United Church of Christ.

Aryeh Neier, Executive Director, American Civil Liberties Union.

Rev. Kenneth Neigh, retired General Secretary of the former Board of National Missions of the United Presbyterian Church in the U.S.A.

Eleanor Holmes Norton, Chairwoman, New York City Commission on Human Rights.

Hon. Justine Wise Polier.

Roy Pierce, Professor of Political Science, University of Michigan.

Daniel H. Pollitt, Professor of Law, University of North Carolina Law School.

Charles O. Porter, former U.S. Congressman from Oregon; Chairman, National Committee for Amnesty Now.

Rev. Stephen G. Prichard, Director of Training, Institutes of Religion and Health.

Louise Ransom, Director, Americans for Amnesty; Gold Star Mother.

Joseph L. Rauh, Jr., Counsel, Leadership Conference on Civil Rights.

Milton J. E. Senn, Sterling Professor Emeritus of Pediatrics and Psychiatry, Yale University.

Charles E. Silberman, Director, The Study of Law and Justice; author.

William P. Thompson, Stated Clerk of the General Assembly, United Presbyterian Church in the U.S.A.

John William Ward, President, Amherst College.

Raymond M. Wheeler, President, Southern Regional Council; Chairman, Children's Foundation; physician.

Andrew J. Young, Member of Congress from Georgia.

(Titles for identification only.)

THE ROLE OF CONGRESS—IMPEACHMENT

HON. HOWARD W. ROBISON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, November 26, 1973

Mr. ROBISON of New York. Mr. Speaker, on November 15 my most recent effort to delineate the increasingly complex issues that now surround the so-called Watergate affair appeared in the CONGRESSIONAL RECORD. The response from my colleagues and others has been gratifying.

Last week—Monday, November 19—the Wall Street Journal editorial page contained an editorial and an article which are relevant to what I said on November 15.

I find myself in agreement with the editorial and feel the article on the impeachment trial of President Johnson gives us some perspective on the events of today. I recommend them to my colleagues who, along with myself, continue to seek what insight we can as we grapple with the issues confronting us.

The editorial and article follow:

CONGRESS BURDEN

Now that a serious impeachment investigation is in the offing, Congress has assumed the duty of assuring the public that justice is done in the Watergate affair. It is a heavy burden for a body that shows all the weaknesses of any other committee of 535 souls.

It is to Congress' credit that the House has overwhelmingly voted to finance the impeachment investigation at $1 million. If the investigation itself seems competent and fair, it could do much to clear the air. But the hassle over President Nixon's meetings with Congressmen, and the confusion over the creation of a special prosecutor, are not encouraging omens on the kind of investigation we are likely to see.

As the House was voting funds for the investigation, Democratic leader Thomas O'Neill was criticizing Mr. Nixon for meeting with congressional Republicans. The President, Mr. O'Neill charged, was trying to influence the grand jury that would hear his case. Yet the President still is President, and it is his responsibility to build political support to run the nation. Dealing with Watergate certainly is part and parcel of this task. Surely it is unreasonable to expect the President to cloister himself while the House waits until January or later to take up the charges against him, which charges in any event remain unspecified. That the President is explaining himself must be rated a plus, especially after all the charges of presidential isolation, regardless of the audience he chooses.

A more apt criticism would be that in meeting with audiences based on party affiliation, Mr. Nixon is trying to depict Watergate and impeachment as purely partisan

issues. The Democratic leadership would be on firmer ground in making this criticism if Democrats had taken greater pains to avoid partisanship. If they are serious about impeachment, a moment's thought and a little arithmetic should convince them that the absolute key is taking along a good number of Republicans. If Democrats ignore this point, they will be seen as wanting not to resolve the crisis but to wield a partisan club.

Congress is also showing a lack of direction in coping with the issue of protecting a special prosecutor. Its favorite idea was to have the courts appoint a prosecutor, who would also be charged with giving Congress anything relevant to impeachment. But two of the judges who would be involved in such an appointment have made it clear they want nothing to do with it, that they see their job not as prosecuting but as judging.

Here again it seems to us the answer is a serious impeachment investigation. We see little reason to conclude that a special prosecutor within the Executive Branch could not investigate and if appropriate prosecute, say, John Mitchell or John Erhlichman. As a practical matter, Leon Jaworski has considerable leverage in resisting pressures to slow such investigations. The real problem comes in investigating the President himself. Investigating the President is the prerogative of Congress; that is why the Founding Fathers created the impeachment power.

Yet so far Congress has shown little disposition to put most of its chips behind the impeachment investigation. This is partly due to a lack of leadership, both on the House Judiciary Committee and more broadly in the Congress as a whole. But we sense that a great many in Congress do not really want a serious investigation. Some of them are afraid that the point will come when they must say, yes, there is evidence for impeachment. But others are equally afraid that the point will come when they must say, no, there is no evidence for impeachment.

It is the habit of Congress, as of other committees, to avoid difficult decisions whenever possible. But considering the duty to reassure the public that our system of government can cope with the extraordinary difficulties it faces, we hope that Congress can somehow find the leadership that will enable it to reach a clean decision, based on an investigation that is competent, bipartisan and above all open-minded.

The Big Impeachment Trial of 1868

(By Arlen J. Large)

Washington.—That was the dramatic declamation of George T. Brown, Sergeant at Arms of the U.S. Senate, ceremonially opening on March 13, 1868, the impeachment trial of President Andrew Johnson. The President, however, did not stride dramatically into the Senate chamber to face his accusers, that day or ever during the trial that lasted until May 26. Three of his lawyers answered for him.

So that's one precedent. If the House should ever impeach Richard Nixon, he could follow the Johnson example and not go personally to the Capitol for his Senate trial. Indeed, Mr. Nixon and all future Presidents, and all Congresses as well, would be governed closely by the precedents established during that winter and spring of 1868. Because a President has never been impeached before, the people who conducted those proceedings were terribly aware they were also setting the pattern for impeachments to come.

At the outset, Chief Justice Salmon Chase told the Senate: "All good citizens will fervently pray that no occasion may ever arise when the grave proceedings now in progress will be cited as a precedent, but it is not impossible that such an occasion may come."

The Constitution, for example, specified only that the Chief Justice of the Supreme Court would be the Senate's presiding officer when a President is on trial. But how would a judge "preside" over a legislative body acting as a jury? Could he rule whether evidence was admissible? Could he break a tie vote of Senators?

He would learn the answers to that and more before the trial was over. And now all the precedents of the Johnson impeachment and trial, squirreled away in congressional archives these many years, have been dusted off and re-examined as the House takes its first tentative steps toward Mr. Nixon's possible impeachment.

Ugly and troubled times

Congress today may be able to re-create the impeachment machinery used 105 years ago against Andrew Johnson, but fortunately it can't recapture the ugly spirit of that troubled time. The situation then facing the country was far more serious than now. The Civil War had ended militarily but not politically. Ten of the 11 Confederate states still weren't represented in Congress. Abraham Lincoln's let-'em-up-easy Reconstruction policies hadn't been fully formulated at the time of his death, and as President Johnson tried to put them in practice, the dominant congressional Republicans objected that the presidentially sanctioned new state governments in the South were eroding the North's Civil War victory.

Particularly irksome were the "Black Codes" denying rights to former slaves that had been adopted by all-white Southern legislatures. For his part, the President, a Tennessee Democrat who had run in 1864 with Mr. Lincoln on a one-time "Union" ticket, accused the Republicans of trying to keep the secession states out of Congress until they, too, embraced the GOP. Narrowly Mr. Johnson was charged with official misconduct, but the impeachment really was part of a broad policy struggle over how to put the American union back together again.

Can a President be impeached just because Congress disagrees with him about this policy or that? If so, it would require a rather loose construction of the Constitution's murky list of impeachable offenses: "treason, bribery or other high crimes and misdemeanors." Three years ago just that kind of loose construction was being pushed by soon-to-be Vice President Gerald Ford in seeking the impeachment of Supreme Court Justice William Douglas. Rep. Ford told the House that an impeachable offense "is whatever a majority of the House of Representatives considers it to be at a given moment in history."

But the House didn't buy that in 1970, and it wasn't buying it in 1867, either, when an impeachment drive began against Mr. Johnson. The House Judiciary Committee in November of that year recommended impeachment to the full House, enumerating a list of grievances against the President. During House debate in early December Rep. James Wilson of Iowa, a Republican who opposed impeachment, called the judiciary committee report "a bundle of generalities" and asked: "If we cannot state upon paper a specific crime, how are we to carry this case to the Senate for trial?" On Dec. 7, the House rejected impeachment by a vote of 108 to 57.

There's a lesson in that vote for Sen. George Aiken and others who urge that the House either impeach Mr. Nixon or "get off his back." For President Johnson, there was no deadline for the question to be settled by the House "one way or another." As with the unfolding Watergate story this year, his fight with Congress was an unending series of slams and shocks, of Reconstruction bills angrily vetoed and grimly overriden, of harsh insults traded by both sides. On Feb. 21, 1868, just two and a half months after the first House vote, the President dropped the next bombshell by appointing Gen. Lorenzo Thomas Secretary of war.

The Stanton problem

The problem was that according to the Senate, Edwin Stanton still filled that job under terms of an 1867 law requiring Senate approval of the dismissal of Executive Branch officers. Mr. Stanton, a Lincoln appointee who disapproved of Johnson-type Reconstruction, had been fired by the President in August, 1867. But encouraged by congressional Republicans, Mr. Stanton kept physical possession of his office, and on Feb. 21 the Senate formally voted 28 to 6 not to concur with his removal. Right then, the President appeared to be breaking the Tenure of Office Act, which pointedly classified any violation as a "high misdemeanor."

Now the House had what it lacked in December: a presidential deed equivalent to an indictable crime. Three days later the House voted 128 to 47 for impeachment.

The 11 articles of impeachment the House finally approved reflected the continuing uncertainty about kind of offense for which a President could be tried. The first nine articles dealt in several ways with the Stanton firing, the supposed violation of law. The tenth article was closer to the political heart of the quarrel with the President. It accused him of going around the country making speeches "in a loud voice" intended "to bring into disgrace, ridicule, hatred, contempt and reproach the Congress of the United States. . . ." The last article combined in a hybrid package allegations of both the political crime of denigrating the laws of Congress and the legal crime of firing Edwin Stanton.

Across the Capitol in the marble Senate wing, then just nine year old, the 54 members of course knew what the House had been doing and were getting ready for their big moment. Rules for conducting the trial were drawn up, and on March 4 seven House "managers," or prosecutors, appeared in the Senate chamber for a formal reading of the articles of impeachment. Sergeant-at-Arms Brown, who seemed to have all the good lines, sang out:

"Hear Ye! Hear Ye! Hear Ye! All persons are commanded to keep silence on pain of imprisonment while the House of Representatives is exhibiting to the Senate of the United States articles of impeachment against Andrew Johnson, President of the United States."

Any modern spectator returning to those packed galleries (1,000 tickets were printed for use each day) would have seen that the Senate was behaving, well, like the Senate. Procedural bickering broke out continually, requiring roll-call votes on the pickiest details. But some of the procedural matters were important. Democratic Sen. Garrett Davis of Kentucky objected that no trial could be held until Senators from the 10 absent Southern states were admitted; he was voted down 49 to 2.

Early in the trial, one of the President's lawyers objected to a question asked of a witness, but Chief Justice Chase ruled the question should be answered. A Senator protested that the Chief Justice should have let the Senate itself decide, without making a preliminary ruling. The wrangling continued until someone suggested that the Senate go to a nearby conference chamber to argue in private. That was put to a vote, and it was a tie, 25 to 25. The Chief Justice broke the tie by voting "aye." (Note that, Chief Justice Burger.) In the end, the Senate decided 31 to 19 to let the Chief Justice rule on admissibility of evidence, but that the rulings could be appealed to a vote of the full Senate.

A ticklish question came up at the time Senators were swearing their special oath to do "impartial justice" during the trial. A Johnson loyalist said the oath shouldn't be given to Ohio Republican Benjamin Wade, who was the Senate's President Pro Tempore.

The law of succession in those days put Sen. Wade next in line for the presidency because there was no Vice President. Letting him vote to put himself into the White House at Mr. Johnson's expense would be a blatant conflict of interest, but the Senate let him be sworn anyway and be ultimately voted "guilty." That wasn't the only instance of suspected partiality. Voting "not guilty" was Democratic. Sen. David Patterson of Tennessee, President Johnson's son-in-law.

As the trial progressed the President's lawyers argued Mr. Johnson didn't really violate the Tenure of Office Act because it didn't apply to Mr. Stanton. The Secretary of War, they said, was a Lincoln appointee whose protection under that law ran out with the former President's death. Somewhat contradictorily, the White House lawyers also claimed that Mr. Johnson fired Mr. Stanton to get a court test of a law he considered unconstitutional. Thus he had no criminal intent.

President Johnson never did get his test, but the Supreme Court in 1926 ruled that Congress can't interfere with the Executive's power of dismissal within his own branch. that decision has been studied closely in recent weeks by members of Congress trying to figure out how to write a law preventing President Nixon from firing a new special Watergate prosecutor.

On May 16 the Senate was finally ready to vote on conviction itself. A separate vote would occur on each of the 11 articles of impeachment, and a two-thirds majority for "guilty" on any one of them would topple the President from office.

The House managers wanted the first vote to come on the eleventh article, deemed to be the strongest because it combined both the legal and political charges. Just before the roll call Republican Sen. James Grimes of Iowa, who had suffered a stroke two days previously, was carried into the chamber to his desk. Chief Justice Chase admonished the galleries to keep "absolute silence and perfect order."

Republican Sen. Henry Anthony of Rhode Island was first on the alphabetical list of 54 members.

The Chief Justice addressed him: "Mr. Senator Anthony, how say you? Is the respondent, Andrew Johnson, President of the United States, guilty, or not guilty, of a high misdeameanor as charged in this article of impeachment?"

"Guilty."

The Chief Justice asked his tortuous question 53 more times, and at the end of the roll call the tally was 35 "guilty" and 19 "not guilty."

One vote short.

The chair ruled: Two-thirds of the Senators present not having pronounced him guilty, Andrew Johnson, President of the United States, stands acquitted of the charges contained in the eleventh article of impeachment."

The losers quickly moved to adjourn the Senate for 10 days, in hopes of converting at least one of the seven Republicans who had voted for acquittal. But on May 26 the lineup was exactly the same on the second and third articles. The Senators saw no reason to keep voting and the trial was over for good.

HISTORY AND REVISIONISM

The impeachers of Andrew Johnson generally have received a bad press from historians, who tend to cast the struggle in terms used by Sen. Edmund Ross of Kansas, one of the seven Republicans to vote for acquittal. Had Mr. Johnson been pulled down, Sen. Ross wrote later, "the office of President would be degraded, cease to be a coordinate branch of the government, and ever after subordinate to the Legislative will."

Sen. Ross was lionized for his acquittal votes by Sen. John Kennedy in his 1956 book, "Profiles in Courage." Sen. Ross "may well have preserved for ourselves and posterity constitutional government in the United States," Sen. Kennedy wrote.

More recently, however, revisionists have been at work, concluding that the Republicans had no other defense against a President who was trying to freeze Congress out of policymaking at a time of grave national peril. In his 1973 book "The Impeachment and Trial of Andrew Johnson," Ohio State University Assistant History Professor Michael Benedict puts it this way:

"In many ways, Johnson was a very modern President, holding a view of presidential authority that has only recently been established. Impeachment was Congress' defensive weapon; it proved a dull blade and the end result is that the only effective recourse against a President who ignores the will of Congress or exceeds his powers is democratic removal at the polls."

That may well be true when attempted impeachments are the climax of heavy policy fights, as in the Johnson case. But the impeachment weapon was really intended to be unsheathed against blatant personal misconduct by high officials of the government, whether it be obstruction of justice for political ends or stealing money or something worse. If strong evidence of personal crime is ever lodged against a President, the Senate Sergeant at Arms will be reaching for that "hear ye" script again, and the impeachment blade may prove sharper than it was in 1868.

VOTING TO RECOMMIT CONFERENCE REPORT

HON. THADDEUS J. DULSKI

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, November 26, 1973

Mr. DULSKI. Mr. Speaker, on November 13, I joined 271 of my colleagues in voting to recommit the conference report on H.R. 8877.

Although there were no instructions, it is hoped that a more equitable ESEA title I allocation definition will result from the recommittal.

I have been provided with some background data on this subject by Dr. Eugene C. Samter, executive secretary of the Conference of Large City Boards of Education in New York. I take this opportunity to insert Dr. Samter's letter and accompanying tables into the RECORD, and commend them to the attention of the conferees and Members of Congress:

CONFERENCE OF LARGE
CITY BOARDS OF EDUCATION,
Albany, N.Y., November 21, 1973.

Hon. THADDEUS J. DULSKI,
House of Representatives,
Washington, D.C.

DEAR CONGRESSMAN DULSKI: Continuing efforts by a large majority of the New York congressional delegation to assure that Labor-HEW appropriations for FY 1974 will contain an equitable ESEA Title I allocation for New York State's disadvantaged children are most appreciated. As you know, 32 members of the New York delegation joined with 242 other U.S. Representatives in voting to recommit H.R. 8877 to Senate-House Conference Committee, with the inference that the allocation limits must be more justly defined with respect to where the poor children are located.

Several proposals have been made to remove or relax the upper limit on the percentage increase in Title I funds which local education agencies may receive in 1974. The most recent, by Congressman Quie, would remove the maximum LEA percentage increase while assuring local districts at least 90 percent of their 1973 funds. It also applies a 120 percent of 1973 limitation to the amount any state may receive.

Those who oppose proposals such as that of Congressman Quie declare, among other points, that it will cause the AFDC part of the formula to be overly influential this year in determining allocations. This is unfair and inaccurate for several reasons.

First, the inference that AFDC in 1974 will suddenly blossom forth as a controlling factor is misleading. In point of fact, the count of AFDC children has been used annually since 1965 to update the count of poor children which otherwise would have been frozen at the 1960 census level. We should emphasize, too, that nobody, including HEW specialists, has made available any other more adequate data which is provided county-by-county on an annual basis.

Secondly, it is an exaggeration to say that 1974 allocations will be changed from those of 1973 primarily because of AFDC counts. Table I attached shows that the most significant cause of shifts in funds is the changeover from 1960 census to 1970 census, not the annual change in numbers of AFDC children. For example, the 1970 census shows that the proportion of the nation's low-income children found in New York State has increased 81 percent, while it has dropped 50 percent in Kentucky. By contrast, only five states have either increased or decreased their concentrations of AFDC children by more than 30 percent.

Finally, we refute the contention that because of the use of AFDC data, "only the richest states in the country have been able to increase their numbers of Title I children every year, while the poorest states are left with only the same numbers of children counted under the census." (See *Congressional Record*, 11/12/73, 36653). Table II attached shows that no such relationship exists. For example, New York, with the highest per capita income, ranked 37th in terms of its increase in AFDC children. On the other hand, Louisiana, 46th in per capita income shows the 4th highest percentage increase in AFDC children.

It seems important to lay to rest some of the misunderstandings about the determination of eligibles under ESEA Title I. If your efforts in this respect are successful, at least the intent of this legislation to help the economically disadvantaged will remain intact, even though its implementation has been seriously hampered by inadequate and late funding.

Sincerely,

EUGENE C. SAMTER,
Executive Secretary.

TABLE I.—*Comparative importance of census versus AFDC in changes in eligibility under ESEA title I*

[Percent increase or decrease]

Proportion of the Nation's low-income children from 1960 census to 1970 census:	
Connecticut	100.0
Nevada	100.0
California	94.2
New York	81.4
New Jersey	80.1
Washington	68.6
Louisiana	66.5
Massachusetts	66.3
District of Columbia	63.3
Alaska	60.0
Oregon	54.1
Utah	50.0
Hawaii	50.0
Maryland	49.5
New Hampshire	41.6
Colorado	41.2

TABLE I.—*Comparative importance of census versus AFDC in changes in eligibility under ESEA title I*—Continued

[Percent increase or decrease]

Proportion of the Nation's low-income children from 1960 census to 1970 census—Continued	
Arizona	40.5
Delaware	40.0
New Mexico	39.4
Rhode Island	37.5
Florida	32.3
Illinois	31.5
Ohio	28.3
Indiana	25.9
Michigan	25.4
Wyoming	18.1
Nebraska	14.2
Idaho	12.0
Wisconsin	11.0
Pennsylvania	9.3
Montana	7.7
Kansas	3.7
Maine	2.7
Texas	−10.5
Missouri	−11.4
Vermont	−13.3
Oklahoma	−17.5
Minnesota	−22.4
Virginia	−24.4
Alabama	−25.9
Georgia	−27.4
Mississippi	−27.5
Tennessee	−30.5
South Dakota	−33.8
Arkansas	−34.1
South Carolina	−34.9
North Dakota	−36.1
West Virginia	−37.6
Iowa	−41.3
North Carolina	−42.5
Kentucky	−50.3
Proportion of the Nation's AFDC children from fiscal year 1972 to fiscal year 1973:	
Georgia	100.0
North Carolina	43.4
Indiana	43.1
Louisiana	39.0
Washington	28.4
Wisconsin	17.4
Wyoming	16.7
Florida	16.7
Michigan	16.5
District of Columbia	15.2
Utah	15.0
Oregon	14.9
Illinois	14.4
Nevada	14.3
Texas	13.6
Ohio	8.5
Hawaii	7.7
Idaho	5.3
New Hampshire	5.3
Colorado	4.5
Virginia	4.1
Maine	1.7
Minnesota	1.5
Massachusettes	1.1
Arkansas	
Mississippi	
Tennessee	
Connecticut	−0.7
Pennsylvania	−1.2
Maryland	−2.2
Kentucky	−3.0
Rhode Island	−3.5
Nebraska	−4.0
Vermont	−5.0
Iowa	−5.4
Delaware	−5.6
North Dakota	−5.9
Missouri	−6.6
Alaska	−6.7
Oklahoma	−7.1
New Jersey	−8.1
New York	−8.6
Montana	−10.5
California	−11.5
West Virginia	−12.0
Arizona	−13.1
South Dakota	−16.7
New Mexico	−19.2
Alabama	−25.0
Kansas	−27.1
South Carolina	−82.7

TABLE II.—RELATIONSHIP BETWEEN A STATE'S WEALTH AND INCREASE IN AFDC ELIGIBLE CHILDREN UNDER ESEA TITLE I

State	AFDC children under ESEA title I					Per capita income	
	Fiscal year 1972	Fiscal year 1973	Increase (decrease) Amount	Percent	Ranking	Calendar 1971	Ranking
Georgia		45,995	45,995	100.0	1	$3,599	34
Indiana	31,760	51,115	19,355	60.9	2	4,027	21
North Carolina	24,386	39,056	14,670	60.2	3	3,424	39
Louisiana	12,006	18,778	6,772	56.4	4	3,252	46
Washington	37,092	53,472	16,380	44.2	5	4,132	17
Florida	19,292	25,472	6,180	32.0	6	3,930	24
Wisconsin	35,418	46,691	11,273	31.8	7	3,912	27
Michigan	148,837	194,106	45,269	30.4	8	4,430	12
Utah	11,591	15,058	3,467	29.9	9	3,442	37
Illinois	211,327	270,392	59,065	28.0	10	4,775	6
Texas	62,250	79,326	17,076	27.4	11	3,726	31
New Hampshire	5,414	6,698	1,284	23.7	12	3,796	30
Wyoming	1,791	2,213	442	23.6	13	3,929	25
Hawaii	11,356	13,902	2,546	22.4	14	4,738	7
Ohio	113,416	137,774	24,358	21.5	15	4,175	14
Idaho	5,587	6,570	983	17.6	16	3,409	40
Virginia	42,991	50,142	7,151	16.6	17	3,899	28
Colorado	32,509	37,295	4,786	14.7	18	4,153	15
Minnesota	39,624	45,154	5,530	14.0	19	4,032	19
Maine	17,329	19,721	2,392	13.8	20	3,375	41
Massachusetts	104,790	118,674	13,884	13.3	21	4,562	10
Connecticut	42,253	47,116	4,863	11.5	22	4,995	2
Pennsylvania	223,225	246,945	23,720	10.6	23	4,147	16
Kentucky	29,527	32,334	3,077	10.4	24	3,306	42
Maryland	53,908	59,407	5,499	10.2	25	4,522	11
Delaware	5,228	5,711	483	9.2	26	$4,673	8
Nebraska	14,487	15,821	1,334	9.2	27	4,030	20
Vermont	5,821	6,325	504	8.7	28	3,638	32
Rhode Island	17,038	18,308	1,270	7.5	29	4,126	18
Alaska	4,444	4,723	279	6.3	30	4,875	3
North Dakota	4,849	5,150	301	6.2	31	3,538	35
Oklahoma	28,836	30,372	1,536	5.3	32	3,515	36
Iowa	27,270	29,074	1,354	5.0	33	3,877	29
Missouri	35,433	37,152	1,719	4.9	34	3,940	23
New Jersey	165,912	170,877	4,965	3.0	35	4,811	5
Nevada	3,369	2,427	58	2.5	36	4,822	4
New York	553,315	565,968	12,653	2.3	37	5,000	1
Tennessee					38	3,300	43
Arkansas					39	3,078	49
Mississippi					40	2,788	50
Arizona	17,717	17,624	−93	−.5	41	3,913	26
Alabama	1,078	1,074	−4	−.4	42	3,087	48
Montana	5,610	5,575	−35	−.6	43	3,629	33
West Virginia	14,684	14,553	−131	−.9	44	3,275	45
California	566,387	560,993	−5,394	−1.0	45	4,640	9
Oregon	27,737	26,326	−1,411	−5.1	46	3,959	22
New Mexico	15,180	13,975	−1,205	−7.9	47	3,298	44
South Dakota	7,134	6,537	−597	−8.4	48	3,441	38
Kansas	27,933	23,011	−4,922	−17.6	49	4,192	13
South Carolina	21,877	4,561	−17,316	−79.2	50	3,142	47

RELIGION AND PSYCHIATRY

HON. CLARENCE D. LONG

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Monday, November 26, 1973

Mr. LONG of Maryland. Mr. Speaker, the question of how religion and psychiatry can work together in our troubled times has many facets. Several cogent comments are offered by Rabbi Martin Weitz in an article in the summer 1973 Colorado Quarterly.

I share here some excerpts from the article. The author is director of interfaith studies at Lincoln University and rabbi to the Adas Sholom Temple in Havre de Grace, Md.

RELIGION AND PSYCHIATRY

(By Martin M. Weitz)

Two worlds—religion and psychiatry—have had much common and uncommon ground in recent decades in their search for values at their ablest and bravest. Like the continental plate theory described in "This Changing Earth" (*National Geographic Magazine*, January, 1973), whereby a super-continent broke loose into moving sectors which now often collide with one another's edges; so too religion and psychiatry may be apart from and then become a part of one another.

A case in point is the "holiday paradox," described so fully in *Newsweek* (January 8, 1973), which reveals that suicides peak sharply after Christmas and New Year's, the "worst week of the year," according to Dr. Robert Litman of the Los Angeles Suicide Prevention Center. Depression, long the leading mental illness in the U.S., is now epidemic, with suicides, 50,000 to 70,000, its frequent aftermath. In mortality rates alone, the figures are comparable to those for diabetes and leukemia. *Newsweek* claims that 125,000 Americans are hospitalized annually with depression, while another 200,000 are treated by psychiatrists and physicians, and that another 4,000,000 to 8,000,000 are in need of help but do not know it. Though this depression is spreading among youth because of the frustration of war, of environmental pressures and confusion over values—"even drug-taking is in reality self-medication for depression"—there is a glow of hope beyond the grim statistics. Factors that help include new anti-depressant drugs that prevent reoccurrences as well as relieve depression, lithium salts, electroshock therapy, and psychotherapy.

Too many—even after they learn to know classics for conscience, as the above—look askance at religion through imaginary lenses of psychiatry, especially if they prefer to view religion as antiquated and therefore useless while psychiatry is wholly modern, therefore useful. They would equate "holiness in celibacy" as dread of home and parenthood, behavior of children in language of faith as neurotic dependence on others, fundamentalism's attack on evolution as dread of its power in reality, perils of non-conformity in organized religion as flight from modern pressures, belief in resurrection as related to primitive smearing of blood over a corpse, the appearance of angels even more than God in dreams with ease of identity with childlike qualities of angels, election of any people to

compensation for its real frustration, singing of hymns as return to infantile patterns and infancy, insistence on preservation of present mores as fear of the unknown and love of the status quo, redemption via great heroes as need for group heroics and dramatics, sanctions for war as noble cause, for joys in mass participation, freedom from worry, flight from futility and monotony, nostrum for corrosive psychic ills as well as a way to act out in reality unresolved conflicts of personality.

Closer to our times, more psychiatrists, as in growing areas of science in general, are not only on speaking terms but on seeking terms with religion in a common quest for human values that may be tinctured with faith as well as reason. This is also due in no small measure to hosts of believers added to religion and all its activities and experiences, to a greater need for meaning beyond the limited world of secularization and science of a decade ago, and also to an enlightened social awareness and personal conscience recovered by the leadership and fellowship of major faiths of the West in the face of such common foes as totalitarianism, conformism, secrecy in government, and potential atomic annihilation. There is world-wide need indeed for much less anxiety and much more faith.

It is, therefore, in a mood friendly and favorable to religion that a number of foremost psychiatrists have these declarations to make: Mukerjee: "Religion adjusts inner conflict in crisis of sex, food, birth; this adjustment brings stability in the life of individual and in the organization of society." Raknee: "Religion is organization of ecstatic experiences without which whole personality might disintegrate." Kuenkel: "Religion emanates from a sense of inadequacy and bespeaks man's attempt to feel superior to the forces that envelop him." Pfister: "Religion is not a neurotic compulsion but a release from it." Bastide: "Religion may be not a neurosis, but a successful dealing with it." Halliday: "Psychology has a true service to render religion in disturbing the complacency with which most people regard themselves and in showing that we seldom are what we think we are." Fromm: "Religion should aim to make man fully human, to be able to enfold, to give love and devotion and in which psychoanalysis could play a role by helping man to overcome greed, folly, anger, fear and his illusions about nature, reality, and himself."

Beyond these spokesmen and soul-probers of a generation ago, we find in our own day doctors and ministers, as well as psychoanalysts and theologians, together sharing a groping and growing awareness of a relationship between *faith* and *health* as they strive to serve the ill. No longer as in the past do the doctors and the clergymen find themselves in competitive roles. Instead the men in white and in black, aware of a relationship between faith and health, are joining force in mutual concern for the "whole" patient. The confessional of the chaplain and the couch of the analyst have helped the patient more than ever before, especially in the "twilight zones" of depression. In the National Academy of Religion and Mental Health, there are over six hundred members of the American Psychiatric Association, six hundred psychologists as social workers and laymen, and six hundred clergymen of all major faiths. This organization is paralleled by regional units coordinating pastoral care and clinical experience and is guided by what the great physician Sir William Osler once asserted: "Nothing in life is more wonderful than faith—the one great moving force we can neither weigh in the balance nor test in the crucible."

A most worthy goal for the 1970s is for religion and psychiatry to have less of conflict and more of cooperation than ever before. Simple clarifications of these two avenues that often merge as a modern highway and then part company after hurdling a mountain range, linking several cities or bridging common obstacles as streams, will not resolve remaining semantic difficulties, nor others that flow from them. But they will enable us to have a meeting of minds and also of hearts enroute.

Religion has been estimated to have well-nigh a thousand definitions. The dictionary terms it, "any system of faith or worship." Whitehead defines it as "what man does with his solitariness." Haydon calls it "cooperative quest for the good life." Cohon explains it as "consciousness of the sacred." Barnes describes it as "the dynamics of social ethics." As basic as any for at least ten of the world faiths of mankind—and for ourselves—might be the simplest and most adequate definition implied in the word itself, for the Latin *religio* means "to bind." Religion thus might be an "attachment to a quest for values—for self, others, and God—as lofty as the love of Deity and as ample as the needs of humanity."

Psychiatry—though just three generations of age and not at all comparable to the millennia of religion—likewise, is meaningful if we explain it in the Greek, from which it derives, for *suxe* suggests "soul" and *iatria* implies "healing." As Dr. Henry E. Kagan once clarified it, "Religion is a spiritual belief; psychiatry is a scientific therapy."

In our day, we are beyond the so-called conflict between science and religion, even as the world has grown beyond Copernican astronomy and sixteenth-century religion. Today psychiatry recognizes the validity of religion in cure of sick-souls while religion values psychotherapy for abnormal emotional sickness, in fears, guilts, loves, hates of even normal people. Both have a common challenge in reducing the threshold of tensions and depressions.

Religion has made peace with astronomy and also with biology, and now even lends a hand in relating all this enrichingly and meaningfully to the saga of life itself—from the seeded sediment of earth to the studded starland pulsars and quasars beyond us and above us. Yet the world within man has gone unseeded and unsolved as yet. We have decoded the atom but have not deciphered Adam! More important than our relationship to distant stars in space or patterns of life in time is our relationship to each other and to ourselves. For several centuries, key words for such progressive relationships were dependence (to a God or a king), independence (for individuals), and interdependence for nations).

Throughout our life we see increase of tension, fragmentation of familiar patterns, and a volcanic lava-flow of depression in the increase of suicides, in over-crowded mental hospitals, in "juvenile jungles" and their explosive crime waves, in family breakups, in the growth of authoritarianism and "father imagery," in all areas where fear-ridden peoples barter personal liberty for imaginary group security. The vast network of suburbia (as over-night Levittowns), exurbia (as week-end estate-villages) and interurbia (as blends of both along railroads or flight-lines or turnpikes, a continuous settlement from, say, New York City to Washington, D.C.) is in itself a mobility of restlessness, a compulsive obsession for making money, a moving to and fro almost aimlessly for its own sake. Witness Vance Packard's latest volume on the saga of American mobility.

From Freud to Fromm, as in the latter's book *Ye Shall Be As Gods*, we have exemplars of human experience who have crossed the "Great Divide" as often as necessary from the watershed of religion to that of psychiatry in the short span of half a century. Freud began with *Studies in Hysteria* and ended his days with *Moses and Monotheism*. He began with questions about physical therapy and ended with answers about religio-therapy. He "discovered" in man a threefold personality: (1) Instinct or "Unconscious"—most important force for energy yet of which man is least conscious or cognizant; (2) Ego—where awareness of the world helps man accept reality; (3) Superego—a kind of "overseer" in the form of conscience, incubated by parents and actuated by subsequent parent-substitutes or subalterns, like teachers, ministers, friends, or relatives. In a parable by Freud, life is a carriage drawn by three horses in tandem: Instinct, Ego, Superego. If their pace is steady, their course normal, their range regular, the journey is free from untoward incident. A healthy individual is one whose ego balances instinct with conscience, with due allowance for both. When instinct overtakes its claim, personality may disintegrate into delinquency, and when conscience may overtax its host with compulsive guilts, personality may fragment into slivers of fear and depression.

Religion as well as psychiatry realizes that emotions affect our bodies, that we often incarcerate emotions which could not grow up with us from childhood and which we repress into the unconscious as we otherwise grow toward maturity, and that such repressed emotions either distill and escape as dreams and phantasies under relaxation of sleep or seek expression by clinging as an invisible creeping vine to some bodily organ. Religion and psychiatry employ a common effort to "ventilate" such inner feeling—through "confession" for one and psychoanalysis for the other. In either instance, cure for repression of emotion is consciously talking to an analyst—or at least, a "listening post."

In this way two great objectives are attained: (1) catharsis—"ventilation" of repressions and relief from tensions; (2) transfer—attachment to the analyst or listener, with a feeling of freedom for complete expression, with full confidence in his competence and without fear of reprisal. In time this process guides the "sick soul" to self-acceptance and freedom from any dependence on others, including the analyst. Even the *Book of Proverbs* has this prescription for mental health: "If there be worry in the heart of man, let one talk it away; yea a goodly word will even make it glad." And the *Book of Psalms* anticipates modern psychiatry when it intimates: "When I kept silence, my bones wore away through my groaning all the day long. Then I acknowledged my sin unto Thee, and my iniquity I have not hid. I said I will make confession concerning my transgressions unto the Lord, and Thou forgavest the iniquity of my sins." Both *cartharsis* and *transfer* are implied in these outbursts, with God as Supreme Intelligence (in lieu of a secular analyst).

Yet psychiatry has made several notable contributions to religion. Psychiatry restores awareness of the profound insight of religion concerning the therapeutic importance of talking out emotions that trouble our souls. The popular movement of Hasidism for Judaism achieved this very equation for simplicity for the dispirited in soul over 150 years ago in affirmations for life. One, attributed to Rabbi Bunam, insists, "Every human being is to have at least one sincere friend and true companion. This friend must be so close to us that we are able to tell him even that of which we are ashamed." The Tsaddik-Rabbi was indeed such a Father-Confessor to the broken in spirit. This very confidence and guidance were attributed to the Founding Father of Hasidism, the Baal Shem Tov (about 1700–1760), in the story told of him that once when a father came to complain about a dereliction of his son and asked what punishment shall be meted out to this wayward son, the "Master of the Good Name" advised him, "Love him the more!"

Perhaps it would be wise for the ministry in general to have listening as well as speaking pastors. This may not solve serious mental disorders—rightly in the province of medical psychiatry—but it may do much to

relieve emotional strain before it is beyond that, as well as restore a classic function of the minister as a physician of the soul.

As an Einstein beyond Copernicus, so a Fromm beyond a Freud has perceived new dimensions for the world within. The Menningers and Fromms may part company with the Freuds and Adlers, for they concede the validity of ceremony for spiritual as well as emotional stability, the value of personal identity and integrity with rootage in the world, the life of faith in personal tragedy and sorrows of death as synonymous with faith in life. Religion, even more than psychiatry, may have the prescription needed for atomic-age anxiety: faith and love. If life is worth saving and serving, whether by psychiatry or religion or both, it must be for the whole of life rather than for any of its fragments. As psychiatry strives to serve sick souls in their breakdown—as curative medicine—so religion seeks to forestall such sickness in the first place as preventive medicine, with such proven prescriptions as a threefold relationship for fulfillment in God to man, man to God, and man to man. The *Book of Proverbs* synthesizes it all in a simple "prescription for life": "For as one thinketh in his heart, so is he."

SWORD OF LOYOLA AWARDED TO MR. AND MRS. FOSTER G. McGAW, OF ILLINOIS

HON. SAMUEL H. YOUNG

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, November 26, 1973

Mr. YOUNG of Illinois. Mr. Speaker, I would like to call the attention of my colleagues to some of the great things, some of the fine things that are happening in this wonderful United States. Helping the poor and helping the sick are two of the aims of mankind. The University of Loyola with its sponsorship of the Stritch School of Medicine, has long been a channel for men and women to use in promoting the aims of mankind. In recognition of two of the outstanding citizens of this Nation in the art of helping their fellow man, the University of Loyola has awarded the Sword of Loyola to Mr. and Mrs. Foster G. McGaw of Evanston. To appreciate this recognition, I would like to recite the History of the Sword of Loyola:

HISTORY OF THE SWORD OF LOYOLA

The Sword of Loyola has become a permanent highlight of the Loyola University Stritch School of Medicine Annual Award Dinner. It was conceived in 1964 by Norton F. O'Meara, a former Vice-President of a national advertising company. The Sword is intended to recognize persons of national and international prominence who best typified the distinctive qualities of mind and spirit associated with St. Ignatius of Loyola—Courage, Dedication, and Service.

Inigo (Ignatius) of Loyola was born in the Basque province of Guipuzcoa of Spain. His exact birth date, disputed by historians, is generally accepted as 1491.

A Spanish gentleman, he entered the service of the Duke of Najera who was Viceroy of the border province of Navarre. Not a trained soldier, Inigo was more of an enthusiast ready to raise his sword to defend his king and master. In the war with France in 1521 Inigo received severe leg wounds—wounds which were to change his life and begin a new period in the history of Christianity.

For days he lingered between life and death and sought to pass the time reading the lives of the saints and a life of Christ. Inspired, he made a pilgrimage to the Abbey of Montserrat, near Barcelona, to make a vigil before the altar in the Chapel of Montserrat. At dawn, he laid down his sword and dagger, gave away his fine clothes to a beggar, and donned a sack-cloth robe. In place of his sword, he carried the pilgrim's staff. The conversion was life-long.

After further studies and ordination to the priesthood, he founded the small group which became known as the Society of Jesus. Today, more than 30,000 Jesuits serve society throughout the world as priests, missionaries, authors, and educators.

And from this background, came the Sword of Loyola award, calling attention to those concepts inherent in Ignatius' dedication of his sword to the service of God, and exemplified today in the lives of the following awardees:

1964—J. Edgar Hoover for life-long service to his country in law-enforcement.

1965—Lt. Col. James A. McDivitt, pioneering astronaut, and Maxime A. Faget, engineering genius of the manned space program.

1966—Lt. Dieter Dengler, Viet-Nam prisoner, who escaped through dense jungle to return to the free world.

1967—Brig. General David Sarnoff, recognized for his many contributions to the American communications industry.

1968—Capt. Edward V. Rickenbacher, WW I flying ace and pioneer in commercial aviation.

1969—Dr. Thomas O. Paine, researcher, administrator and Director of N.A.S.A., and William A. Anders, Apollo VII Lunar module pilot on first moon orbiting flight.

1970—Archbishop Fulton J. Sheen, distinguished priest, educator, missionary, and orator.

1971—Miss Helen Hayes, "First Lady of the American Stage," teacher and counselor to aspiring students of the theatre.

1972—Reverend James F. Maguire, S.J., dynamic leader of greatest growth period in the history of Loyola University of Chicago.

1973—Mr. and Mrs. Foster G. McGaw.

I would like to insert into the RECORD Loyola's citation to Mr. and Mrs. Foster G. McGaw:

CITATION

Tonight the prestigious Sword of Loyola for the first time will be presented to a man and wife: Mr. and Mrs. Foster G. McGaw. Since 1964, the Sword of Loyola has been presented annually to a national or international figure who has exhibited to a high degree the beautiful virtues of courage, dedication and service. Foster and Mary McGaw exemplify these qualities to a singular degree.

Mr. McGaw is the honorary chairman of the board of the American Hospital Supply Company which he founded 51 years ago. His vision and unique marketing philosophy are responsible for the hospital supply industry.

To the midwest, however, the name McGaw is rather a synonym for philanthropy. The McGaws' beneficence stems from their belief that they are "the stewards of property that is God's, not their own." Mr. and Mrs. McGaw have built chapels and campus buildings; they have endowed professorships, bestowed matching funds and provided the seed money for many worthwhile projects.

Mr. McGaw's renown in the world of philanthropy gains added eminence from the fact that he rose from humble beginnings. A minister's son, he grew up in a home where money was so scare that he had to leave high school after his sophomore year and work for two years before he could return and get his diploma.

In 1922, Foster McGaw with the financial support of three other men, founded the American Hospital Supply Company. Today, the company serves our nation's and many foreign countries' hospitals, stocking more than 70,000 items.

Mary McGaw is a close partner with her husband in all their bequests. Although she prefers to remain in the background, she is a vital force in the partnership-for-giving which she and her husband have formed.

Years ago, Foster and Mary McGaw quietly embarked on a program to enhance the quality of life and opportunity for literally countless men, women and children.

It gives all of us the greatest pleasure to see their goodness rewarded with Loyola University's highest distinction, the Sword of Loyola.

This citation should be an inspiration to all Americans of the good that can be accomplished if you have the desire and the will to serve.

NEARLY 30,000 GATHER AT PRO-LIFE RALLY AT ST. LOUIS, MO.

HON. LAWRENCE J. HOGAN

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Monday, November 26, 1973

Mr. HOGAN. Mr. Speaker, the outpouring of 30,000 people on a perfect October Sunday in St. Louis was a thrilling testimonial to the joy of life.

This rally was especially significant because it was held at the Old Courthouse, the site where Dred Scott, a slave, was judged to have no human rights because he was someone else's property. The Supreme Court went on to err in this matter also as history reversed the Supreme Court's error and decided in favor of human dignity.

Mr. Speaker, I would like to include in the RECORD an article that appeared in the Globe-Democrat summarizing this prolife rally.

NEARLY 30,000 GATHER AT PRO-LIFE RALLY HERE

(By Karen K. Marshall)

Nearly 30,000 persons gathered in downtown St. Louis Sunday to show support for a proposed U.S. constitutional amendment—one to protect the rights of the unborn child.

The crowd—children, nuns, old people, teen-agers, whole families—stretched as far as the eye could see from the western steps of the Old Courthouse and heard two politicians and a doctor tell them they must fight for the rights of the unborn.

Among the speakers were Attorney General John Danforth, who noted that Missouri is challenging the U.S. Supreme Court decision nearly a year ago that struck down abortion laws across the country.

"This is not a hopeless case," Danforth said. "I believe we are making profound arguments," using medical evidence.

If Danforth's case fails, he believes a constitutional amendment (the 28th if the Equal Rights Amendment is ratified by the states) will be necessary.

Danforth said he has had many letters and telegrams warning that he should not speak out against abortion.

"I'm more than an attorney general, I'm a man," Danforth, who is an ordained Episcopalian minister, countered.

"I have my own views, and I believe abortion is wrong," he said. The crowd roared its approval—one of many ovations the speakers heard.

"I am not a Catholic," the attorney general continued. "I am an Episcopalian and I believe that abortion is wrong. This is not a

Catholic issue solely or a Christian issue solely, but a human issue, because what is involved is human life."

Danforth urged the people to educate others and to work for the cause without bitterness. "Let's make our case in a moral and decent and humble way," he said.

Sen. Thomas F. Eagleton (Dem.), Mo., described the abortion issue as a "moral dilemma."

"We must seek to undo by legal means the improvident decision of the Supreme Court," he said.

Eagleton blamed much of that decision on the attitudes of a society that has become "calloused in attitude toward life and death.

"I fear a society," he said "whose highest tribunal comes down on the side of death.

"As a society, we have lost our respect for life in a variety of ways," he said, noting attitudes toward the poor and handicapped, the killings in the war in Southeast Asia and the "inconsistency" of people who favor abortion yet are opposed to death as punishment.

Many people had already been standing in Kiener Memorial Plaza for more than an hour in sunshine that seemed more like June than October when the afternoon's principal speaker finally took the microphone.

But they listened attentively and gave a warm ovation to Dr. Mildred F. Jefferson, a Boston University Medical Center surgeon, who was the principal speaker.

Sunday's Human Life Amendment Rally was part of "one of the greatest people movements our country has known," Dr. Jefferson said.

She insisted that the Supreme Court judges made their decision "as poorly informed citizens," but in doing so, gave women and their doctors "the private right to kill.

"This private right must be denied the woman and doctor or be extended equally to all members of society," she said. "Who should be the one to have it next? The husband who wants to get rid of the mother?" There was no mirth in her voice.

Although the rally officially began at 2:30 p.m., people began assembling about 12:30 at the Soldier's Memorial, 14th and Pine streets, to march to the Old Courthouse. The rally was sponsored by Missouri Citizens for Life.

A SUCCESSFUL PUBLIC SERVICE CAREERS PROGRAM

HON. KENNETH J. GRAY

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, November 26, 1973

Mr. GRAY. Mr. Speaker, Carbondale, Ill., is the largest city in my congressional district which covers over 11,000 square miles. Since Carbondale is a university town many of its problems have been peculiar in nature because of the phenomenal increase in student enrollment. Among other things this brought on a tremendous housing shortage. My good friend, Mr. Robert Stalls, CDA director, has brought to my attention a very successful public service careers program in Carbondale. In an effort to understand what Model Cities has meant to us I herewith insert a complete résumé of this public service career program in the RECORD.

A SUCCESSFUL PUBLIC SERVICE CAREERS PROGRAM IN CARBONDALE, ILL.

Carbondale, a university town with a total resident and student population of about 45,000, has a classic case of historical neglect in the quadrant of the city which houses the Black population. The neglect is obvious in the physical and environmental abuses—inadequate streets, sewers, storm drains, and sidewalks. It is also obvious in the lack of services, particularly in inadequate protection against open vandalism to public and personal property.

The Model Cities program, which provided a focus for citizen concern about neglect of their neighborhood, generated a tremendous amount of pressure on the city government for two things: improvement in the quality of municipal services to the neighborhood and increased employment opportunities for neighborhood residents in city government. The "Public Service Careers" program provided a way to link these two concerns together by hiring and training Model Neighborhood residents to supplement municipal agency staffs and thereby foster the additional service capacity necessary to bring the level of municipal services in the Model Neighborhood up to the city norm.

In meeting the Model Neighborhood demands for increased employment opportunities, the program's employment statistics would be enough to count the program an overall success. However, the impact of the "Public Service Careers" program has extended beyond that into a far-reaching institutional change of the city's whole personnel system. To date, 46 unemployed or underemployed heads of households in the Carbondale Model Neighborhood have been enrolled in the PSC program. Twenty-eight of those have completed or will shortly complete their training and become full-time city employees. Of the remainder, 11 have voluntarily resigned from the program, 5 have left for better paying jobs, and 7 have been involuntarily terminated from the program. PSC trainees have become permanent city employees in the Public Works Department, the Police Department, the City Planning Agency, the City Manager's Office and recently the Fire Department. This represents a 16.5% reduction in Model Neighborhood unemployment using the base figure for PSC's initial year.

Carbondale's first step to open jobs in its city departments was to do functional analyses of entry level jobs. The object was to identify aptitude and educational achievement levels inclusive of specific skills necessary for a person to do entry level work and to successfully complete the training phase of the general probationary period. These analyses, conducted by the PSC staff and personnel office with the active cooperation and support of the city's administration, revealed educational requirements far in excess of actual need for many entry level jobs. Once the analyses were completed and agreement was obtained from the city departments to employ PSC enrollees, new entry level requirements based on the Wide Range Achievement Test (WRAT) were developed. Unlike others, the WRAT is normed on the achievement levels of disadvantaged populations. Thus, Model Neighborhood residents are scored against norms similar to their own cultural and educational environment. Generally, Carbondale found that WRAT to be a good predictor of on-the-job performance ability while not discriminatory against Blacks who possess the required job aptitude but normally score low on achievement tests.

Following determination of a new entry level WRAT score for a given job, the PSC program advertises widely for applicants from the community. Any applicant eligible for the program can apply for the job and take the WRAT test. Those who score at or above the level required for that particular job are interviewed by a committee composed of representatives from the departments, the personnel office, the PSC program, and the Model Neighborhood Board. From these interviews, a list of persons qualified for employment is submitted to the department head. So far, the departments always have selected the interviewing committee's top choice.

Once employed, the PSC enrollee receives very personalized counselling and supportive services from the PSC staff along with the on-the-job training necessary for completion of the probationary period. The only difference between the PSC enrollee and normal entry level job holder in the department is that the PSC trainee follows a specific training design as a part of the PSC contract. The PSC program staff has found that inordinate amounts of counselling, motivational stimulation, and supportive services as well as a very personalized follow-up on enrollees account for the success of Carbondale's placement effort. According to George Paluch, the PSC Director, "We have learned that the only effective way to develop individual potential is to convey the attitude: "We know you can do it. Why not admit to yourself you can do it?" We have learned that we can only provide aggressive supportive services; we can't change a person's performance unless he changes his own internal performance expectations."

Recognition of the importance of motivational stimulation and counselling to successful job adjustment has spilled over into the city's general personnel system. According to the city's past Personnel Director . . . "innumerable referrals of city employees were made to the PSC Personnel Counselling Unit with respect to finance, problems with supervisors on the job, and other related matters. Many other city employees referred themselves. The city found it almost impossible to have too large a counselling staff." Furthermore, the Director believed "that any entry level careers program must have a strong personnel counselling and advisory service."

Other spin-offs from the PSC program include the institution of parallel training programs for reguar city employees who want the opportunity for job upgrading. The initial analysis of employment patterns in the city government which was part of the PSC application identified gross patterns of discrimination against Blacks and women in city agencies. Accordingly, aggressive recruitment for professional level applicants has been undertaken to remedy the underrepresentation. In nine months, the numbers of each category have doubled from two to four women and from four to eight Blacks out of a total number of twenty-nine supervisory and professional positions in the city government. The city personnel office has established a network of communications in twenty-two predominantly Black colleges and feels it has been successful in competing with private industry for qualified graduates.

The critical factor in the success of Carbondale's program is the wholehearted support given to it by the city's past personnel director. According to that director "PSC, being on the outside of our department, . . . put pressure on us to do things that wouldn't have been generated from the inside. I encouraged the program, and when pressure was applied I responded to it, because I fully supported program's objectives." For cities in which the personnel agency doesn't provide this kind of support, it is recommended that individuals or groups file complaints against the cities' personnel systems with the Fair Employment Practices Commission (FEPC), the U.S. Equal Employment Opportunity Commission, or in federal court under Title VII of the 1964 Civil Rights Act.

The chances of success for the complainants in such cases are considerably improved in light of the *Griggs Et Al. v. Duke Power*

Co. 401 U.S. 424 (1971) decision and the Equal Employment Opportunity Act of 1972. The Griggs decision declares unintentional employment discrimination to be as illegal as the intentional kind. It bans any employment practice by Title VII employers which in effect discriminates "against persons on the basis of race, sex, religion, or national origin . . . . unless the employer shows it to be job-related and an accurate indicator of what it seeks to measure." Additionally, the Equal Employment Opportunity Act, which extends Title VII coverage to state and local governments, results in the initiation of four new practices. First of all, it expands the jurisdiction of the U.S. Equal Employment Opportunity Commission to include job discrimination complaints by state and local governmental employees. Second, it permits the filing of Title VII discrimination suits in federal court. Third, it allows the U.S. Department of Justice to sue state and local governments for alleged Title VII violations. Finally, it makes federal court decisions mandates for public employers to provide equal employment opportunity for all.

Overall, the PSC program facilitated meaningful progress in employment of Model Neighborhood residents in Carbondale. Consequently, the de facto cancellation of the program by the Department of Labor is a severe disappointment to the CDA as well as the vast majority of the city's administration. That cancellation not only negates the possibility of future gains in employment of the disadvantaged but also places existing ones in grave peril. This is particularly true in view of the city's inability to finance equivalent training on its own and in view of the inability of disadvantaged persons to successfully compete for employment without such training. Nevertheless, in the absence of a PSC program, prior experience, training, and education must against receive primary emphasis in the city's employee selection process. For a very short time, under the PSC, the emphasis on these criteria were secondary and thereby afforded the flexibility necessary for Carbondale to make gains in the employment of minorities. Against this background and motivated by a satisfaction with its achievement, though unavoidably short-term, Carbondale offers its experience with PSC as a lesson to the nation of what can be done to improve minority employment in a climate conducive to change.

In light of its success, it is understandable that the City of Carbondale regrets the untimely cancellation of the PSC program. The sentiments of the CDA, the vast majority of the City Administration, and Model Neighborhood residents are echoed in the current personnel director's observation that "the small gains we were able to make will doubtless be shortly lost." That director labels the Program's cancellation as "extremely regrettable, short-sighted and ill-advised." Finally, again in combination with the CDA, most of the City Administration, and M.N. residents, the Personnel Director "strongly urges continuation of the PSC program by the Congress." For the most part, in Carbondale, PSC was viewed as an excellent beginning toward an ultimate end to the very troublesome problem of minority employment.

Although Carbondale's achievement in this area is most readily attributed in the largest extent to the PSC program, the underlying role of Model Cities was virtually indispensable to that achievement. It was only through a unique use of comprehensive planning and Model Cities money that the PSC program was brought into conformance with the peculiarly local demands of the Carbondale Model Neighborhood. PSC provided for the training but omitted any provision for the payment of trainees salaries. It was Model Cities money that made up for this omission as well as other inadequacies in the categorical PSC program. Thus, in the final analysis, the Carbondale achievement is more accurately attributable to a combination of thorough comprehensive planning, strategic use of Model Cities' monies, and the PSC program.

CONGRESS: IMPEACH OR FORGET IT

HON. CHARLES E. CHAMBERLAIN

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Monday, November 26, 1973

Mr. CHAMBERLAIN. Mr. Speaker, during this period of crisis concerning questions of impeachment and resignation, I feel that responsible editorial opinion should be included in the RECORD. The following article which appeared November 18 in the State Journal, Lansing, Mich., suggests that "Congress must determine if it has the evidence to justify impeachment and then do it and, if not forget it." This thought certainly is indicative of a growing awareness that our country cannot endure a prolonged paralysis, a point which we in the Congress must consider most carefully.

The editorial follows:

CONGRESS: IMPEACH OR FORGET IT

In a strange turn of events during recent days, several major newspapers, a few TV commentators and other political observers have called for the resignation of President Nixon as the only means of ending the paralysis in Washington.

Some of these observers have been steadfast Nixon supporters in the past. But the proposed solution is too simple and in fact dangerous.

Certainly the President's ability to lead the nation has been severely damaged by the Watergate scandal and his reluctance to answer questions. But he has said he will not resign.

Those beating the drums of resignation are wrong because they are going outside the Constitution, seeking an illegal solution to end an odorous scandal in the administration, and thereby hoping to bring the seemingly endless investigation to an end.

There are some Republicans, too, who would like to see Nixon resign because he has become a liability for next year's election campaigns. President Nixon's performance in the Watergate battle so far has indeed stretched his credibility nearly to the breaking point.

But the fact remains that the founding fathers of this nation provided the legal means for Congress to remove a President from office who has violated the public trust. That method is impeachment. The House can vote a bill of impeachment. If that happens, the Senate then tries the President and determines guilt or innocence and removal.

Congress, in short, must determine if it has the evidence to justify such an action and then do it. If not, forget it. That does not mean prosecution of others involved in Watergate can not continue.

Trying to force the resignation of a President to avoid the unpleasantries of an impeachment can set a precedent which could make every future President subject to similar attacks by powerful special interest groups and keep the presidency in a constant state of turmoil.

The American people may decide to move to the British parliamentary (vote of confidence) system at some future date to deal with Watergate disasters. But the law of the land now requires impeachment. Congress must either proceed with that course and soon or drop it and get back to the business of meeting the nation's needs.

RATIONING IS IRRATIONAL

HON. HAROLD V. FROEHLICH

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Monday, November 26, 1973

Mr. FROEHLICH. Mr. Speaker, I would like to call to the attention of every Member an editorial that appeared in the Wall Street Journal of November 15, on the question of gas rationing. I believe this issue demands a perspective not evidenced in much of the rhetoric that has recently abounded on the subject. I insert the editorial so that my colleagues may have a vantage point from which objectively to view this issue with all its consequences and implications; an objectivity that is most necessary in any meaningful evaluation of a national system of gas rationing.

The editorial follows:

RATIONING IS IRRATIONAL

John Love, the President's energy chief, and Rogers Morton, the Interior Secretary, are already predicting that the voluntary conservation program is doomed to failure and that there's no avoiding a full-blown rationing program by early 1974, perhaps New Year's Day. Mr. Nixon insists rationing will only be a last resort, but he doesn't sound very confident.

We certainly hope it doesn't come to that. Rationing is absolutely the worst way to deal with fuel shortages. Any system that can be devised by Washington bureaucrats would have to be based on equal treatment for Americans, within broad priority pigeonholes. And while Americans may be born equal, we doubt there are any two of them with precisely the same legitimate energy requirements. Rationing would impose the grossest kinds of inequities on people and the crudest kinds of inefficiencies on the economy.

Consider: Jones earns $50,000 a year, commutes to work by train, and owns a Lincoln, a Buick station wagon and a Volkswagen. Smith earns $8,000 a year, owns a Ford and drives 12 miles to work. Brown makes $15,000 a year when you add together his earnings, his wife's and his son's, each of whom drives a separate car to work. Miller lives in Brooklyn, rides a subway to work and owns no cars.

So how do you divvy up the rationing coupons: Do you give them out per auto, meaning Jones gets three allotments while Smith gets one? Or do you divvy them up by auto-owning households, which may be fair to Jones but leaves two of the Brown family's wage-earners stranded?

And what about Miller, who after all is the most deserving of all, in terms of patriotically conserving gasoline? Should he not be given gasoline coupons, which after all are worth money? A black market in coupons will evolve slowly at first, but within a minute or two after coupons are first placed in the public's hands it will be going full blast. In fact, one of the options the government is considering is giving out the coupons on a per capita basis, regardless of need, precisely to protect Miller's interests.

If you don't want to hand out the coupons per-car, per-household or per-capita, you can try to distinguish between "essential" and "nonessential" driving. This would require an army of enforcers and also provide further national incentives to lie and cheat. And even without that, Tom, Dick and

Harry, executives who live in the suburbs and drive 15 miles to the city, could form a car pool and divvy up two "essential" allotments for pleasure driving. Or sell their excess coupons to Jones, who wants to drive his Lincoln to Florida.

Insofar as industry is concerned, rationing would also have to be "fair and equitable," as the bureaucrats say. Consider American Widget, which now uses 1,000 units of gasoline, fuel oil and electricity per day. It has to make do with 900 units. The same is true for National Widget. It's all fair and square, except that in the last year American Widget has been scrupulously and patriotically paring energy consumption, turning out the lights, running cold water in the rest rooms, installing more energy-efficient machinery, and recounting delivery schedules. National Widget, on the other hand, has been squandering British thermal units with abandon, as it always has. With rationing, American Widget has no choice but to cut production. National simply trots around doing those things that American already accomplished.

To avoid this and other problems, the government could not make rationing work unless it conducted a national energy audit. Each of several million enterprises would have to come before Mr. Love and his people with several volumes of documents to justify their respective hard-luck stories and win an extra dollop of fuel from the czar.

Rationing worked after a fashion during World War II, but produced no economic distortions to speak of; the economy was wholly geared to the war effort.

Peacetime rationing is quite another matter, and if we're to have it, we had best import several battalions of Soviet bureaucrats who have 56 years of experience in allocating material and only foul up half the time. While rationing seems the fair and equitable thing to the cherubs in Washington who have shown their stuff on wage and price control, in practice we foresee a monumental snafu.

Treasury Secretary Shultz, at least, says rationing will be a "last resort." The first resort, which we recommend begin as of last week if at all possible, is for the government to permit energy suppliers to raise prices until demand meets supply.

TRIBUTE TO MURRY BERGTRAUM

HON. MARIO BIAGGI

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, November 26, 1973

Mr. BIAGGI. Mr. Speaker, it is with a profound sense of sorrow and loss that I pay tribute today to the late Murry Bergtraum of Queens, a former president of the New York City Board of Education, who died on November 8 at the age of 56.

Murry Bergtraum was a major influence in the New York City school system for over 20 years. During that time he was considered one of its most articulate spokesmen on the subject of the improvement of education in New York City. Bergtraum had a distinguished career in the field of educational affairs. His first involvement was as a school parent association president in Queens. It was while serving in this capacity that he became increasingly involved with citywide educational matters. He next became a member and chairman of the local school board of district 25 in Queens.

On May 20, 1969, Bergtraum was appointed by the borough president of Queens as its representative on the five member central board of education. One year later he was chosen by his other four colleagues as president of the board. As president, Bergtraum will be best remembered for his hard work in accomplishing the successful implementation of school decentralization in the New York City school system. Throughout his term as president, Bergtraum held regular meetings with all 32 local board representatives to personally insure that this important policy was being administered properly.

Murry Bergtraum remained actively involved with board matters after his term as president expired in 1971. He served as chairman of the finance and budget committee. Tragically, it was while he was serving in this capacity that he was struck down with his first heart attack in 1972, which caused him to prematurely terminate his distinguished career.

Murry Bergtraum was a rare and remarkable man. In addition to his time-consuming duties on the board of education, he still found time to serve as the executive secretary of the health, pension, and labor funds of the fur industry of New York. In addition, he was a registered public accountant.

The residents of Queens will feel a particular loss over the passing of Murry Bergtraum. He still managed to find time in his hectic schedule to serve his beloved Queens as an officer to several community educational and civic groups, as well as being a trustee of the Queensborough public libraries.

His absence will be felt by all New Yorkers. As a life long resident of the city, and a recipient of a New York City public school education, Bergtraum was able to serve the interest of millions of school children with special sensitivity and awareness of their problems and those of their schools.

It is always an especially tragic loss for New York City when it loses such a sterling public servant as Murry Bergtraum. I know I speak for thousands of my fellow New Yorkers when I express my sincerest condolences to his beloved wife Edith, his three children, Howard, Marcia and Judith, as well as his mother, Mrs. Anna Worth.

It is my fervent hope that the excellent leadership and dedication which Murry Bergtraum gave to the New York City school system will be continued in the future years. There can be no better tribute paid to this fine man.

WHY THE PRESIDENT SHOULD RESIGN

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, November 26, 1973

Mr. RANGEL. Mr. Speaker, in the days since I introduced my resolution calling upon President Nixon to resign and nominate a successor who would be confirmed under the 25th amendment with the understanding that the President would step aside upon his or her confirmation, it has become increasingly clear that the President's resignation is in the best interest of the country. The President's whirlwind attempts to tell his story before handpicked Members of Congress and friendly audiences are only serving to show how far his credibility has fallen. Even while declaring himself to be candid, he withheld vital information about another missing segment of Watergate tapes from the Republican governors last week. The contradictions, deceptions, and evasions are piling up. As the House begins the impeachment process, it is time for the President to resign.

The President's current position was analyzed yesterday by columnists David Broder and Joseph Kraft in the Washington Post. For those of my colleagues who missed these columns because of the holiday weekend, I place them in the CONGRESSIONAL RECORD:

THE WHOLE STORY WILL COME OUT

(By David S. Broder)

The President's frenetic public relations efforts over the past two weeks have served to disguise, but not to alter, the stark seriousness of his situation.

He is fighting for his political life; with the knowledge that the whole story of his role in the transactions that have aroused public suspicion must now emerge. The President has not yet told that story; all he has done, in his meetings with Republican politicians and the press, is to say that it will be told. And in doing that, he is doing no more than acknowledging the obvious. The tough times for him still lie ahead.

For the past month, Mr. Nixon's position has been essentially the same as Spiro Agnew faced when the federal prosecutors in Baltimore last August put him on notice that he was under investigation on serious charges. The Agnew investigation had begun with a host of subsidiary characters, just as the Nixon investigation did. But in both cases, the focus worked its way to the top—and stayed there until the critical questions were resolved.

Agnew was never indicted, and Mr. Nixon may never be impeached, but there can no longer be any doubt in his mind that the whole story will come out. The political imperative which makes full disclosure inevitable in Mr. Nixon's case is the same as in Agnew's: the Republican Party, which nominated both, will not intervene to spare him, any more than it did Agnew, from the burden of full disclosure.

Agnew learned that when a Republican prosecutor, acting with the obvious approval of a Republican Attorney General and a Republican President, filed his formal notice of investigation last August 2.

Mr. Nixon received the same word from Republican congressional leaders on Oct. 23, the Tuesday after the long holiday weekend on which Cox, Richardson and Ruckelshaus were eliminated. The President's emissaries went up to Capitol Hill that day to line up Republican support against impeachment demands. They were told, and bluntly, that no Republican leader would speak up on his behalf unless the President was prepared to come clean.

The first step in coming clean, Mr. Nixon was told, would be to turn over the White House tapes. That afternoon, two hours after the ultimatum had come from the Republicans on Capitol Hill, the President abandoned his three-month fight to withhold the tapes.

Even should Mr. Nixon now desire to backtrack and stop short of full disclosure, the pressures pushing in that direction appear

irreversible. Every passing day brings the House Republicans one day closer to their day of reckoning with their constituents. To support the President against impeachment, they will require of him complete candor.

The new independent prosecutor, starting from the base Archibald Cox left behind, is moving toward indictments of some of Mr. Nixon's principal past associates. The Senate Watergate committee is approaching the deadline for rendering its judgment on the matters it has been investigating.

Any effort, however mild, by Mr. Nixon to interfere in these processes will come at high cost to his own depleted reserves of trust. Every additional foot of tape declared nonexistent or inaudible comes out of his hide. He has already conceded about 90 per cent of the ground he set out to protect last spring, when Watergate broke. He cannot retreat much farther without literally being backed out of the Oval Office.

The proposition now for him is quite simple: Can he stand to come clean? If he can—if he can establish that he did not permit or direct the concealment my members of his campaign organization and White House staff of the Watergate crimes; if his role in the milk producers case, the ITT case, and the campaign contributions cases was, indeed, innocent; if the handling of his personal finances has been in every respect aboveboard—then full disclosure will enable him to rout his critics and restore his credibility and power.

If, on the other hand, he cannot stand scrutiny, then he will be driven from office, as surely as Agnew was.

A reporter covering this story is the last one who should prejudge its final chapter. But certain ominous parallels are becoming obvious. Agnew lasted a little more than nine weeks after he knew he would have to come clean. He employed various tactics in that period, first pledging cooperation in the investigation, then finding reasons to delay turning over evidence, waging war with his critics in the press and government, and finally "going public" to mobilize sympathy for his stand.

In retrospect, we can see that those were the writhings of an impaled creature. Agnew was dancing at the end of a rope.

We do not know if Mr. Nixon's situation is as desperate, but his tactics this past month have been exactly those Agnew employed in his final weeks in office. Now, like Agnew, he has come finally to face the realization that it will all come out. He knows what that means for him. We will soon enough know, too.

TOWARD IMPEACHMENT

(By Joseph Kraft)

"People have a right to know whether or not their President is a crook." Mr. Nixon said the other day. But how are we going to find out?

Not certainly from the series of personal appearances the President has been making in what the White House is pleased to call "Operation Candor." Mr. Nixon, in fact, is one of the least trustworthy witnesses on his own behalf.

For better or worse—and it is not always for the worst—Mr. Nixon has in his makeup far less psychological space for failure than most men. When things get tough he fights back, and when they go wrong he tends to blame others. Hence, his recent contretemps with former Atty Gen. Elliot Richardson about the firing of special Watergate prosecutor Archibald Cox.

Mr. Richardson is a man prone to present controversial points in highly abstract formulations. Those formulations are often obscure in their meaning, and few men are less well-equipped to divine their sense than the unsubtle soldier who now serves as the White House chief of staff, Gen. Alexander Haig. So it is entirely possible that Gen. Haig did not understand Mr. Richardson when serving as his pipeline to the President.

But the President and Gen. Haig could not admit such weaknesses. Instead they implied that Richardson lied. They intimated he was a drunk. They even hinted that a fair system—as distinct from one rigged to get Mr. Nixon—would have Richardson up on perjury charges.

If we cannot expect to get the beginning of what we need to know from Mr. Nixon, there are also limitations on the investigations being conducted by the special Senate committee and the Watergate prosecutor. The Senate committee is limited in its jurisdiction. It has to stick to matters relevant to the presidential campaign, which means it cannot go into such clearly important transactions as the President's tax returns or the payments made on his homes in Key Biscayne and San Clemente.

As to the special prosecutor, there is no reason to disparage Mr. Cox's replacement, Leon Jaworski. He has already shown in his handling of the case involving the White House plumbers that he is not going to be snowed just because the White House yells "national security."

Even so, Mr. Jaworski also has limitations. In particular, he has no mandate to investigate such matters as the Rebozo case and the President's taxes and homes.

An impeachment proceeding knows no such bounds. The House Judiciary Committee, to which the impeachment resolutions have been referred, is setting up to go into an across-the-board investigation of Mr. Nixon and his conduct as President. It will center not on any particular issue or offense, but on the larger question of whether Mr. Nixon abused the public trust which is the root of legitimacy in our country.

The organization of this inquiry is necessarily going to be an extremely difficult and messy operation. The Judiciary Committee has 38 members broken into factions. Its chairman, Peter Rodino of New Jersey, is new in the job, and its ranking minority member, Edward Hutchinson of Michigan, lacks the bipartisan approach of his predecessor, William McCulloch of Ohio, which made the committee so effective in the past. A great deal will have to devolve on the general counsel and his staff and on the selection of a special subcommittee that will actually conduct the investigation.

Even if all these arrangements go beautifully, no one should imagine that the hearings can be short or neat, or that there will emerge a particular set of facts that bear the Perry Mason stamp of being the Truth. On the contrary, the hearings are probably going to be full of partisan rancor. They will wrack the country and they will probably arrive only at a general judgment as to whether or not Mr. Nixon betrayed his trust.

For all these reasons, other methods would probably have been preferable.

It would still be better if Mr. Nixon, on the confirmation of Gerald Ford to be Vice President, resigned. But failing that there is no alternative. For bad as it may be, there is one thing worse for the country than impeachment. That would be to sweep under the rug the issue which has now been posed—the issue of whether, in the large moral and intellectual sense, the President is a crook.

UPDATE ON VIETNAM

HON. DON EDWARDS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, November 26, 1973

Mr. EDWARDS of California. Mr. Speaker, the following editorial from the San Jose Mercury, November 6, 1973, summarizes recent and projected future events in Vietnam, drawing a not very optimistic but probably realistic picture of the current situation. The article then goes on to call attention to the other problems that now beset us here at home: the Watergate, the energy crisis, the Middle East war. I agree with the Mercury that it is most fortunate that we no longer have the Vietnam war to add to our list of difficulties, and that we should remain as disentangled as possible from the tragedy of involvement in Southeast Asia.

The editorial follows:

NO RETURN TO VIETNAM

While the attention of the American people has been riveted on the Middle East and assorted domestic crises, a fragile, unstable peace has continued to crumble in Southeast Asia.

Now, heavy armor and artillery clashes between North and South Vietnamese forces near the Cambodian border provide a warning of perhaps grimmer things to come. The lessons both for Saigon and Washington in this are clearly obvious.

Saigon had better know—and accept the fact—that it will sink or swim on its own efforts. Washington, for its part, is most unlikely to commit any major forces to salvage a South Vietnamese regime which cannot, or will not, fight for its own independence.

Despite the cease-fire signed last January, there is little question that North Vietnam intends to press its effort to take over all of Indochina by force. The cease-fire did not, for example, prevent Hanoi from continuing its war against the Lon Nol regime in Cambodia; indeed, the fighting tended to step up in Cambodia in direct proportion to its waning in South Vietnam.

Now that Hanoi apparently believes its Cambodia supply route is secure once more, it is beginning to turn its attention again to South Vietnam. Armor is on the move; artillery duels are breaking the uneasy truce. Hanoi will, if it follows past practice, push ahead as far and as fast as it can. If it is stopped, Saigon will have to stop it. Washington won't.

The United States, which is to say the vast majority of the American people, views war in Southeast Asia as a nightmare from which it has recently awakened and to which it is resolved never to return.

Apart from unhappy memories in Southeast Asia, the American people are confronted with what most of them consider to be more serious problems closer to home. The fourth Arab-Israeli war produced the most recent and potentially the most disastrous confrontation yet between the United States and the Soviet Union, a confrontation that continues to lie just below the surface of diplomatic negotiations to bring peace and stability to the Middle East.

In addition to, though not actually in consequence of, the Arab-Israeli war, the oil-producing Arab states have slapped an embargo on oil to the United States and cut back production by 25 per cent. Deliveries to America's allies in Western Europe have been reduced, in part to put indirect pressure on the United States and in greater part to force crude oil prices higher still.

All of which will add marginally to the energy crisis in the United States in the short run and create diplomatic headaches for Washington in the long run.

Add to this the continuing crises of inflation and the near-paralysis of government because of the ongoing Watergate scandal, and the total picture is one of a Washington determined to remain out of any foreign difficulty it has managed to put behind it. And that means Vietnam first and foremost.

CAMPAIGN TO REMOVE THE EARNINGS LIMITATION ON SOCIAL SECURITY RECIPIENTS

HON. J. HERBERT BURKE

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Monday, November 26, 1973

Mr. BURKE of Florida. Mr. Speaker, I am delighted to inform my colleagues that Alan Courtney of WIOD Radio in Miami, Fla., which serves the 12th District of Florida which I represent in the 93d Congress, has initiated a nationwide petition addressed to all Members of Congress to gain support for legislation to remove the earnings limitation on social security recipients.

Mr. Courtney hopes to start a national drive to send signed petitions to the Committee on Ways and Means to verify the grass roots support for this legislation by those receiving social security benefits living in Florida and throughout the Nation.

Since coming to the U.S. Congress in 1966, I have introduced legislation in each Congress, the 90th, 91st, 92d, and 93d, calling for complete removal of the earnings limitation on social security recipients. In my opinion, the present law is harsh and unrealistic, and its removal would ease the financial plight of all elderly Americans. However, while there have been several modifications of the earnings limitation, the Committee on Ways and Means which has jurisdiction over this matter in the House of Representatives has not seen fit to act favorably on the complete removal of this bar on social security payments.

When the social security law was being written in the 1930's, the authors wanted it to be a social insurance system under which workers and their dependents were insured against the loss of work income resulting from the worker's death, disability, or retirement. To this end, the authors felt it was desirable to be sure a person was retired before he was given social security benefits. The original intent of the retirement test or earnings limitation was to prevent senior citizens from working and at the same time collecting social security, on the theory that they could afford to work cheaper than other workers because in effect they were being subsidized. In addition, it was hoped that early retirement would create jobs for the unemployed younger people.

The present retirement test contains four elements:

First, the annual exempt amount—$2,100 goes to $2,400 January 1, 1974;

Second, the reduction mechanism—$1 for each $2 of earnings above $2,100;

Third, the monthly measure of retirement—$175;

Fourth, exempt age—72 and over.

We should stop treating elderly Americans like dependent children and permit them to assume more responsibility for their financial future if they so chose.

The present earnings limit on income applies only to the income received from working. Benefits, however, are payable regardless of income from investments or other nonwork sources such as savings, investments, insurance, and the like. Thus as it stands now, those who support the earnings limitation argue that to allow unlimited income from working would: First, violate the basic principle of the system; second, help only a very few people; and, third, would add substantial costs to the present program.

It is my view, however, that since social security benefits are related to the wages of both the employer and the employee contributor and his contributions to the social security fund, it should be a matter of right for any person if he chooses to receive benefits for his contributions when he reaches the minimum retirement age. Today we are supplementing the income of the prosperous persons who have pensions, insurance and investments, while we are penalizing the less fortunate who have for one reason or another little or no resources to fall back on in their later years, and who must therefore work in order to make ends meet under today's conditions. The policy of discouraging older workers from working past an arbitrary retirement age originated as I indicated during the depression when it was necessary to increase job opportunities for younger workers, but today's high-employment economy does not require such restrictive measures.

In truth, why should we insist that a person reaching 65 years old should retire and leave the work force. Many have skills and experience which are needed and which increase productivity. Moreover, the Federal Government, gerontologists, and others concerned with the health of the elderly, encourage the hiring and retention of older workers in all aspects of the economy.

The earnings limitation is out-of-date. It was designed for a bygone era, and its effects are contrary to the original purposes of social security insurance to provide an income floor for elderly Americans. It causes hardship to our elderly Americans who must augment the income by working and it should be stopped.

If we assume that most of the 3 million workers over 65 are entitled to the average social security retirement benefit of $163.70 monthly, and we know that the older worker cannot expect to earn equal wages to those paid younger people, let us take the example of an elderly American earning $4,500 per year. His net earning from employment paid at this rate is $3,300 and the loss in income of $1,200 represents an effective tax rate of over 36 percent. In the schedule of Federal personal income taxes, such a rate applies to incomes over 20 times as great.

I congratulate Alan Courtney of Miami's WIOD for his dedication in this matter. I hope others will join in his efforts to precipitate action to remove of the earnings limitation by getting people to sign their names to petitions and forward them to either Alan Courtney, WIOD Radio, Miami, Fla., or to the Honorable WILBUR MILLS, chairman of the Committee on Ways and Means, Longworth House Office Building, Washington, D.C.

The petition being circulated by Mr. Alan Courtney is as follows:

PETITION TO U.S. CONGRESS

We, the undersigned petition Congress to amend title 2 under Social Security Act to permit an individual receiving benefits thereunder to earn outside income without losing any of such benefits.

Please sign below, when page is filled, mail to Alan Courtney, WIOD, Miami, Florida 33138.

Name—Address—City—State:

NEW ENGLAND NEEDS YEAR-ROUND DAYLIGHT SAVING TIME

HON. THOMAS P. O'NEILL, JR.

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Monday, November 26, 1973

Mr. O'NEILL. Mr. Speaker, I would like to call to the attention of my colleagues a statement by David Bartley, speaker of the Massachusetts House of Representatives in support of year-round daylight saving time.

Those of us from the New England States are especially concerned about the energy crisis, because it will most dramatically affect our region. We face an energy crisis of ever-increasing magnitude as predictions continue to point toward greater shortages of oil, the form of energy upon which New England depends highly for heating our homes and for generating electricity to light our homes.

There is evidence that year-round daylight saving time will save a significant percentage of our energy needs this winter. Mr. Bartley has graphically spelled out the merits and need for enacting year-round daylight saving time, as one important, immediate response to the energy deficit and as one key method of energy conservation.

I ask unanimous consent that the following remarks be inserted in the RECORD at this point:

Mr. Chairman, Members of the Committee:

I am David M. Bartley, speaker of the House of Representatives of the Commonwealth of Massachusetts. I will speak in favor of Senate bills 1260, 2568 and 2602, all of which provide for the extension of daylight saving time through the winter months.

Title 15, section 260, sub (A) of the U.S. Code recognizes the right of an individual State to unilaterally exempt itself from daylight saving time. Yet, subsection (B) has the effect of specifically prohibiting States from doing the converse. At the present time, there are several States in our country which do not observe daylight saving time at all; and only (Indiana) observes it in selected counties. Thusly, the Uniform Time Act of 1966 notwithstanding, time in the United States is *not* uniform.

There is nothing sacred about standard time. Throughout the world, there are countries which add 15, 30 or even 45 minutes to the "standard" time of their respective zones.

Precedents have been set for year-round daylight saving time—principally during the two world wars. The Congress and Presidents Wilson and Roosevelt responded at that time to the need for an extra hour of afternoon daylight. Parts of Europe turned their clocks ahead two hours during both wars. (England had success with year-round daylight saving time between 1968 and 1971?) (But gave it up because of northern farmer opposition).

As a result of the favorable experience of year-round daylight saving time in World War I, Massachusetts, with no federal guidelines, passed legislation in 1920 to advance the clock one hour between March and October. The dates were changed twice until, in 1954, we observed daylight saving time from April to October. More than ten years before the federal government acted in 1966, all the states in the Northeast had unilaterally passed uniform laws for changing their times.

Today, we in the Northeast face an energy crisis of ever increasing magnitude. Every day our newspapers predict greater and greater shortages of oil, a form of energy on which New England is highly dependent. The world and national political situation is fraught with uncertainty.

Some positive action is needed. Information filtering through the media from the private utility companies' advertisements indicates that any measure that will save even small amounts of energy should be implemented. Recommended courses of action range from lowering thermostats a few degrees to closing our schools for the full month of January.

Surely turning our clocks ahead one hour is less inconvenient than these other alternatives.

There is, I believe convincing evidence that adoption of year-round daylight saving time will save a small, though significant, percentage of our energy needs this winter.

Peak usage of electricity occurs at dusk. Daylight saving time during the winter months would dissipate this peak usage, which is very inefficient and therefore more costly to produce than the same number of kilowatts at other times of the day.

Thus, even though our mornings would be darker, the total use of electricity would decrease—some experts believe by as much as two percent.

In World War II, the Office of Production Management estimated that year-round daylight saving time saved almost 1% of our electrical requirements.

Much of our electricity in the Commonwealth is generated by oil. Boston Edison, our largest electrical utility, has told me they would save 30 to 50 thousand barrels of oil this winter if this program were adopted. This constitutes approximately one day's quota.

Aside from its absolute energy conservation, potential the extension of daylight saving time would have important ancillary effects:

The average commuter would be traveling during the daylight in the evenings. The occurrence of motor vehicle traffic accidents at dusk is more than twice that of the morning hours.

School children would have the advantage of an extra hour of daylight in the afternoon for leisure and school activities. They would be twice as safe as waiting for a morning bus in semi-darkness as they are now in the afternoon. Child molestation may decrease.

Not the least of all, the average citizen would enjoy a later sunset. The public response to my office on this issue has been overwhelmingly favorable. The Boston Globe and our NBC affiliate radio station have editorialized in favor. Last year, even *Time magazine* endorsed this measure.

The New England Regional Commission, in a study completed last week of the New England States' response to the energy deficit, recommended year-round daylight saving time as a key method of energy conservation.

Mr. Chairman, the Massachusetts House is convinced of the merits of this proposal. Last week, the chairman of our committee on government regulations, Rep. Robert B. Ambler, drafted a bill to put Massachusetts on daylight saving time indefinitely, effective December 1 of this year. Last Thursday, this bill passed our 240 member house by an overwhelming vote of 215 to 7.

Two weeks ago, I asked our Republican Governor, Francis W. Sargent, to call an emergency meeting of the New England Governor's Conference to consider regional action on this proposal. His response has been to put this matter on the agenda of their next regularly scheduled meeting of November 15.

I have personally contacted other New England State legislatures on this matter.

Mr. Chairman, New England can not afford to waste time at this late date. Some of our people have already been denied oil deliveries; some contracts for schools and government oil needs have not received one bid.

We are mindful that unilateral action on our part would be illegal unless you change the U.S. Code by means of the bills before you today.

Yet, it has been our experience lately that New England must speak out to a disproportionate degree in order for the present administration to respond to our plight.

The Massachusetts House has gone on record in favor of a positive, painless way to lessen the impact of the impending energy shortage.

I am hopeful that the Congress, under your initiative and guidance will do the same.

Thank you.

THE MANCHESTER, N.H., FEDERAL BUILDING—EXAMPLE OF GSA FORESIGHTEDNESS

HON. LOUIS C. WYMAN

OF NEW HAMPSHIRE

IN THE HOUSE OF REPRESENTATIVES

Monday, November 26, 1973

Mr. WYMAN. Mr. Speaker, all Americans are now beginning to become aware of this country's energy problems. But this awareness has been long in coming. The present reaction to our energy crisis is heartening, but it is even more encouraging to know of actions already undertaken; actions which anticipated the current crisis, and actions which offer the immediate prospect of saving great amounts of energy.

I want to call attention to an example of this kind of advanced planning. The General Services Administration is currently designing a Federal Office Building for Manchester, N.H. Over a year ago, Arthur F. Sampson, Administrator of General Services, designated this project as an energy conservation test project. It will be a living laboratory to test both recognized and totally new concepts of energy conservation in building construction and use.

It is expected that this building will use 25 to 35 percent less energy than a conventional building—at no substantial increase in cost. The building will be wired with instruments to test the energy savings made and the results will be made public. In this way, the building will serve as a model for energy conservation for all future buildings.

The possibilities this building offers for future energy conservation programs are challenging and fascinating.

The November 10, 1973, issue of Business Week magazine carried an excellent summary of GSA's expectations for the building. This important project is deserving of continued close attention in this period of energy conservation.

The article follows:

THIS BUILDING SAVES ENERGY

"We waste so much energy in buildings now that even by thinking about it, we can effect major savings," says Walter A. Meisen of the General Services Administration. As assistant commissioner of the Office of Construction Management, Meisen is now putting taxpayer's money where his mouth is. For the past six months, he has been supervising the design of a unique office building that will incorporate virtually every energy-saving device in existence.

The GSA's test project is the seven-story Federal Office Building to be built in Manchester, N.H., for the local branches of 11 federal agencies. The design is now 90% complete, and bids will be let in the spring. When the first of 500 workers moves in two years later, they will find a building that should use only three-quarters to one-half of the energy of a conventional building of the same size.

Not only will such elements as the heating and cooling systems be as efficient as possible, but the shape of the building, the colors of the walls, and even the temperature of the water in the washrooms will be carefully related to energy use. "Our initial expectation was a 20% to 25% saving," Meisen says, "and we fully expect to exceed that."

EXHIBIT A

The decision to use the Manchester building as an energy laboratory was made by GSA Commissioner Arthur F. Sampson after his agency and the National Bureau of Standards sponsored a conference on energy conservation in May, 1972. The $6.5-million building had already been funded, and GSA had hired Nicholas Isaak & Andrew Isaak, an architectural firm in Manchester, to design the project. After Sampson's decision, Dubin-Mindell-Bloome Associates, a New York City engineering firm, which had been an active member of the energy conference, was named as energy consultant.

"Our first job was to solicit all the ideas we could," says Alfred S. Dubin, president of the firm. "We wrote to utility companies, manufacturers, designers, universities, some foreign groups, anybody we could think of." The result was a pile of about 500 suggestions ranging from the facetious—one man said the entire building should be edible—to the feasible. The Dubin firm also went through details of 7,000 of its earlier projects, looking for energy-saving ideas.

Conforming to the GSA's proviso that components and materials must be available off the shelf, the consultants chose a short list of elements that seemed likely to be useful. These were fed into an NBS computer to evaluate their potential for saving energy both in the operation of the building and in the production of the components themselves.

A BLOCKHOUSE

Though the final design is not yet complete, it is already clear what the building will look like. Outwardly, it will be as square as the site permits, to get maximum volume with minimum exposure of wall areas to the weather. The north wall will be heavily insulated, at least 12 in. thick, dark in color, and windowless. All these characteristics are designed to conserve heat, which Dubin

estimates would take 56% of the energy utilized in a building of similar size and type in New Hampshire's cool climate.

For the same reason, windows on five of the floors will fill only 10% of the outside area, compared with the usual figure of about 50% in office buildings. They may be of special reflecting glass, and they will probably be mounted in niches at right angles to the walls, and be protected from summer sun by louvers or fins outside the building. The angles of the fins and the windows themselves will be calculated to accept the winter rays to pick up as much natural warmth as possible.

On one floor, however, windows will probably make up 90% of the outside area, a variation that reflects one of the many dilemmas faced by the designers. "Is it better to save on lighting costs with big windows, which then create a heating and cooling problem? Or should we cut down on window area and use more lighting—which can create a heating problem?" asks architect Nicholas Isaak. The different arrangements are an attempt to find the answer.

Lighting, in fact, which uses about a quarter of a building's energy, will be one of the most visible changes. Instead of rows of fixtures that give uniform illumination everywhere, areas will be lit selectively. Corridors and lobbies will be left dimmer than stairs, for example, and desks and other work areas will be more brightly lit. Some desks will have individual, library-style lights.

HEATING AND COOLING

GSA and Dubin have concentrated much of their own energy on the heating and cooling systems. There will be variable-flow, rather than variable-temperature, heating. When a man is cold in a conventional building, he usually gets someone to turn up a thermostat, which results in the delivery of hotter air. In the Manchester building, such an adjustment will increase the flow of warm air, but the air will be at the same temperature. A worker will feel warmer, but the costly business of heating all the air for the sake of one person or a limited area will be avoided.

Excess heat and cold will also be stored for later use. When part of the building has to be cooled, the unwanted heat will be stored as hot water in one of three 10,000-gal. tanks under the building. Excess heat from light fixtures will be conserved in the same way, and so will unneeded cold air. In most conventional buildings, hot and cold air that is not needed immediately is wasted by being ejected into the open air.

Even hot water for handwashing, which consumes only about 3% of an office building's energy, has drawn the attention of the designers. "Normal systems heat the water to about 140F," says Dubin. "Then it runs all through the pipes, losing heat, and is eventually cooled to about 100F with cold water by the person using it." Water in the Manchester building will therefore be heated initially to only 100F.

Finally, the building will be made even less dependent on normal fuels by having two or three solar collectors of different types mounted on the roof. These will be virtually the only custom-made items used.

All these measures are expected to cut energy use drastically. Dubin claims that GSA's estimates of 20% to 25% savings are far too modest. His firm's computerized simulation shows that a conventional building of the same type would use about 135,000 Btu per sq. ft., per year, compared with only 56,000 Btu for the newly designed building, a dramatic energy saving of 58%.

Whether this is borne out in the actual building is still in question, but the National Bureau of Standards plans to monitor the results for at least five years to find out.

WHY NOT USE AGRIPOWER TO COMBAT OIL POWER?

HON. ROBERT McCLORY

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, November 26, 1973

Mr. McCLORY. Mr. Speaker, in the Monday, November 19, issue of the Chicago Tribune, the distinguished consulting economist, Eliot Janeway, presents an accurate and persuasive account of the causes and remedies for the current energy crisis.

Mr. Janeway rightly points out that we should take the initiative away from the Arab officials and deal with them on a quid pro quo trading basis, that is, if they give us the oil we need, we will give them the food they require.

If they think that they can dictate our foreign and domestic policy by virtue of their mere control of necessary fuel reserves, these countries will have to seriously reconsider such a position. Americans throughout history have stood up to adversity and overcome all odds.

I concur with Mr. Janeway in his well-founded belief that "agripower" is much stronger than their oil power. We should use our "agripower" to counter their threats.

Most importantly, all other nations of the world that are on the so-called blacklist of the Arab countries and that are threatened with oil cutoffs unless they bow to Arab blackmail, and, as a result, break off diplomatic relations and stop their support of the young State of Israel should unite and halt agricultural exports to these same Arab nations.

Because Mr. Janeway took this issue as the thesis for his excellent article, I would ask that those comments be printed in the RECORD, as follows:

AGRIPOWER: ANSWER TO ARAB BLACKMAIL

(By Eliot Janeway)

New York, November 18.—Gas rationing is on its way. Worse still, it is being taken for granted as the way to cope with the artificial shortage that has been created.

The thinking which accepts gas rationing as an American answer to the crisis is an extension of the thinking which invited the crisis to explode in the first place. Playing American's hand by rules made to suit the opposition is its expectation.

Accepting the necessity of a costly American adjustment to harsh terms laid down by unfriendly countries is the underlying strategy of this thinking, even tho each and every one of the unfriendly countries is less favorably situated than America and brandishes less bargaining power.

Rationing consumption is not the only way to balance the world market equation. It's only one of two ways to do it. Renewing the flow of supply is the other, and better way.

The Broadway comedy "The Solid Gold Cadillac" left the language enriched with a phrase which puts the problem of distinguishing between the two methods: "I don't get ulcers" the tycoon hero snorts, "I give them." America has acquiesced in the Arabs' seizing of the ulcer-giving lead role. She has accepted the ulcer-getting role of stooge.

Henry Kissinger's travels are exposing three fictions about the Arabs as ulcer-givers. The first is that they are united. The second is that having oil makes them strong. The third is that holding back shows their self-sufficiency.

Seeing thru all three fictions suggests as many techniques for Uncle Sam to use in switching to the ulcer-giving role and coming on hard playing it.

Exploiting the divisions among the petro-powers is the most obvious way. Israeli strategy has been playing this game for years by offering to pay interest on private dealings with the rich Arabs, in defiance of Moslem law, and leaving them worried about whether the poor Arabs might find out about it.

Greed is the companion motive to fear. It's not as if all the Arabs were cutting off all their oil. Nor is it as if all of them were not eyeing the others to see who is sacrificing how much and who may be working out a special deal for how much more.

What's wrong with Washington dangling some marketing payola before the petro-producers—one at a time? The Europeans and the Japanese would scramble onto any American bandwagon that rolled across the Middle East oil country recording the success of Washington's divide and rule tactic.

The second fiction about the Arabs is that having oil makes them strong. The reality is that having nothing but oil makes them weak. Having dollars to show for their oil makes them vulnerable to Washington's retaliation against their oil holdback.

Blocking dollars of unfriendly oil powers would be a daring response to their oil blackmail. It would also be profitable because it would drive the world oil price back down.

America did not fire the shot that started the new world trade war. But this reply would be the shot that ends it.

A constructive course for America to take is to play the agripower hand—no oil, no food, and lots of food for lots of oil. Activating agripower would destroy the myth of petro-power self-sufficiency.

Agriculture Secretary Earl Butz' latest alibi for inaction argues that the Russians would make up for any Arab food difficiency. But they can't handle their own food difficiency.

Arab food requirements, meanwhile, are soaring with their dollar flows. The Arabs are now the biggest new entries into the world meat market, and they have the money to pay for it. American agripower is the most wholesome new force for peace in the history of this war-weary world—if only Washington will mobilize it.

GALLUP POLL REFLECTS OVERWHELMING PUBLIC SUPPORT FOR WAR POWERS ACT

HON. CLEMENT J. ZABLOCKI

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Monday, November 26, 1973

Mr. ZABLOCKI. Mr. Speaker, it is reassuring—but certainly not surprising—to know that when the Congress voted on November 7 to override the President's veto of the war powers resolution, House Joint Resolution 542, it was clearly reflecting the overwhelming support of the American people.

That fact was amply demonstrated in a public opinion survey recently conducted by the Gallup poll, the results of which were released on November 18.

What that nationwide survey reflected was an 80-percent margin of pub-

lic support for curbing the President's warmaking powers. In other words, 4 out of 5 Americans responded favorably to the question:

Do you think the President should or should not be required to get the approval of Congress before sending U.S. armed forces into action outside the U.S.?

As chief sponsor of the legislation in the House I have long been convinced of such widespread public endorsement. Surely the 284 Members of the House and the 75 Members of the Senate who voted to override will take satisfaction from knowing that they were voting the best interests and views of their constituents.

I am pleased to place in the RECORD at this point the Gallup poll released on the survey as well as a related New York Times article of November 18 and recommend them to the reading of my colleagues.

PUBLIC OVERWHELMINGLY VOTES IN FAVOR OF LIMITING PRESIDENT'S WAR-MAKING POWERS

(By George Gallup)

PRINCETON, N.J., Nov. 17.—The American people overwhelmingly support, in principle, the new war powers bill which would require that a President receive congressional approval before sending U.S. troops into action overseas.

By a vote of 5 to 1, the public favors curbing the President's war-making powers. Under the new bill, the President would have to explain an act of war within 48 hours, but even if Congress didn't accept his reasons, the chief executive could continue the fighting for 60 days and have an additional 30 days to complete withdrawal from the action.

In overriding President Nixon's veto, the House voted 285 to 135, four votes more than the two-thirds majority required to override a veto. The subsequent vote in the Senate, 75 to 18, made the bill law with 13 votes more than required.

VIETNAM WAR A KEY FACTOR

A key factor in the public's desire to limit the war-making powers of the President is their desire to avoid future Vietnams. As early as 1966, six in 10 held the view that we should not send troops if a situation like Vietnam were to arise in another part of the world.

A nationwide Gallup survey conducted in late April this year showed that the public, by an overwhelming majority, wanted congressional sanction of further military action in Southeast Asia. The same survey showed Americans opposed to the bombing in Cambodia and Laos by a 2 to 1 margin, with a large majority holding the view that bombing would lead to a reinvolvement of American troops in Southeast Asia.

In addition, more recent surveys have shown that the vast majority of Americans would be opposed to a commitment of U.S. forces if the Middle East situation were to flare up again.

ALL GROUPS FAVOR LIMITING POWER TO WAGE WAR

The view that the President should get congressional approval before committing the nation to war is held by a large majority of persons in all major population groups.

Women, Democrats and younger persons are the most likely to favor limiting the chief executive's war-making powers.

Following is the question asked and the key findings:

"Do you think the President should or should not be required to get the approval of Congress before sending U.S. armed forces into action outside the U.S.?"

[In percent]

	Should	Should not	No opinion
Nationwide	80	16	4
Men	76	20	4
Women	85	11	4
18 to 29 years	84	12	4
30 to 49 years	78	17	5
50 years and older	79	17	4
Republicans	71	26	3
Democrats	86	10	4
Independents	80	17	3
College background	77	19	4
Highs chool	83	14	3
Grade school	78	15	7
East	80	17	3
Midwest	84	13	3
South	76	17	7
West	80	16	4

Although an overwhelming majority of Americans favor approval by Congress before the President commits U.S. armed forces to action, six in 10 persons think Congress should not be required to obtain the approval of the people by means of a national vote. At the same time, however, as many as one-third would favor such a procedure.

The question of a war referendum was asked of a sample of the U.S. public by the Gallup Poll at regular intervals during the late 1930's and early 1940's. Majorities consistently opposed a referendum until just before the outbreak of World War II when opinion shifted in favor.

A majority of persons in all segments of the population are opposed to a national vote, with the exception of young adults and persons with a grade school background where the issue is fairly evenly divided.

Following is the question and findings:

"In order to declare war, should Congress be required to obtain the approval of the people by means of a national vote?"

[In percent]

	Should	Should not	No opinion
Nationwide	35	58	7
Men	31	64	5
Women	39	52	9
18 to 20 years	49	46	5
30 to 49 years	27	67	6
50 years and older	33	58	9
Republicans	21	72	7
Democrats	42	51	7
Independents	35	59	6
College background	25	74	1
High school	37	57	6
Grade school	43	40	17
East	38	57	5
Midwest	32	60	8
South	37	54	9
West	33	63	4

The results reported today are based on a nationwide survey conducted Nov. 2–5 with 1,550 adults, 18 and older, interviewed in person in more than 300 scientifically selected localities across the nation.

[From the New York Times, Nov. 18, 1973]

EIGHTY PERCENT IN POLL SUPPORT WAR-POWERS CURB ON THE PRESIDENCY

Four out of five Americans support in principle the new war-powers law enacted by Congress Nov. 7 over President Nixon's veto, the Gallup Poll organization said yesterday.

The law is aimed at limiting the President's power to commit the armed forces to hostilities abroad without Congressional approval. It sets deadlines of up to 90 days for troop commitments by the President alone and gives Congress the right to step in and order immediate removal of troops by passage of a concurrent resolution.

The Gallup organization said the view that the President should be required to get Congressional approval before sending United States armed forces into action outside this country was held by a large majority in all population groups, but women, Democrats and younger persons were most likely to favor it.

Nationwide, 80 per cent of those questioned in a survey Nov. 2–5 said that the President should be required to get the approval of Congress in such circumstances. Sixteen per cent thought he should not be required to get Congressional approval. Four per cent had no opinion.

Although 85 per cent of the women questioned thought he should be required to obtain Congressional approval, the proportion of men who thought so was 76 per cent. Similarly, 86 per cent of the Democrats but only 71 per cent of the Republicans favored the requirement, and 84 per cent of persons 18 to 29 years of age while 78 per cent of those 30 to 49 and 79 per cent of those 40 and older favored the step.

The Gallup release stated that 58 per cent of those questioned said Congress should not be required "to obtain the approval of the people by means of a national vote" in order to declare war. Thirty five per cent thought Congress should be so required and 7 per cent had no opinion.

The results were based on a survey of 1,550 adults 18 and older interviewed in person at more than 300 locations in the nation, the polling organization said.

ONE CITIZEN VIEWS THE NATION'S CAPITAL

HON. JOEL T. BROYHILL

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Monday, November 26, 1973

Mr. BROYHILL of Virginia. Mr. Speaker, Col. F. X. Purcell, U.S. Air Force, retired, civil engineer and freelance writer, recently furnished me with a copy of a thought-provoking article he had written setting forth his views on the Nation's Capital.

As I believe his article would be of interest to many of our colleagues, I insert it in full at this point in the RECORD:

THE UNITED STATES NEEDS A CAPITAL

(By F. X. Purcell)

In spring we flock to Washington to see the cherry blossoms, the Lincoln Memorial, the White House and the Capitol. Most go home without noticing "the inner city", "the slum", the "crime capital of the world". Really, the ugly overshadows the beautiful. Beauty is there because the founding fathers planned it, but we need only ride up 14th Street to see the ugliness.

Why isn't our seat of government the showplace of the world?

George Washington, in 1791, commissioned Pierre Charles L'Enfant, major of engineers, son and pupil of a professor of fine arts, to lay out the capital. L'Enfant studied the plans of the great cities of Europe and worked on the principle, as he put it, "the plan should be drawn on such a scale as to leave room for that aggrandizement and em-

bellishment which the increase of the wealth of the Nation will permit it to pursue at any period however remote."

In 1825 L'Enfant died, broken and broke.

The L'Enfant plan has been called "the most complete as well as the most artistic city system ever carried out." The trouble is, it has not been well carried out. In early days this was because L'Enfant was pushed aside for political reasons; now it is because many people think its execution is legally or financially impossible. Not so!

The wise men who founded our country understood the need for an artistic, cultural capital and wrote the constitution accordingly. As for cost, the entire District of Columbia can now be bought for its taxes of thirty years.

The constitution (Section 8 of Article I) empowers Congress:

"To exercise exclusive legislation in all cases whatsoever over such district (not exceeding ten miles square) as may, by cession of particular States, and the acceptance of Congress, become the seat of the Government of the United States—for the erection of forts, magazines, arsenals, dock-yards, and other needful buildings;"

Congress accordingly in 1790 established the present location of the District, and a year later the states of Maryland and Virginia ceded the necessary land. (Virginia's part was later turned back to the state.) A condition of this cession of land was that the United States would exercise exclusive jurisdiction forever. The United States then acquired legal title to most of the land that is now downtown Washington; but for lack of funds it had to hand half of it back to former private owners and to sell other tracts. This much is worth remembering: the citizens of the United States as a whole did own this land in 1791.

In the first half of the 19th Century the L'Enfant plan was followed in general with the resources available. But from 1850 to 1870 the population of Washington almost tripled, to 131,700. Then between 1871 and 1874 an experimental popular government ran up such a debt through overextension, graft and waste that the Federal Government had to step in and set up the present system.

As people from outside continued to flood the District, landowners built flimsy tenements which fell to ruin and became rats' nests. The massive Treasury Building and the ugly State, War and Navy Building were plumped down as if expressly to ruin the landscape. For half a century, "temporary" buildings have littered the Mall. Thus the slum was established and the national capital lost in the garbage.

So the first thing to do is to start to take back the land of the District of Columbia—every square inch of it—for the people of the United States. The second is to renew and extend the L'Enfant plan. Extension of the plan will require the same long-range vision as the original concept, to provide for the needs of the government "at any period however remote". All future construction must conform to the plan and to the purpose of the constitution.

This may sound like a grandiose and expensive program, but a moment's thought will show that it is not. We are not talking about buying New York City or Chicago or Los Angeles—their problems are their own. The District is only a little patch of Federal ground about seven miles by ten and much of the land is not built up. The assessed value of all private land is $1,606,000,000, and since current land values are affected by interest and insurance rates, the government could probably get bargain prices. Improvements are assessed at $2,066,000,000; not all need be purchased.

There will be delays caused by legal and political problems, requiring exercise of "eminent domain", to that the acquisition will be spread out over several years at, say, $500,000,000 a year. At the same time the U.S. can avoid buying land outside the District of Columbia for the needs of the capital.

Some landowners may object, but nobody can claim that he is robbed of his ancestral rights: the only communities that existed before the land was ceded to the Federal Government were the little settlement of Georgetown and, probably, the Indian village where Captain John Smith met Pocahontas. The 19 proprietors of the land originally taken over conveyed it to the president in trust, with the understanding that the parts not laid out for public use would be left in their hands. The present owners have only the right to reasonable payment for the land to be taken.

As the land is acquired, all unsafe, unsanitary and obsolete buildings will be razed and the areas converted to parks and lawns until needed for Government buildings. Thus the slum will gradually disappear and the capital will become a place of open air and green vistas.

It is not necessary or desirable to tear down all privately owned buildings. The capital will still be a center of culture with colleges, museums, churches and theaters. Visiting diplomats, tourists and people with government business will need hotels, restaurants, stores, garages and places of entertainment. Certain business establishments such as banks, and professional people like doctors and lawyers, will have their place. The land itself will be taken over and held in perpetuity by the government, but it may be rented out on long-term leases for "needful buildings" as provided by the constitution. Where a going concern is to stay in business, the initial rental can be made comparable to the current taxes. The government, by the terms of the lease, will always be able to terminate a lease if the land is misused or is needed for immediate construction.

When all this is under way—the slum wiped out and the intent of the constitution reaffirmed—the District will be able to breathe again and to resume its growth as the proudest capital in the world.

The Mall, expanded and beautiful, can be our Champs Elysee; the National Cathedral, our Notre Dame; Rock Creek Park, our Bois de Boulogne. We cannot have an Acropolis or a Roman Forum—yet—but thousands of years from now scholars and tourists may come to study the artistic glories of the Golden Age of America.

It takes no change in the constitution to accomplish all this. It takes, rather, an expression of the will of our 200 million people to carry out the intent of the constitution itself. That is what we elect our representatives in Congress for, and we should let them know that's what we expect.

A WORTHY CONSERVATION MOVE

HON. MARVIN L. ESCH

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Monday, November 26, 1973

Mr. ESCH. Mr. Speaker, conservation of fuel this winter could have a significant impact on the shortages made critical by the embargo of Mideast oil. To assist the nation in the current fuel crisis, many industries and private citizens are making valuable efforts to reduce use of energy.

Better insulation in homes and commercial buildings is one method for conserving heating fuel while at the same time providing consumers with lower heating bills. The Michigan Consolidated Gas Co. which serves many of my constituents, is setting an example for utilities across the nation by actively promoting a home insulation program for its customers.

The program prompted the following favorable editorial comment from the Detroit News which I am inserting in the RECORD for the information of the members:

A WORTHY CONSERVATION MOVE

Michigan Consolidated Gas Co. has taken an imaginative step in energy conservation which proves that fuel economy is not the same as talking about the weather but doing nothing. The utility is aggressively promoting a home insulation program for its customers which could yield significant savings in gas supplies.

The program targets on 200,000 of firm's 840,000 residential customers whose homes are poorly insulated. Although current FHA standards require six inches of ceiling insulation, many older homes have little or no insulation.

The owner of a typical two-story uninsulated home built in Detroit before 1940 could cut his gas heating costs $35 annually by following the utility's advice. Estimated cost of the insulating material, about $90, would be recovered in three years.

But even owners of homes built within the past several years would benefit from improved insulation and that applies to homes heated by fuel oil—which is in critically short supply—or any other heat source.

The Michigan utility, which also serves Ann Arbor, Ypsilanti, Grand Rapids and much of northern Michigan, is believed the first in the nation to directly involve itself in such an energy conservation effort.

According to its estimates, if owners of the 200,000 most underinsulated houses take advantage of the program the fuel saving would be 6 billion cubic feet of gas, equivalant to the total gas heating consumption of 37,500 homes for an entire year.

There are reasons other than fuel and cost savings why homeowners should consider added insulation. A well-insulated home is more comfortable in winter and insulation has sound-deadening qualities. Ceiling or attic insulation also keeps a home cooler in summer.

The Michigan Public Service Commission, the state's utility regulator, gave quick approval to the gas company's fuel conservation program. Its advantages are so obvious that it raises the question of government insistence on proper insulation in all forms of housing.

For example, the FHA construction standard may not be followed where housing is built for conventional financing. Apartment structures and other multiple housing evidently follow other insulation rules and mobile construction varies widely.

In all its energy consumption the nation has two choices: to continue to waste irreplaceable energy supplies or to stretch as far as possible what is available. Michigan Consolidated's effort makes best use of gas for heating and should set an example for utilities and home builders across the nation.

SUPPORT FOR PRESIDENT

HON. ROBERT H. MICHEL

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, November 26, 1973

Mr. MICHEL. Mr. Speaker, like most of my colleagues, the mail I received from back home immediately after the

firing of Archibald Cox was running heavily in favor of impeachment of President Nixon and not a small percentage of that mail suggested that he should resign immediately.

Following that initial surge of anti-Nixon sentiment, a good portion of which was orchestrated, my current mail has swung around completely and is now overwhelmingly in support of the President. In addition, I was back in the district last week and found that there is pretty broad sentiment in support of the President as expressed by people who were stopping me on the street and urging me to be sure and tell the President that they were for him and that he should not give up and should stay on the job.

We often hear these days the question, "How will it play in Peoria" and to answer that question I insert several letters from constituents residing in Peoria and other areas of my congressional district in the RECORD at this point:

PEORIA, ILL., *November 15, 1973.*

Hon. ROBERT H. MICHEL,
House of Representatives,
Washington, D.C.

DEAR SIR: I rate myself as one of the millions often referred to as the silent majority. Well, I have remained silent too long! These are my sentiments:

1. I have complete confidence in the ability of President Nixon to effectively govern our nation. Recent National and Worldwide events substantiate this view.

2. I am against the impeachment of our President!

3. I am for a more accurate, fair, impartial, reporting of the news—especially by the TV media.

4. I have never witnessed so many persons branded as guilty on nationwide TV networks before all the evidence is in and in many cases before they have had a fair and impartial trial.

Very truly yours,

HAROLD B. PAGE.

PEORIA, ILL., *November 13, 1973.*

Hon. BOB MICHEL,
Washington, D.C.

DEAR CONGRESSMAN MICHEL: This letter is written to let you know this family is 100 percent behind President Nixon and his accomplishments since taking office.

In spite of all the (analysis ???) by the would be reporters of news, unemployment has gone down, crime has diminished, campus unrest has vanished, inflation has been held in check from what could have been a runaway fiasco. Greater strides have taken place to relieve international tensions than have been made in the last twenty five years. Our military forces have been pulled out of Viet Nam with thousands of our young mens lives saved.

Now about Watergate—not one person has been bodily hurt, not one person killed, and nothing was burgled from the so-called break in. The whole affair has been aired and televised to the point that from here on it hurts the nation to continue the hearings. Enough has come to light long ago to enable lawmakers to do the job that is needed to be done to prevent such a thing happening again. As far as justice is concerned, the culprits have suffered enough from the exposure they have had. To run them through the courts and met out jail sentences won't do them any good, nor the nation. It will only cost the taxpayers a lot of dollars.

The whole spectacle should be shut down.

Respectfully,

W. W. OWEN.

PEORIA, ILL., *November 13, 1373.*

Mr. ROBERT MICHEL,
House of Representatives,
Washington, D.C.

DEAR SIR: My wife and I along with our many relatives and friends are really put out on the abusive treatment of our great President by many of our republican Senators and Congressman and the press and we are carefully watching the results of the meeting with the republicans Congressmen and Senators. Evidently they wanted him in 1968 and all good republicans wanted him and got him and we reelected him again in 1972. My first vote was for a republican and have been a good republican since 1928 and I say it is time for republicans to come to the aid of their party and not pussyfoot around the issues. Everyone knows the press wasn't for our President in 1964 and then he lost for Governor in California and the press said he was done for in politics and then in 1972 carried every State but one.

Well I think revenge is the real issue in the Watergate. I think the people are fed up with the (post mortem) held by the commentator after our President speaks on television.

I think when the press continually repeats over and over one thing then the people begin to feel the same way. Over and over the newsmen hurt us abroad and at home. But I have not given up and never have on Richard Nixon. I told Ivan Pettijohn when he told me Nixon was washed up after loss in California the he would be nominated in 1968 and was.

I don't think people really could forget so soon what he has done. Could these young people draft age and mothers forsake a party who has brought their sons back with peace, and an unemployment of only 4½ million.

But as I am out of the labor pool now I am free to get out and knock on doors as I am in good health, and us Senior Citizens will be heard from in the coming elections.

Any way we hope you and Sen. Charles Percy do not follow same views as Brooks and the Senator from Colorado. But these are the feeling, of my family, relatives and friends that I have talked with. So you wonder some times just where they take these polls.

Yours sincerely,

HOWARD TAYLOR.

CHATTANOOGA, TENN., *November 17, 1973.*

DEAR CONGRESSMAN MICHEL: As one of your constituents and supporters I would like to express my concern and opinion on the Nixon-Watergate Issue.

I personally feel that the President is telling the truth concerning the coverup, etc. I do not believe he should be impeached or resign. The President will be cleared, I believe and hope; but he can only return to strength if we will support him.

I ask you, as my representative, to help Mr. Nixon to regain his position and strength.

Your work is appreciated. As an officer of the government, you are in my prayers.

Sincerely,

B. JOEY WATT.

COLCHESTER, ILL., *November 20, 1973.*

REPRESENTATIVE MICHEL: I am writing to beg you to please give Mr. Nixon your support and trust in every way you can.

We are more convinced each day of his complete innocence and honesty in this Watergate mess! And we think this has gone on much, much, too long!

Let's now get back once more to the more important issues of peace, stability, and prosperity in the world!

A concerned housewife, mother, and farmer's wife.

MRS. RICHARD A. DIXON.

TOPEKA, ILL., *November 15, 1973.*

Hon. ROBERT MICHEL,
House of Representatives,
Washington, D.C.

DEAR CONGRESSMAN MICHEL: We are up to our ears with Watergate! It is time we let our representatives in Congress know exactly where we stand, so here it is.

The fuss made over the Watergate matter is ridiculous. By no stretch of the imagination is it of such proportion to deserve so much attention, time and money. Is there any politician in Washington who could stand an investigation such as has been given Mr. Nixon? Could any politician since the Garden of Eden stand such? And when all is said and done, will the Congress do anything constructive to change the ways of politics? We seriously doubt it—we seriously doubt that it is humanly possible.

There is much talk of the excessive power of the executive branch of the government, but what really frightens us is the excessive and irresponsible power of the press. The brainwashing job done on the American people by the news media in the Watergate matter must surely be the envy of Communist countries everywhere. The whole coverage of the affair by the press seems to us to be a concerted effort to destroy Richard Nixon and nothing else.

As we see it, Richard Nixon was the people's choice for President of the United States, and unless Congress moves swiftly to confirm Gerald Ford as Vice President, the elimination of Mr. Agnew and the clamor for the impeachment or the resignation of President Nixon smacks of an attempt to overthrow a duly elected government.

We feel that in these times the job of President of the United States is of such magnitude that any president—Democrat or Republican—deserves the cooperation of the Congress and the country in carrying out his duties. This does not mean agreeing with everything he proposes or says, but it does rule out antagonism, persecution and acting like children who didn't get their way. The real problems of this country—inflation, energy, pollution, world peace, foreign relations, to name a few—are so varied and so great that quite frankly we do not see how Congress can afford the time they have spent on the Watergate matter.

We are a part of middle class America who pay the lion's share of the nation's taxes—not poor enough to be exempt from income tax and not rich enough to have a herd of lawyers to manipulate our way out of paying. We own our own farm and locally we pay, what seems to us, more than our fair share of local government costs through the real estate tax. We pay and pay and pay, and we resent having our money frittered away on such nonsense as Watergate, which is only one among many of the occasions when government spends the taxpayers' hard earned dollars with utter carefree abandon.

We live on a farm near Topeka, Illinois. We are endeavoring to see our four children through college. Three have received college degrees and the youngest is now a sophomore at ISU. It has not been particularly easy to do without and pinch pennies to raise and educate our family and pay our taxes—local, state and federal—only to see those taxes squandered on asinine projects dictated by irresponsible government. The greatest service the Congress could do for the American people would be to stop the excessive spending, spending, spending of the tax dollar on wasteful, unnecessary or half-baked appropriations.

In conclusion, we think Richard Nixon has

been an excellent president. He is being an excellent president under very trying circumstances. We voted for him in 1968, we voted for him in 1972 and we would vote for him again today. We sincerely wish that the Congress would take an honest look at the Watergate situation, get things in their right perspective and attend to the matters of government which are of real importance. As citizens of the state of Illinois we request you, our representative, to give reasonable cooperation to President Nixon in his efforts to solve the really pressing problems of our country.

Thank you for your attention.

Very sincerely,

Mr. and Mrs. DOYLE WALKER.

MACOMB, ILL., *November 21, 1973.*

Representative ROBERT MICHEL,
House Office Building,
Washington, D.C.

DEAR SIR: In my opinion Watergate has gone much too far and those who have lead the attack on President Nixon have done the country a great disservice.

Also it seems to me that those who have not supported him in the crisis have failed to be good citizens. Each one of us owes allegiance to our President whether he be a Republican or a Democrat. President Nixon from the beginning has professed his innocence of any wrongdoing and we should accept that and believe him until it is proved otherwise. And it must be admitted that there is no actual proof of guilt—only suspicion and speculation—nothing that would stand up on impeachment or in a court of law.

I respectfully urge you and the Congress to leave the matter to the courts and support the President and get on with the business of the country.

Mrs. Harris joins me in these statements.

Very truly yours,

EDWIN L. HARRIS.

A "DUTY" LETTER

HON. EDWIN B. FORSYTHE

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Monday, November 26, 1973

Mr. FORSYTHE. Mr. Speaker, we all are aware of the wrenching effect the Watergate events have had on many, many loyal and concerned Americans.

I recently received a letter from a constituent, Mr. Tom Carson, of Cherry Hill, N.J., which rather graphically expresses the frustration of his family with these events.

I would like to share his letter with you. Therefore, without objection, I insert the text at this point in the RECORD:

Re President Nixon and the United States Congress

DEAR CONGRESSMAN FORSYTHE: This is a "duty" letter. I wish to be on record that I have believed for several months that President Nixon should resign. The events since last April when President Nixon finally deigned to address the public on television have been catastrophic and need not be enumerated here.

The public has been bewildered by the quantity, the rapidity of scandals within almost every area of the Executive branch of government. Adding to this is the apparent obfuscation of both houses of Congress.

Why would Congress pass 8 or is it now 9 bills and permit the President veto to stand? Is one man who obviously is doing every thing wrong a better evaluator of what effect a bill will have on the public interest or well being than the Congress which presumably studied and researched the subject before obtaining a majority vote?

Frankly, I am ashamed of our Congress. The House of Representatives has no strong leadership and The Senate has leaders of dubious character or sensibilities. Why is Congress so mealy mouthed?

I have a 19 year old daughter with an above average IQ. She is in her second college year at Albright and she is so distraught she is planning to emigrate to Australia. Meanwhile she is paying a good deal of time reading about the asinine 16 year old Indian who claims to speak for God!

My daughter can't understand why an intelligent man like her father who was a prominent advertising director for 25 years, a man who gave 3 and a ½ years to service for his country, a man who is physically and mentally very capable, is unable to find work of any kind. She is also unable to understand why college graduates are forced into jobs as ribbon or cosmetics clerks when they have a degree in social science or other equally worthwhile subjects.

Our family viewpoint, and I believe we are typical of families with grown children (our other daughter is married), is that our Presidents since the Truman administration have let this country down. We feel Congressmen in both Houses have been inept. If we were of an age that would permit our entry, my wife and I would encourage our youngest daughter to go to Australia and we would go with her. We loved our Country, and we received our rewards as we contributed to its growth and well being. Today we see nothing left for us, and no future for our youngest daughter. Could you read this into the Congressional Record.

Sincerely, and best wishes,

TOM CARSON.

THE GAL FROM BOONE

HON. WILLIAM J. SCHERLE

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Monday, November 26, 1973

Mr. SCHERLE. Mr. Speaker, Boone, Iowa, in my district is privileged to have Mrs. Mamie Eisenhower as one of its most beloved natives.

Our former First Lady travels annually to Boone to visit her uncle, Joel E. Carlson, and these trips are always welcomed by local relatives and friends.

In her most recent trip home, Mrs. Eisenhower consented to the following interview with Allison Engel which appeared in the November 24, 1973, issue of the Des Moines Register. I would like to take this opportunity to share it with my colleagues.

MAMIE WANTS TO BE THE "GAL FROM BOONE"

(By Allison Engel)

BOONE, IA.—"Ike was known by heads of state all over the world as the man from Abilene. I want to be known as the gal from Boone."

But Mamie Eisenhower, widow of one of the nation's most popular military figures and former President, cannot shun her role in history. She yearns for privacy and quiet, shuns the spotlight and seldom speaks out on current political controversies.

CURRENT TRIP

She prefers the simpler things. Example: She describes her current trip to her native Boone (to visit her uncle, Joel E. Carlson, 93) as one stop on a "journey of love."

Earlier, she had stopped in Abilene, Kan., for her annual visit to place a wreath on Ike's grave.

Consenting to a rare private interview earlier this week, a cheerful and composed Mamie talked on a potpourri of subjects:

Childhood trips to Iowa, life in the White House, her recipes for tomato pudding and a happy marriage, and the creation of her trademark, "Mamie bangs."

Although reluctant to answer questions on current political events and the continuing Watergate scandals, Mamie did express firm support for President Nixon.

"He's as honest as the day is long," she said. "If he weren't, he'd have a lot more money than he does now."

She added: "It's about time we all started thinking for ourselves—using that gray matter. An article . . . is just the opinion of one person."

"We ask too much of the President," she continued. "He wears too many hats. In other countries, there are prime ministers and so forth to do various things, but here we have one man do it all."

Most of her words on the presidency, however, were reserved for her White House life with Ike.

"I was Ike's wife. I took care of everything in the White House and he took care of the presidency. We were very happy," she said, her startling blue eyes showing a brief glimmer of tears.

They had the same arrangement at the Gettysburg farm, she said.

"The outside was Ike's and the house was mine. I'm the best porch sitter you ever saw," she said with the ready laugh that often punctuated her words.

Mamie said she never played golf with her husband, whose love for the game was legendary.

"There was no competition between us. What he did, I didn't do," she said.

"I don't know about the Kansas profanity he was supposed to use when he played, though. I heard he had a few choice words when the ball didn't go where he wanted it to, but I never heard them around the house," she said with a smile.

FLAG PIN

As she spoke the jeweled rad, white and blue flag pinned on her left shoulder blinked in the morning sun. Below that, the tiny diamonds that encircled a small gold Presidential Seal sparkled.

The seal was a past Christmas present from President Nixon, she said, and the flag pin was given to her in the Philippines in 1936. "It only has 48 stars," Mamie said. "I wear it with dinner clothes and everything . . . because Ike asked me to. He was a great patriot."

"I wear him, too," she said, fingering an Eisenhower silver dollar medallion that hung around her neck. "If he gets in the way, I just tuck him inside."

Her appearance belied her 77 years. The direct gaze, spontaneous smile and the inevitable bangs were the same that had graced the nation's newsprint for decades.

A question about those famous bangs prompted an amused reply.

Did they create quite a nationwide commotion?

"Certainly!" Mamie replied with a laugh. "But I've worn them all my life. One day, I just got out a scissors and said 'I'm going to cut bangs' and I clipped away," she said, gesturing with exaggerated cutting motions. "Oh, I clip them with nail scissors, any scissors," she added.

Mamie characterized her eight years in the White House simply as "busy times."

The busiest, she said, was "meeting lots of people. I'd go from a group of farm women to a group from arts and letters. I'd meet an average of 500 to 1,000 women every morning for the first two years in the White House," she stated proudly.

LOOKS AT EYES

When meeting people, she said, she looked at their eyes.

"I can tell more about a person by looking into his eyes. I can't tell you what color hat you are wearing, but I can remember your eyes. I notice teeth, too. Teeth and eyes."

"Everyone has her own way of managing the White House," Mamie said. "And the First Ladies have different color schemes and want to rearrange the furniture differently, but you can do pretty much as you please."

"I always had one rule, though: I didn't interfere with Uncle Sam," she stated with emphasis.

"I think that President and Mrs. Nixon are bringing dignity back to the White House—which I'm sure was there when Ike and I were there," she said.

Mamie said she has noticed two differences between her way of entertaining and her successors'.

"I liked high floral arrangement, and I see now where they're using smaller ones. I would always use carnations as a base flower," she added, explaining that she did so to avoid guests' possible allergies to other flowers.

Her fondness for carnations was well known. "The Colorado growers used to send me 300 a week for my own use," she said.

Mamie had no measure of any difference between Mr. Nixon as vice-president and now as President.

NO BUSINESS TALK

"I wouldn't know. The minute Ike walked into the mansion, business was dropped. I never knew—we never discussed the presidency," she said.

"It goes back to letting him run his business and me run the house. As you can see, I'm not a woman's libber," she confessed.

Mamie also confessed to not being a cook, but said she did remember a recipe for tomato pudding she submitted to a cookbook once.

"It's good. You ought to try it," she urged.

Again, the quick peal of laughter. "It's not a dessert pudding. You serve it with beef or any roast meat. It's made with tomato paste, not whole tomatoes," she explained.

(It's also made with brown sugar, salt, bread cubes and butter, and baked in the oven.)

Mamie's life-style is such that cooking need not concern her.

She travels with 12 Secret Service agents and a secretary, who work to make Mamie's passage as smooth as possible.

When in Boone, the entourage stays at the Imperial Inn, a motel, where they are given a wing to themselves. Her visits are kept so quiet that some of the motel staff never see her during her stay.

"I live pretty much my own life now," Mamie said. "I go hither and yon, work on my projects and keep in touch with my family."

Some of her projects include working on a "People-to-People" program and close contact with Gettysburg (Pa.) College and Eisenhower College in Seneca Falls, N.Y.

A typical day, Mamie said, could have her waking up early.

"I always ring for breakfast at 8:15. My secretary comes at 9, and we go over letters and things until 4. So it's a very long day."

"There's one thing I still have—my checkbook and my signature," she said. "I answer most of the letters I receive, but don't write that down or I'll have everyone writing me," she instructed half-seriously.

Mamie said she "truly enjoys" her yearly visit to her birthplace. "I'm proud I'm from Iowa," she said. "I'll always know where the tall corn grows!"

Her uncle Joel, who celebrated his birthday with Mamie on Wednesday, "lives in the very house where he was born," Mamie said. "Can you imagine that?"

She recalled that she and her three sisters used to sleep on a mattress outside her uncle's home when they visited in the summer as small children.

"We thought that was hot stuff. We'd fall asleep at 9 p.m. thinking it was midnight," she said.

Another vivid memory was traveling from the Doud home in Denver to her grandmother's house in Boone.

BEES FOUND HER

"We had plumbing and indoor lights and everything and then we'd come to grandma's in Boone—with an outhouse out back," she said. "There were more bees around that place! And they'd find me," she giggled.

Mamie is "very much a family person," and pointed out that she now has three great-grandchildren.

"I think I'm a strange grandmother," she declared. "I don't baby-sit."

She said that she was "very pleased" about grandson David's decision to leave military service and study law. "David gave his time—three years—to Uncle Sam. He's not militarily-inclined at all."

SECRET SERVICE

She paused, and looked toward the two Secret Service agents in the room. "They're almost family too," she said. "Some of them have been with me for 20 years."

"They all know my shortcomings," Mamie said ruefully. "I have to be helped when I walk, you know."

But when she gave her final comment and issued her last warm smile, Mamie stood erect and walked carefully from the room slowly and proudly, without the aid of waiting hands.

HOUSE OF REPRESENTATIVES—*Tuesday, November 27, 1973*

The House met at 12 o'clock noon.

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

Teach me Thy way, O Lord, that I may walk in Thy truth; unite my heart to fear Thy name.—Psalms 86: 11.

O Thou who art good, whose love is everlasting, and whose truth endures through all the ages, open our eyes that we may see the way Thy spirit is beckoning us and open our ears that we hear the voice of Truth as she calls us to be truehearted, wholehearted, faithful, and loyal in this critical hour of our national life. Give to us the dauntless courage to so live our own lives and to so lead our people that we as a nation may be lifted above the bitterness that blights the brightness of brotherhood and be carried beyond the strife which separates the spirits of men.

Make us united in great purposes, elevated to genuine sympathies and eager for all good works. Keep us close to Thee this day that we may walk the way of truth and live the life of love for the sake of our country and the peace of the world: Through Jesus Christ our Lord. 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 SENATE

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

S. 1106. An act to amend the Federal Reports Act to avoid undue delays in the collection of information by Government agencies.

CONFERENCE REPORT ON S. 1443, FURNISHING DEFENSE ARTICLES AND SERVICES TO FOREIGN COUNTRIES

Mr. MORGAN submitted the following conference report and statement on the bill (S. 1443) to authorize the furnishing of defense articles and services to foreign countries and international organizations:

CONFERENCE REPORT (H. REPT. NO. 93-664)

The committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 1443) to authorize the furnishing of defense articles and services to foreign countries and international organizations, 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 to the text of the bill 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:

That this Act may be cited as the "Foreign Assistance Act of 1973".

POLICY; DEVELOPMENT ASSISTANCE AUTHORIZATIONS

SEC. 2. Chapter 1 of part I of the Foreign Assistance Act of 1961 is amended as follows:

(1) In the chapter heading, immediately after "CHAPTER 1—POLICY", insert "; DEVELOPMENT ASSISTANCE AUTHORIZATIONS".

(2) In section 102—

(A) insert "(a)" immediately after "STATEMENT OF POLICY.—"; and

(B) add at the end thereof the following:

"(b) The Congress further finds and declares that, with the help of United States economic assistance, progress has been made in creating a base for the economic progress of the less developed countries. At the same time, the conditions which shaped the United States foreign assistance program in the past have changed. While the United States must continue to seek increased cooperation and mutually beneficial relations with other nations, our relations with the less developed countries must be revised to reflect the new realities. In restructuring our relationships with these countries, the President should place appropriate emphasis on the following criteria:

"(1) Bilateral development aid should concentrate increasingly on sharing American technical expertise, farm commodities, and industrial goods to meet critical development problems, and less on large-scale cap-