Lisota, Gary
Liss, Stanley M.
Locke, Rodney M.
Luoma, Stephen R.
Lutes, Frank A.
Luther, Ronald J.
Lynch, Anne
Manion, Mark M.
Marks, Harry E.
Martin, Clifton C., Jr.
Martin, Edwin H., Jr.
Martin, Richard, L., Jr.
Masden, Joseph T.
Matheny, Leonard R.
Mathison, Robert C.
Maurer, Michael L.
Maybaum, Susan C.
Mayhue, Frank M. III
Menocal, Serafin G.
Messersmith Roger J.
Metskas, Michael A.
Meyers, Michael J.
Miller, Donald R., Jr.
Miller, James J.
Miller, James R.
Miller, Michael C.
Miller, Ronald I.
Mills, James G.
Mingle, Leo L.
Mitchell, Michael P.
Morris, Joel L.
Morse, Ronal B.
Mosley, Harold, Jr.
Moss, Alice M.
Mueller, Robert D.
Murphy, Vincent L., Jr.
McCannel, Gregory J.
McCauley, Karen L.
McClelland, Roger C.
McEwan, Llewellyn P.
McHugh, Robert J.
Naumann, James W.
Neal, Thomas S.
Neff, James R.
Nelson, Howard K.
Newton, Wayne J.
Nowakowski, Michael P.
Oker, William R.
Niland, John F., Jr.
Noonan, Ruth S.
Olson, Carl D.
Opitiz, Martin E.
Orourke, John T.
O'Shaughnessy, John L.
Paha, Edmund J.
Pannell, Thomas B.
Pappenfus, Patrick A.
Patterson, Robert F.
Paulewicz, Frank W., Jr.
Peyronel, Sharon A.
Phillips, Stephen W.
Pierce, Burt W.
Plato, Gayle J.
Plouse, Henry S.
Poulos, Terrence P.
Pratt, David L.
Pritchard, Nolie D., Jr.
Provenzano, Joseph G
Pryjmak, Peter G.
Purington, David A.
Rantanen, Robert W.
Redmon, Danny R.
Ricketts, Steven D.
Rider, Maradee
Rindler, Mark S.
Rix, William H.
Rhinesmith, Gary R.
Robinson, William R.
Rocheleau, Karen D.
Rosenberg, Joan R.
Rossi, Thomas J.
Sales, Christopher A.
Sampson, Thomas N., II
Saunders, Charles C.
Schoultz, Robert P.
Schueneman, Frederick W.
Scott, David A.
Sharp, Michael A.
Sheffield, James W.
Sindlinger, William J.
Singer, Donald R.
Single, John M.
Sipe, Alan M.
Skurla, Dale G.
Smedberg, Richard A.
Smith, Billie L.
Smith, Norman K., II
Smith, Pamela A.
Sneed, Brandon M.
Sokolowski, John A.
Sondergaard, John M.
Spatafore, Gene A.
Stanley, William B.
Starzy, Virginia L.
Stephenson, Richard D.
St. Pierre, Larry
Streeter, Paul J.
Sullivan, Mark P.
Tesch, Thomas G.
Thompson, Judy H.
Thorn, David J.
Tillotson, Robert N.
Todd, James A.
Tournier, Johanne L.
Towne, James B.
Tracy, Robert E., Jr.
Trasoras, Edward C.
Turner, Dick W.
Uhal, Howard T.
Uhlig, Phillip C.
Vanderford, William D.
Vanduyne, George S., Jr.
Vannatter, Richard P.
Vittitoe, Barbara J.
Vollmer, Leo W., Jr.
Vonk, Martin J.
Walter, Ainslie B.
Watson, Judith A.
Wedoff, Steven D.
Weimer, John C.
Wells, William A.
West, Robert T.
White, Donald D.
Whyms, Michael L.
Wicks, James H., Jr.
Wiggers, Raymond P., Jr.
Wilken, Dennis R.
Wilson, Joseph D.
Withrow, John F.
Wittenberg, Charles F.
Worst, Terry J.
Wyler, Nancy K.
Yantis, Kathleen M.
Yeager, Merle E.
Zebrowski, Christine A.
Zambrano, Steven P.

SUPPLY CORPS

Apple, Chris L.
Appelquist, James S.
Ballard, Susan W.
Benson, Nanette E.
Bente, John T.
Bristow, William D.
Brooks, Stephen B.
Brown, Gregory A.
Burns, Shirley J.
Corbett, John C.
Dixon, Jeffery A.
Easton, Gregory B.
Fargo, Keith B.
Finney, Thomas G.
Flanagan, Patrick J.
Graham, John M.
Guion, Stephen W.
Hartman, Douglas M.
Henderickson, Robert, C., III
Hess, Donald W.
Higgins, Guy M., Jr.
Holcomb, Carl D.
Huntress, Diana E.
Johnson, Michael D.
Kiggins, Richard A.
Kokosinski, Mark E.
Maguire, William J.
McGarrett, William J.
Mondiek, David D.
Morgan, Everett M.
Munson, Timothy O.
O'Connor, Vincent T.
Oller, Arthur G.
Payne, Jack B., Jr.
Russell, Robert M.
Ryan, John F., Jr.
Siebenschuh, Frederick R.
Simcich, Michael A.
Sperry, Charles K.
Stanton, Marjorie J.
Stephens, Thomas L.
Stroupe, John B.
Tomlin, Henry B., III
Townsend, Paul J., III
Watson, Peter W.
Westlake, Edward L.
Williams, John A., Jr.
Winstead, William G.

CIVIL ENGINEER CORPS

Bertsche, Arnold E.
Carver, Gary F.
Curd, Andrew T.
Frey, Kenneth P.
Knudson, Daniel F., Jr.
Ludwig, Kurt J.
Ross, Steven R.
Titus, George H.

MEDICAL SERVICE CORPS

Bosshard, Nancy L.
Dillingham, Joe G.
Gregory, Gary D.
Hart, Gene D.
Stein, Cynthia A.
Walsh, Richard J.
Williams, Peter N.

NURSE CORPS

Butzow, Robert E.
Dixon, John A.
Felix, Kate G.
Kelly, Marie E.
Pasbrig, Catherine P.
Rusnak, Diane L.

The following named lieutenants (junior grade) of the U.S. Navy for temporary promotions to the grade of lieutenant in the line and staff corps, pursuant to title 10, United States Code, section 5769 and 5773, subject to qualification therefore as provided by law:

LINE

Jury, Jayson L.
Lumsden, John C., Jr.
McBarnette, Curtis W.
Rimpau, James W.
Skjoldager, Jack O.

SUPPLY CORPS

Foster, Robert L.
Hughes, Gary J.

CONFIRMATIONS

Executive nominations confirmed by the Senate November 4, 1977:

NATIONAL ENDOWMENT FOR THE ARTS

Livingston L. Biddle, Jr., of the District of Columbia, to be Chairman of the National Endowment for the Arts for a term of 4 years.

EXPORT-IMPORT BANK OF THE UNITED STATES

Donald Eugene Stingel, of Pennsylvania, to be a Member of the Board of Directors of the Export-Import Bank of the United States.

NATIONAL COMMISSION ON NEIGHBORHOODS

Joseph F. Timilty, of Massachusetts, to be Chairman of the National Commission on Neighborhoods.

DEPARTMENT OF THE TREASURY

Stella B. Hackel, of Vermont, to be Director of the Mint for a term of 5 years.

FEDERAL COMMUNICATIONS COMMISSION

Tyrone Brown, of the District of Columbia, to be a Member of the Federal Communications Commission for the unexpired term of 7 years from July 1, 1972.

The above nominations were approved subject to the nominees' commitments to respond to requests to appear and testify before any duly constituted committees of the Senate.

EXTENSIONS OF REMARKS

FORREST GERARD, NEW ASSISTANT SECRETARY FOR INDIAN AFFAIRS

HON. LEE METCALF

OF MONTANA

IN THE SENATE OF THE UNITED STATES

Thursday, November 3, 1977

Mr. METCALF. Mr. President, when Secretary Cecil Andrus revamped the leadership structure of the Interior Department, he elevated Indian matters to new prominence by appointing an Assistant Secretary for Indian Affairs. His choice for the new post was Forrest Gerard, a Blackfoot Indian from Browning, Mont., who was confirmed unanimously by the Senate and is now officially holding the position.

All who know Forrest Gerard agree that he was a splendid choice. They also know that he assumes office at a critical juncture in Indian affairs. Mr. Gerard has indicated that he intends to make changes in the way Indian matters are handled—and that he intends to be an advocate for the Indian position when he feels that position is right. Given the increasing number of lawsuits in Federal courts involving Indians, Mr. Gerard may become—whether he wishes it or not—a household name.

Given the importance and impact of the new post, I think it is valuable for my colleagues in the Senate to know more about the new Assistant Secretary and his philosophy. I therefore ask unanimous consent to have printed in the RECORD an article which appears in today's edition of the New York Times telling about Mr. Gerard and his hopes for Indian affairs under the Carter administration.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

INDIAN, STARTING JOB AS AIDE TO INTERIOR SECRETARY; SEES BACKLASH IN CONGRESS OVER TRIBAL LAND CLAIMS

(By Seth S. King)

WASHINGTON, October 31.—Forrest J. Gerard, a Blackfeet Indian from Montana, has taken over as Assistant Secretary of Interior for Indian Affairs at a time when his people are as embattled, he says, as his ancestors were when whites tried to take valuable reservation land in the 1880's.

More than a score of lawsuits challenging the sovereignty of Indian tribes over their reservations are making their way through the Federal courts. On the other hand, Eastern tribes are claiming large tracts of land in Maine, Connecticut, Massachusetts, New York and Rhode Island.

"And," Mr. Gerard said in an interview Friday, "an increasing hostility toward Indians is developing in Congress where we're confronting the most serious backlash we've ever faced."

"We need a solution to temper the attitudes of the Eastern Congressmen, who have certainly faced new problems because of the

land claims," he said. "For years they've looked on the Indians as a Western problem like they considered busing a Southern problem. Now suddenly it isn't that way any more, and they are not happy about it."

Mr. Gerard, a lean 52-year-old who talks rapidly but softly, is not the first Indian to serve as director of what he calls "the old and much-maligned" Bureau of Indian Affairs. But in the past the bureau head reported to an assistant secretary and was left out of policy-making decisions concerning Indians. In the new post of Assistant Secretary for Indian Affairs, Mr. Gerard holds the highest Federal position given to an Indian since Charles Curtis was elected Vice President in 1928.

"I intend that the bureau will come to be seen by the Indian tribes as an advocate rather than an adversary, as so many of them have regarded it for many generations," he said.

By appointing him an assistant secretary as well as head of the bureau, he said, President Carter and Interior Secretary Cecil D. Andrus were giving an Indian a place in the Department's policy-making circle and empowering him to deal directly with the Office of Management and Budget and Congress on Indian matters.

His appointment was announced in mid July, but he was not confirmed by the Senate until September 15 after overcoming some opposition.

Senator James Abourezk, Democrat of South Dakota, who served as chairman of the special American Indian Policy Review Commission and heads the Senate's Select Committee on Indian Affairs, said that at first he "had a lot of doubts" about Mr. Gerard.

"When he was on the staff of the Interior and Insular Affairs Committee, he sometimes didn't appear to be all that interested in Indian affairs," Senator Abourezk said "But during his confirmation hearings, I came to feel differently about him. He's indicated he'll be a strong voice for the Indians."

Mr. Gerard said that he had no illusions that he would be able to revitalize the Bureau of Indian Affairs. "But I intend to strengthen the bureau's responsibility as trustee for the Indians," he said. "And I intend to strengthen the tribal governments and improve the bureau's services to them."

Mr. Gerard said that he was moving to restructure the bureau and accelerate the change in the role of the area offices, which a decade ago ran all Indian affairs, from an administrative one to one of assistance and training. The bureau remains the trustee for all Indians, but its degree of day-to-day control varies from reservation to reservation.

"The tribes should be allowed to exercise whatever sovereignty they are legally entitled to," he said. "Sovereignty means in part the control Indians have over the non-Indians living within their reservations, and what this really means is who controls the Indians' resources."

As for the Indian land claims, Mr. Gerard said that they were "well founded." He said he was convinced that President Carter was trying to solve the inflammatory Maine land claims through negotiation, which was the best means.

GREW UP ON RESERVATION

Mr. Gerard was born and spent his boyhood on the Blackfeet Reservation in Northwestern Montana, where, unlike many of his Indian friends, he attended the public schools in Browning, the reservation's largest town.

"But I had my first exposure to the outside world only after I joined the Air Force in World War II," he said.

After graduating from the University of Montana in 1949 Mr. Gerard held several posts in non-Indian health administration agencies in Montana and Wyoming. Then he came to Washington to work in the Bureau of Indian Affairs as a legislative liaison officer.

He later spent his time as a professional staff member of the Senate Interior Committee and in the past year has been a lobbyist for several Indian organizations.

"I'd always been a member of the Blackfeet tribe, but in the mid-50's I made a conscious decision to come into Indian affairs full time," he said. "I didn't want to find myself asking later 'What did you do to help your people?'

Mr. Gerard said that the militant Indian leaders did not embarrass him, though he did not agree with their tactics. But he believed that they had served to "escalate the public's interest."

"We're about five to 10 years behind the other civil rights movements," he said. "But the black militants are passing and many are working in the system now. We're seeing a decline in militancy among the Indians and instead an upsurge of Indian determination to assert their rights and manage their own affairs, and I support that."

Mr. Gerard said he saw himself in his new post as "the cutting edge of a tough reform movement."

"There's a growing feeling in the Indian community that things are getting like they were in the 1880's, an apprehension that the tribes once again possess things—uranium and oil and natural gas—that are going into short supply," he said. In the 1880's, when gold and silver were found on some reservations, whites seized the land.

"The root of their problem is the right to govern their own affairs and guarantee the future welfare of the Indian people. That's often lost sight of in the strident rhetoric Indian matters are now generating."

ADULT CARE HOMES

HON. WILLIAM S. COHEN

OF MAINE

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 3, 1977

Mr. COHEN. Mr. Speaker, I was pleased to join with Mr. PEPPER in introducing legislation, H.R. 9884, earlier this week to make certain minor but important changes in the Unemployment Compensation Amendments Act we passed last year.

Under that legislation, the Social Security Administration is required to reduce supplemental security income payments to individuals living in adult care homes which were not in compliance with State standards by October 1, 1977. The amount of the reduction would be equal to the amount of any State supplement made to SSI recipients in these facilities. There are two problems with the law as it stands now.

First, the October 1 deadline has passed. States that have not developed and implemented standards for adult care homes are in violation of the law. Yet, State regulations are also required to meet certain criteria established by the Secretary of HEW. Despite efforts of the Secretary to come forth with guidelines, the process is not complete. Furthermore, many States require action by their legislatures in order to promulgate the standards required under the law. Since some State legislatures only meet biannually, they have not had the opportunity to comply in view of the short time span the law allowed for this process. As a result, the current law makes the States, and ultimately the Federal Government, liable to massive class action suits for failure to comply with the law and to protect the health and welfare of individuals living in these adult care homes.

Second, the law penalizes the very persons it is meant to protect. Hearings held in the House Select Committee on Aging, of which I am a member, revealed that the penalties of this provision will work a hardship on the elderly and handicapped whose poverty already makes them eligible for SSI payments. Reductions in SSI payments will further impair the ability of these recipients to pay for housing. The goal of the legislation was to deter individuals from moving into or staying in unlicensed or substandard facilities. However, the effect of the existing law will be to force these recipients either to move to lower quality homes because of the income cut, or to seek care in more expensive, less appropriate nursing home settings which are licensed.

Not only does the current law inappropriately place the burden for enforcement upon those most in need of care and protection, but it inequitably applies its sanctions only to residents in States which supplement SSI payments. Furthermore, States which supplement do so at different levels. If the sanctions of the law are national in scope, they should be national in application.

Our legislation corrects these two deficiencies in the law. By deferring the effective date for State licensure of adult care homes to June 1, 1978 or October 1, 1978 in cases where the Secretary of HEW certifies that the State is making a good faith effort to comply, we guarantee that Federal and State licensure and certification of these facilities can proceed in an orderly fashion. Finally, the bill strikes the paragraph in the law which places responsibility for enforcement of licensure requirements through reductions of SSI payments on those who can least afford it.

I commend this legislation to my colleagues.

PERSONAL FINANCIAL DISCLOSURE

HON. PHILIP R. SHARP

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 3, 1977

Mr. SHARP. Mr. Speaker, as a matter of personal policy, my wife and I annually disclose our financial assets and liabilities, and our income and tax payments. To make our current disclosure available for public scrutiny, I ask that it be included at this point in the CONGRESSIONAL RECORD:

STATEMENT OF ASSETS AND LIABILITIES

ASSETS

Cash (checking and savings accounts)	$10,967.22
Deposit in Teachers' Retirement Fund	1,537.70
Investments	
U.S. savings bonds	$200.00
Residence in Muncie (at cost)	19,500.00
Muncie business building (at cost)	25,000.00
Real estate mortgage	3,750.00
Residence in Arlington, Va. (at cost)	111,500.00
	159,950.00
Automobiles (1970 and 1974 Chevrolets)	3,125.00
Total assets	175,579.92

LIABILITIES

Mortgage on Muncie residence	$14,386.37
Mortgage on Arlington, Va. residence	88,778.71
Personal loan	15,000.00
Total liabilities	118,105.08
Total assets	175,579.92
Less total liabilities	118,165.08
Net assets	57,414.84

STATEMENT OF INCOME AND TAXES PAID FOR 1976

Total income for 1976 (see note below)	$46,857.61
Federal income taxes paid for 1976	8,959.00
Indiana income taxes paid for 1976	862.88
Property taxes paid in 1976:	
Delaware County, Ind	545.78
Arlington County, Va	311.94
Total taxes paid for 1976	10,679.60

FLOYD BOLDRIDGE HONORED

HON. IKE SKELTON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 3, 1977

Mr. SKELTON. Mr. Speaker, from time to time a rare individual comes along who leads a life of such uncommon virtue and service that it has an enormous impact on the people around him. The community of Lexington, Mo., which is my hometown, has been very fortunate to have such a person living in our midst for the past 79 years. He is Floyd Boldridge. For as long as I can remember, Floyd Boldridge has been barbering in Lexington, dispensing his own special brand of wisdom and graciousness to all who stop by.

Recently, Floyd's many, many friends gathered to do him honor by putting together a "This Is Your Life" program. It would be impossible for me to list here all the many tributes that were paid to this fine man, but I would like to quote just a few. Floyd's close friend, the Reverend Walter Brunner had this to say:

Stating a friend's worth or value cannot be counted in dollars and cents, but in the daily living of loving, doing, and sharing; sometimes just a cheerful Good Morning, a beaming smile or a hearty handshake.

Another friend, Roger Elliott, remembers Floyd as a member of the Masons:

It is said when a man becomes a Mason we try to make a better man of him, but just knowing Brother Boldridge has made a better man out of me.

I would like to add my own words of thanks and appreciation to Floyd Boldridge for his years of unstinting service to the community. More than that, though, I want to thank him for his good advice and strong friendship over the many years that we have known each other.

SPECIAL TRIBUTE TO MRS. BETTIE RIFKIND

HON. HENRY A. WAXMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 3, 1977

Mr. WAXMAN. Mr. Speaker, on November 22, 1977, the board of directors and friends of the Brandeis-Bardin Institute will pay special tribute to Mrs. Bettie Rifkind. Mrs. Rifkind will receive well-earned praise and expressions of gratitude for the unique role she has played in the history of the institute since its very inception.

With the singular exception of the institute's founder and director, Dr. Shlomo Bardin, Mrs. Rifkind has given more energy and spirit to the institute than any other person.

Along with her husband, the late Judge Joseph J. Rifkind, and a tiny number of other pioneers, Mrs. Rifkind committed herself wholeheartedly to Dr. Bardin's vision and helped it become a reality. In fact, Judge and Mrs. Rifkind helped choose and acquire the physical home of the Brandeis-Bardin Institute and helped establish the intellectual and spiritual atmosphere which characterize the institute.

For most of her 31 years with the institute, Bettie Rifkind served as Dr. Bardin's principal assistant. The institute came to rely on the ideal combination of Shlomo Bardin's charisma and dynamism and Bettie Rifkind's talents and organization and interpersonal diplomacy.

The Brandeis-Bardin Institute is currently respected, emulated, and even held in awe throughout the United States and in other parts of the world as well. Yet, Bettie Rifkind, her late husband, and a small number of the other founders—people like Max Zimmer, Marion Travis, N. Ben Weiner, Max Laemmle, and Eddie and Frieda Meltzer—struggled through years of controversy, chronic financial difficulties, and widespread skepticism toward the lofty aspirations of the institute.

Bettie Rifkind's work in making Brandeis succeed had immeasurable effects on the Southland Jewish community. Youngsters and their families have been elevated by the Camp Alonim experience. Alienated young people and disillusioned older people critical of what they saw as the materialism and status consciousness of the established Jewish institutions found at Brandeis the idealism, human warmth, and intellectual values they sought. Other institutions long complacent and unresponsive, look at the wonder of Brandeis' success and reexamine their own structure and principles.

Mrs. Bettie Rifkind well deserves the lavish praise which will be bestowed upon her on November 22. Nevertheless, as one privileged to know Bettie personally, I know she will not count the tribute as the truly consequential satisfaction derived from her achievements. Bettie's satisfaction ultimately derives from the success and vitality of the Brandeis-Bardin Institute and, most especially, its ability to remain true to the precepts of its leader and founder, Dr. Shlomo Bardin, even now that he is no longer with us.

TRIBUTE TO A TRUE WYOMING PIONEER

HON. TENO RONCALIO

OF WYOMING

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 3, 1977

Mr. Speaker, I want to take a few moments to bring to your attention a truly fine pioneer deserving of recognition. Daisy Epperson exemplifies "the coming of age" of the West.

At the age of 16, Daisy—a year short of the minimum age required to teach—was granted special permission to teach in a rural Wyoming school. She continued teaching for a decade before being elected county superintendent of schools. As superintendent, she fought for better standards in the schools by exposing shameful conditions which then prevailed. Daisy gained national recognition in 1916 when her rural school plan submitted to the U.S. Department of Education was accepted and implemented throughout the country.

After her marriage, Daisy and her husband, Percy, made their home in Buford, Wyo., where she served as postmistress. Her husband later served in various law enforcement positions, and Daisy—with her usual thirst for knowledge—became well versed in Wyoming law and order. This prepared her to serve as justice of the peace for the small town of Rock River, which she did very effectively from 1950–58.

During the past several years, Daisy has spent much of her time collecting native rare artifacts and rocks in order to bring fame to her beloved southeastern corner of Wyoming. Her particular love has been Como Bluff, one of the most historically significant paleontological discoveries in the world.

Daisy's dream is to see Como Bluff designated a national monument so that the approximately 7,500 acres of dinosaur remains discovered in 1877 can be protected from further vandalism. Although Como Bluff is included in the National

Register of Historic Places, it is virtually unprotected from vandalism, and many valuable artifacts have been taken by curiosity seekers. Though geologists travel worldwide to visit Como Bluff, Daisy is appalled at the lack of knowledge about, and interest in the area, by the natives. She is striving to instill that knowledge and pride in her neighbors and friends, and has succeeded in arousing a group of people in pursuing its designation as a national monument.

Although I have introduced legislation to authorize a feasibility study by the National Park Service—a lengthy process at times—I want to show Daisy my appreciation for her concern and thank her for her contributions to the State of Wyoming. Indeed, she is representative of the pioneers who have made our country great.

REPLY TO MR. ASHBROOK ON HUMPHREY-HAWKINS BILL

HON. AUGUSTUS F. HAWKINS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 3, 1977

Mr. HAWKINS. Mr. Speaker, I have noted on page E6620 in the RECORD of October 27 a statement by Mr. ASHBROOK, accompanied by an editorial from the October 2 Cleveland Plain Dealer, to the effect that the Humphrey-Hawkins bill, when enacted, would favor public service jobs rather than private jobs, would not deal with structural unemployment, and would lead to larger budget deficits and more inflation. These criticisms are based on misinterpretations of the Humphrey-Hawkins bill. The bill places predominant stress upon the expansion of private jobs, and places limitations on public service jobs which are not in any other legislation. The bill embraces a variety of strong and specific proposals to deal directly with structural unemployment. The bill contains a stronger anti-inflationary program than any previous legislation except under wartime conditions. The bill, when enacted, would greatly improve the condition of the Federal budget by greatly enlarging the performance of the national economy, which enlargement in itself would greatly reduce unemployment costs and greatly increase tax revenues without increases in tax rates. Such trends would even increase the opportunities for soundly directed tax reductions.

The misinterpretations about the bill have been answered fully by many inserts in the CONGRESSIONAL RECORD, voluminous congressional testimony, and the favorable report on the bill by the Committee on Education and Labor last year. The most comprehensive treatment of the entire subject is available in the January 1977, published pamphlet on the bill containing a discussion of the issues by Senator HUMPHREY and me, which has been distributed among Members of the Congress. Additional copies can be obtained from my office.

I will not add to these explanatory materials at this time, except to reemphasize my conviction—shared by many—that the elimination of massive unemployment through the creation of full employment is a profoundly important moral obligation involving all the people of the United States and the U.S. Congress.

And the time is long overdue when we had better begin to look at ourselves in terms of doing first what is right and then adjusting our economic policies accordingly.

GRASSLEY TRIES TO SAVE SMALLTOWN LIBRARIES FROM HEW OVERREGULATION

HON. JOHN M. ASHBROOK

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 3, 1977

Mr. ASHBROOK. Mr. Speaker, on October 18, a story appeared in the Des Moines Register by that paper's Washington reporter John Hyde, on the subject of a smalltown Iowa library and its inevitable run-in with the Federal bureaucracy. The story was an important one, not only for Rudd, Iowa—not only for Iowa—but, indeed, for any of us who represent rural and smalltown constituencies.

It seems that the U.S. Office of Civil Rights, at least at the level of its Kansas City regional office, wants to impose on smalltown libraries a set of HEW regulations promulgated under the authority of the Rehabilitation Act of 1973 that have been interpreted—to be generous—in the extreme. Through the efforts of the gentleman from Iowa, Mr. Grassley, the interpretation and the application of those regulations are being challenged. I refer you to the story, as it appeared in the Des Moines Register, entered in the RECORD for Tuesday, October 25, page 35099, under "Rampant Nonsense."

The subject attracted the attention of the New York Times news service, and hence the Washington Star for Sunday, October 30. I commend to you the following editorial, as it appeared in the Star for Tuesday, November 1:

ANOTHER REGULATION GONE ASTRAY

To the federal silliness that would have banned father-son, mother-daughter dinners at an Arizona school and would have prohibited all-boy choirs at a Connecticut school, add an attempt to force Rudd, Iowa, to build wheelchair ramps on its library when no one in town uses a wheelchair.

It seems that Rudd (population 429) had been getting along nicely with its library for 10 years until local officials recently sought money from the state to stop water seepage in the basement so that the basement would be more usable for community activities. According to the town's part-time librarian, an official who came out to inspect was more interested in wheelchair ramps than in correcting the seepage.

Now, the town is faced with the possibility of having federal funds cut off unless it builds a ramp at the library entrance and another from the outside into the basement; and it may have to widen doors on two toilets to accommodate wheelchairs.

The 28-by-30-foot library cost $16,000 to build in 1967, half of which was scraped together by townspeople and half contributed by a Mason City foundation. It may cost several thousand dollars to build the ramps and the town can't afford it—"We think in terms of hundreds, not thousands," said Helene Wood, president of the town library board.

"So the only alternative is to close the library to the whole community just because we can't remodel for the nonexisting handicapped," Mrs. Wood said. "Isn't that ridiculous?"

Apparently not to the bureaucrats. One of them is quoted in an article in The New York Times on Rudd's dilemma as saying "You can't ever tell when you might have a handicapped person."

It took intervention by President Ford to keep HEW from banning father-son, mother-daughter dinners in Arizona. It took intervention by Rep. William Cotter, R-Conn., to reunite the all-boy choir disbanded at Wethersfield, Conn. in the face of HEW threats to withhold federal funds.

Maybe Rep. Charles Grassley, R-Iowa, whose aid has been enlisted, can persuade HEW to give Rudd a break. If he can't, it may be bad news for other Iowa libraries (a survey reportedly indicates that 92 percent of Iowa's 502 libraries don't have ramps, and the average cost of installing them is estimated at $6,500). And where Rudd and Iowa go, so does the nation, we suppose—there must be tens of thousands of unramped libraries across the nation.

Certainly, consideration should be given to making it easier for the handicapped to have access to public facilities. But there ought to be a reasonable ratio of benefits to cost. We doubt that Congress intended when it passed the Rehabilitation Act of 1973 to force a town like Rudd either to build ramps that the town can't afford and no one would use or to close its library.

REINTRODUCTION OF "NATIONAL COMMUNITY HEALTH WEEK" JOINT RESOLUTION

Hon. Yvonne Brathwaite Burke

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 3, 1977

Mrs. BURKE of California. Mr. Speaker, today I wish to reintroduce a joint resolution designating March 12–18, 1978, as "National Community Health Week."

A growing number of communities are already observing National Community Health Week under the sponsorship of the Community Health Association, Inc. This organization is headed by my good friend, Dr. Ruth Temple of Los Angeles, who has devoted an inordinate amount of time and energy to the establishment of community health centers.

Community health centers have been established under the auspices of Federal, State, and local governments to insure that no individual or community is denied health services because of unavailability, inadequate financial resources or other such barriers. Yet, today, many Americans still suffer needlessly because they are unaware of the resources available to them through such community health centers.

Designation of a National Community Health Week would provide an opportunity for a united effort in health education by the participation of business, labor, religious, and civic groups as well as individual citizens. This would encourage swift identification, diagnosis, and treatment of persons having health problems by increasing community awareness of the services available through community health centers.

I urge my colleagues to join me in this endeavor.

COAL PRIORITY TRANSPORTATION ACT OF 1977

HON. PHILIP E. RUPPE

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 3, 1977

Mr. RUPPE. Mr. Speaker, I am introducing today a bill which I have entitled the Coal Priority Transportation Act of 1977. It is my intention to seek comment on this proposal, for I believe this legislation offers a constructive and better balanced approach to the coal slurry transportation issue than H.R. 1609, the Coal Pipeline Act of 1977 introduced by Mr. ECKHARDT and others. However, I still do not think that action on this issue should be taken by the Committee on Interior and Insular Affairs until Congress receives a report from the Office of Technology Assessment on the problems and prospects of coal slurry pipelines, which is due by the end of the year.

My distinguished colleague from Texas, Mr. ECKHARDT, has often gone to great lengths to assure the Congress that he is not seeking, through H.R. 1609, to hurt our Nation's railways. Let me, in turn, say that I am not seeking, through this bill I am today introducing, to hinder or discourage in any way the development of coal slurry pipelines. The substantive provisions of Mr. ECKHARDT's bill remain intact in this substitute. The changes in regulatory procedure which I propose will not make certification or authorization of coal pipelines more difficult. Indeed, I believe that in some respects these changes will place H.R. 1609 in closer harmony with proposals which we have been eagerly awaiting from the administration, such as granting primary certification authority to the Department of Energy instead of the Department of the Interior.

The paramount purpose of my bill is to insure fair competition for the privilege of transporting coal—to make certain that our railroads and other modes of transportation will not be forced by governmental regulation to compete on an unequal footing with coal pipelines.

Pipelines will seek throughput ("take or pay") contracts which obligate coal companies to ship large quantities of coal for 25 to 30 years or pay for pipeline services as if they had done so. These kinds of contracts are needed by pipeline companies to secure financing for pipeline construction and are greatly desired by electric utilities who find immense value in an accurate, reasonably firm and dependable understanding of what their fuel and transportation costs will be for the 30-year life of their investment in electric generating plants. Such long-term contracts are not possible for railroads, under ICC regulations.

I am not, however, suggesting that we limit the ability of coal pipelines to enter into long-term throughput contract. But, we must face the question posed by two distinguished professors, Thomas C. Campbell and Sidney Katell, in the ICC Practitioner's Journal for January 1977:

> Would it be contrary to the public interest to permit railroads to participate in similar contractual arrangements for large amounts of traffic over a period of several years? Under present circumstances, this kind of agreement is not permitted. Yet, a slurry line will compete directly with rail service. The question then becomes one of whether it would be in the public interest to allow railroads to negotiate with shippers for the same kind of service being provided legally by a direct competitor.

Historically, the prosperity of the coal industry and the railroad industry have been closely related. The Bessemer steel process, introduced in the 1860's, permitted both the large-scale production of steel rails for railroad construction and required the large-scale use of bituminous coal in the iron and steel industries. Stagnation of coal production since 1910 has, according to a recent study, "had enormous effects on the modes of transportation used to carry it."

> Although they ceased to being coal consumers, railroads defended as much as ever on coal traffic. Coal constituted 36.6% of total carload tonnage in 1928, and 37.5% in 1940. Between 1962 and 1973, coal traffic was never more than one percentage point away from representing 25% of the tonnage carried by Class I railroads, although the portion of the revenues of the railroad contributed by coal traffic slipped from 12% to 10% over that period. Coal tonnage currently produces twice the number of carloads of the next most important commodity carried by the railroad.

Today, the 15 railroads which lead in coal tonnage are distinctly more profitable on the average than are their counterparts who carry less coal. And the gap is even more pronounced if the Penn Central, a leading coal railroad with unusual financial problems, is not considered.

With this historical prospective in mind, I am sure my colleagues can understand why America's railroads are counting on expanded coal production to provide the additional business they need to remain vital and strong without Government subsidy. They stand ready and willing to commit over a billion dollars to acquire new coal cars and locomotives and to upgrade the track needed for the new coal business. They insist that their unit-train service can compete with coal pipelines if they too are permitted to negotiate long-term, throughput contracts. Railroads, like coal pipeline companies, face major investment decisions which would be greatly reduced in risk were they permitted under special circumstances to negotiate long-term contracts which would, in essence, guarantee a return on the investment. Railroads, like coal pipelines, want to be able to serve our electric utilities, whose large orders and long-term requirements made them especially valuable customers.

My bill declares it to be in the public interest that all competing modes of coal transportation be given the same opportunity to develop long-term, throughput contracts. It grants to all competing modes the same opportunity to offer the best and most stable service possible to coal producers and coal users. The bill does not deprive coal pipelines of any inherent efficiency advantages that they might enjoy, such as resistance to inflation. It merely eliminates unfair competitive advantages created by operation of law through regulatory restrictions imposed on the pipelines' competitors.

The bill directs the Secretary of Energy to identify areas of increased coal demand and areas of coal supply. He is then directed to review applications from any coal carrier or group of carriers for an "energy priority route" linking the area of supply with the area of demand. The application may propose that the carrier be permitted to negotiate throughput contracts of up to 30 years duration. The applicant's proposal is to be reviewed carefully for environmental impact and economic efficiency. An appraisal of the proposal's impact on competing modes of transportation is to be sought from the Secretary of Transportation and carefully considered. If the Secretary of Energy then determines that the proposals deserve the certificate of public convenience and necessity, he is to approve the energy priority route and serve as the sole regulator of that route for coal transportation.

As Professors Campbell and Katell note, the Interstate Commerce Commission, "is by nature conservative, protective, and oriented toward precedent rather than market oriented, innovative, and forward looking." This bill anticipates ICC resistance to the proposed reforms by giving sole regulatory authority over coal transportation on designated routes to the Secretary of Energy. The ICC is limited to bringing to the Secretary's attention any objections or reservations it may have with regard to the operation of a carrier transporting coal along one of these routes.

I earnestly hope that both those who support H.R. 1609 and those who have opposed it because they feel the railroads have been unfairly treated will find my bill to be the framework for an acceptable and fairmined compromise resolution of this issue.

50TH WEDDING ANNIVERSARY OF JOHN AND SUSAN FISHER

HON. MARY ROSE OAKAR

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 3, 1977

Ms. OAKAR. Mr. Speaker, I would like to take a moment to extend my congratulations and warmest wishes to a wonderful couple, John and Susan

Fisher, who will be celebrating their 50th wedding anniversary on November 27. John and Susan and their fine family, which includes 3 children, 11 grandchildren, and 5 great-grandchildren, are a source of great pride for our community. The love and devotion they have shown for each other, and the spirit of community service which has guided their lives, serve as a model for us all.

John has been active in politics since the time of Franklin D. Roosevelt, and he currently serves as a ward leader for the Democratic Party in Cleveland. He worked for the traffic department of the city of Cleveland for 27 years. Susan worked for the Ohio Bell Telephone Co. for 25 years, and is now retired.

To the Fishers, I again extend my best wishes on this very special day, which I know will be filled with warmth and joy for them and their family.

MINIMUM COMPETENCY TESTING NEEDED

HON. RONALD M. MOTTL

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 3, 1977

Mr. MOTTL. Mr. Speaker, one of our country's great newspapers, the Chicago Tribune, printed a thoughtful editorial on November 1 which I would like to share with my colleagues in the House.

It outlines the need for minimum competency testing of our schoolchildren so that they are better prepared to cope with the outside world upon graduation from high school.

It also outlines the provisions of my legislation, H.R. 9574, which calls for voluntary testing of students in grades 6, 8, 10, and 12 in reading, writing, and mathematics and provides for remedial courses for those students who do not pass. The Federal Government would help reimburse State and local school systems which participate.

If you wish to cosponsor the minimum competency testing bill, please call Wilson Latkovic at 5–9151.

Here is the text of the Chicago Tribune editorial:

A NATIONAL TEST OF LITERACY?

Rep. Ronald M. Mottl [D., Ohio] has done something distinctive. He has introduced a bill requiring every state to test all schoo' pupils in reading, writing, and arithmetic, as a condition of getting federal money for education. Confronted by the inevitable uproar from educators, he goodnaturedly retreated quickly. He pulled the teeth out of his own bill, leaving a 15-member National Commission on Basic Education to develop tests in the three R's, to be administered in the 6th, 8th, 10th, and 12th grades [by which time arithmetic has become mathematics]. But the testing would be voluntary, with Congress providing money for competency tests and remedial courses in cooperating districts.

With the federal government concerning itself actively with the racial mix of teachers and the quality of school lunches, sooner or later some congressman was bound to raise a question about learning the fundamentals.

Rep. Mottl at first glance appears an unlikely candidate for this pioneering role. His biography is not that of a freak. Like most members of the House, he is a Democrat. He is a lawyer, from a suburb of Cleveland [Parma], educated at Notre Dame. As an elected legislator, he has risen through the ranks—a state representative at 33, a state senator at 35, a congressman at 40. He is now in his second term. A congressman could hardly have a more normal biographical profile.

With the likes of Rep. Mottl proposing a national testing program in the three R's, the idea may not be just a one-day wonder. In fact, the idea has been broached before, notably by Adm. Hyman G. Rickover, who has been calling for some kind of minimum national scholastic standards ever since President Kennedy's administration. "I envisage the rendering of a service, not regulation in any way, shape, or manner," he said. He wants definition of some national scholastic standard, and enablement of parents to find out if their children can meet it.

Most of the heavy artillery trained on Rep. Mottl's bill was aimed at his making national testing a condition of getting money. The Congressman's quick retreat from that suggests that he may have put teeth in the bill mischievously, as a way to get attention. Revised, his bill is less threatening than it was, but still worth talking about.

A spokesperson for the National Education Association, Frances Quinto, said the NEA would not oppose voluntary testing, but she doubted the value of the idea. "Can you really believe that there could be a national standard?" she asked.

Rep. Mottl replied, "Whether you're Indian, Japanese, black, or white, there are certain minimum criteria, such as the principles of addition and subtraction, reading and writing. Everyone must be able to do these simple things to function."

But not everyone can do these simple things, not even every high school graduate. To quote Rep. Mottl once more—"By letting everybody slip by we're giving a diploma for attendance." [Attendance standards are not all that high, either.]

Government gives drivers' tests, such as they are. It is conceivable that it could give literacy tests—and that it should.

T. K. McCLANE, JR., AGRICULTURAL LEADER

HON. DON FUQUA

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 3, 1977

Mr. FUQUA. Mr. Speaker, the passing of Mr. T. K. McClane, Jr., of Gainesville, Fla., is a great loss to agriculture in my State and in our Nation.

He was a warm, personal friend whose advice and counsel I, along with so many others, cherished. He died Sunday, October 23, while dove hunting near Williston, Fla. He was 66.

Mr. McClane was born June 21, 1911, at Camp Keithley in the Philippine Islands where his father was stationed. However, after his parents returned to the States, he was reared on a farm in Hardee County, Fla., and was graduated from Wauchula High School were he was saluatorian of his class. He received his B.S. degree in agricultural chemistry from the University of Florida, with high honors, in 1935.

Except for a 5-year tour with the Army during World War II, McClane served for 18 years as county agricultural agent in Bradford County, Fla., before accepting the Florida Farm Bureau executive vice president position in 1952.

When McClane joined the Farm Bureau, it was located in Winter Park, Fla. There were 10 full-time employees and some 12,300 members.

When McClane retired June 30, 1976, there were 70,000 plus members in the Farm Bureau.

McClane, nicknamed "Mr. Farm Burcau," was chief FFBF lobbyist both in Tallahassee and Washington, D.C., for 22 of his 24 years with the Farm Bureau.

He received many awards both in military and civilian life. While in the military, he was awarded the Bronze Star, Asiatic-Pacific Ribbon, and three battle stars, the American Defense Medal, the American Theater Ribbon, World War II Victory Ribbon, and the Philippine Liberation Ribbon.

Other awards include: Florida Agricultural Council's Outstanding Service Award, the Distinguished Service Award of the Florida Fruit and Vegetable Association, Honorary Florida Farmer degree from the Florida Future Farmers Association, and Outstanding Service Award from the University of Florida. At FFBF's convention last year, McClane received the organization's highest honor—the Distinguished Service Award.

Survivors include: His wife, Mrs. Wilma D. McClane; three sons, D. Scott McClane of Gainesville; J. Don McClane of Orlando; and Dr. Thomas K. McClane III of Lakeland; a daughter, Mrs. Catherine Kuykendall of Winter Haven; a brother, J. Houston McClane of Starke, and six grandchildren.

Two newspapers paid him tribute.

J. Ben Rowe of the Independent Farmer and Rancher in his column "Rowestabout" perhaps said it best for the friends of T. K.:

[From the Independent Farmer and Rancher, Oct. 27, 1977]

ROWESTABOUT—AGRICULTURE HAS LOST A FRIEND

(By J. Ben Rowe)

T.K. McClane hunted and fished with Curtis Powers for more than 25 years. I became better acquainted with T.K. at a weekly fishing group called the East Gainesville Garden Club. We would fish in the river on Thursday afternoons then meet somewhere and clean and cook the fish. Cecil Talbot would make hushpuppies, and Earl Powers would usually bring along the salad greens.

T.K. always had a warm smile, a firm handshake, and a kind word about the copy he would read in this column. You see, he was a friend of agriculture for many years. And just last year he was presented the coveted "Distinguished Service Award" by Florida Farm Bureau for his 22 years of service to the organization.

Agriculture was more than a job to Tom. It was a way of life. He loved the land. He loved the creatures, and the bountiful offerings of this earth. He was more at home in a fishing boat or a dove field than anywhere else in the world. And when he died, he did so despite the revival attempts by his dear friend and companion Curtis Powers. While giving artificial respiration and heart massage, he was taken from the Whitehurst field to the Williston hospital, but went on to meet his Maker.

T.K. was a source of encouragement to this writer who is still considered a novice in agriculture. When we would do something particularly good, he was quick to tell

us and when we needed more information about something, he was easy to talk with and get a straight answer from.

We will miss T. K. McClane. We will miss his warm smile, and his firm grip. We will miss the easy chats and the interest he unselfishly displayed in our work.

But we feel much richer for having known him and will cherish the memories of the good times we briefly shared with a man dedicated to doing his part to see we continue to have food and fibre.

The Independent Farmer and Rancher mourns the loss of T. K. McClane. And our prayers go out to his family.

[From the Gainesville Sun, Oct. 27, 1977]

T. K. McCLANE

We note with personal regret the death of T. K. McClane.

Mr. McClane was county farm agent in adjacent Bradford County for 18 years. In the modern era, and especially in an urban area, that simple fact does not convey much information.

But in the 1930s and 1940s and in Bradford County, population maybe 7,000 back then, the county agent ranked with the family doctor in visibility and prestige. The people's woes, he took personally—be they drought, flood, pestilence, or death. And the joys, too.

He also was the leading organizer, a true Silas Dogood who put together the annual county fair, begged funds for the farmer's market, sweet-talked the county commission into scraping roads, pulled cars out of the mud, and rounded up sows for destitute 4-H'ers. He always was doing something for somebody.

T. K. McClane was that sort of county agent in a society that needed that sort of a county agent. Maybe society still needs them, and maybe most county agents are like that. But we know that T. K. McClane certainly was.

He went on to bigger things and became the chief Washington lobbyist for the Florida Farm Bureau, making his home in Gainesville. This was a job he held for 22 years and, during those years, we're certain his views on farm issues must have diverged widely from those of The Sun.

But he was a man of tremendous integrity who never got sore, never attributed bad motives, and certainly must have represented agriculture ably. His family will miss him, his agricultural associates will miss him and, as the quintessential county agent, we will miss him.

NATIONAL OIC DAY OBSERVANCE OF THE OIC—OPPORTUNITIES INDUSTRIALIZATION CENTERS

HON. ROBERT N. C. NIX

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 3, 1977

Mr. NIX. Mr. Speaker, the Congressional Black Caucus at its annual banquet recently named the Reverend Leon Sullivan of Philadelphia as the citizen who made the most outstanding contribution to minorities through the development of legislation. The award is named after the late William L. Dawson, former Congressman from the city of Chicago, Ill.

This honor was given to the pastor of the 5,000-member Zion Baptist Church and founder of the 200 community network of OIC Centers developing in 50 States, because of his historic and unique record of personal diplomacy with the Congress and the Senate.

Over an 8-year period he has walked the halls, knocked on the doors, testified before the committees in the Nation's Capitol, stirring the consciences and persuading the minds of legislators and their staffs that community-based organizations are a valuable asset to the national manpower development system and should be included in any comprehensive plans to fight unemployment and poverty.

The OIC bills introduced in the Senate and the House, from 1968 to 1977, have made their way through various stages of the legislative process. In 1973 an OIC bill led to an amendment to CETA—the Comprehensive Employment and Training Act. This made OIC, the Urban League, jobs for progress, community action agencies, Operation Mainstream, and other training programs of demonstrated effectiveness eligible for Federal funds.

In 1974, 1975, and 1976, the authorization of amendments to CETA and the appropriation of funds to the Secretary of Labor and CETA prime sponsors earmarked OIC and other national community-based groups for training, jobs, and Federal dollars.

Finally just this past summer, President Carter signed into law the 1977 Youth Employment and Demonstration Project Act which has a special consideration amendment pushed by Dr. Sullivan's staunch supporters under the leadership of Congressman AUGUSTUS HAWKINS of California and Congressman LOUIS STOKES of Ohio in the Congressional Black Caucus and Chairman CARL PERKINS of Kentucky of the House Education and Labor Committee.

Dr. Sullivan, by opening the door for CBO's to participate in the $1½ billion youth employment program, has unlocked a door which will enable millions of unreached Americans to have Federal money targeted to them. This will increase the number of minorities and poor people of all races who can make their way into the mainstream of the American economy.

Thus OIC—Opportunities Industrialization Centers—under the leadership of Rev. Leon Sullivan has helped make the legislative system of our democracy work for the benefit of those who need help the most.

This black Baptist champion of the cause of community-based organizations serving whites and blacks, browns and reds, and yellow Americans deserves the appreciation of his fellow Americans.

I, therefore, am proud to enter into the CONGRESSIONAL RECORD this history of achievement and to pay tribute to OIC, which on October 30 celebrates its annual OIC Day culminating a month of celebrations in OIC all across the Nation.

I recall, as the Congressman in whose district the OIC was born, the early beginnings of Dr. Sullivan's history-making project.

The riots in Philadelphia had made the entire community aware of the urgent need to provide jobs and training for the unemployed—especially the youth whose aimlessness, hopelessness, and idleness spawned the social explosions.

The march on Washington had raised the consciousness of leaders in Federal, State, and local governments.

As the Congressman in the Second District I joined with those who encouraged Dr. Sullivan and his IOC workers. Now, I am pleased to see the practical implementation and logical projection of those plans made back in 1964 and outlined by Reverend Sullivan in his book, "Build Brother Build." I was pleased to join my colleagues as a cosponsor of OIC legislation in both the Stokes OIC youth employment bill and Congressmen PERKINS and HAWKINS in the OIC and community-based organizations' Job Creation and Training Act.

The passage of H.R. 6138 by such an overwhelming vote and the commitment made by President Carter when he signed the bill give promise that OIC will at last have an equal chance to deliver the services of which it is capable to the people who need it most.

Thus OIC Day 1977 is an occasion of celebration in which those of us in the Congress and Americans across the Nation have a share.

MR. SPEAKER

HON. JAMES A. BURKE

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 3, 1977

Mr. BURKE of Massachusetts. Mr. Speaker, a few months ago I inserted in the CONGRESSIONAL RECORD some material relative to the selection of our beloved former Speaker, the Honorable John W. McCormack as the outstanding Irish-American of the city of Boston, Mass. The home of outstanding Irish-Americans. Maureen Connelly of the Jamaica Plain Citizen, an outstanding representative of the press has written a fine followup article on the selection of John McCormack for the award. Mr. Speaker, I am very pleased that the solid record of achievement of the former Speaker is being kept before the people in his hometown, for his lifetime is a marvel of accomplishment of which all Americans, particularly those of Irish blood, can be proud. Mr. Speaker, it can truly be said of John McCormack that he has done it all. One cannot stand here in these hallow halls without knowing that all who serve here are honored by the character of the service John McCormack here rendered. I am honored by his friendship. I include in my remarks for insertion in the RECORD the fine article written by Maureen Connelly which appeared in the Jamaica Plain Citizen:

MR. SPEAKER

(By Maureen Connelly)

Last Fall, I was asked by Boston 200 to help choose our city's most outstanding Irish-American (living or deceased) for the January finale of Festival Bostonia. At first I considered Curley, Cushing and Kennedy. Then I remembered O'Casey's Juno and the Paycock when Mrs. Boyle asked: "Have none

of you any respect for the Irish people's national regard for the dead?" Her answer made me change my mind: "Maybe it is time we had a little less respect for the dead, and a little more regard for the living." And so I chose John McCormack and wrote the following:

"There is something special about being an Irish Bostonian. And yet, there is something even better to have been born in that part of the city across the sea from the land of one's ancestors. John W. McCormack was born in the Andrew Square section of South Boston in 1891. He attended the local public schools, married his childhood sweetheart Harriet Joyce, and in 1920 became a member of the Massachusetts House of Representatives. From that point on, his life evolved around the political arenas of Boston and Washington as Congressman, Democratic Whip, Majority Leader, and Speaker of the House of Representatives.

"John W. McCormack isn't as colorful a celt as was Richard Cardinal Cushing. Nor does he have the shamrock style of the legendary James Michael Curley or the celtic charisma of our much loved and missed President John Fitzgerald Kennedy. John McCormack possesses the best of these three beloved Irish Bostonians and something more—a humanism wider than that stretch of ocean between Castle Island and Connemara. We honor John McCormack for his character, his commitment to this city and our country, and his contribution to our heritage."

This fall, on primary day, I decided to drop by "Mr. Speaker's" office, on the 14th floor of the building that bears his name. As I walked down from Copley Square to Kenmore Square, I kept thinking of two fictional accounts of election days: James Joyce's "Ivy Day in the Committee Room," and Edwin O'Connor's "The Last Hurrah." Joyce's story still saddens me—not because Parnell was betrayed in office but because his followers betrayed his memory. And O'Connor's novel still has a bruising effect in that James Michael Curley was more than a household word in my house.

If you recall Joyce's description of Parnell's former headquarters: "a denuded room came into view and the fire lost all its cheerful colour. The walls of the room were bare except for a copy of an election address," you'll allow me to emphatically state that John McCormack's office is the opposite of that drab committee room on Wicklow street. And it isn't the spendid view of the harbor outside but what's inside those three small rooms that makes the difference.

First there is Mr. McCormack's most able and affable assistant, Arthur O'Keefe of Mattapan. Mr. O'Keefe's office, like "Mr. Speaker's," is packed with memorabilia: posters, photographs, books, a small pieta and scores of citations and degrees decorate all three rooms. The posters and pieta poignantly reminded me of Mr. McCormack's religious convictions; he is opposed to abortion ("Adoption not Abortion") and is for prayer in the schools ("I'm sorry Lord; there's no room for You there today.") All twelve walls are stamped with history. "Four Presidents sat in the chair you're in," Mr. McCormack told me on Tuesday. A huge photo of F.D.R. and his New Deal smile were nearby. William Shannon, recently appointed Ambassador to Ireland, called McCormack "Roosevelt's most effective and dependable lieutenant in the House of Representatives." And there were many of L.B.J. For, it was McCormack who got Rayburn elected Majority Leader in 1937 and three years later, when Rayburn became Speaker, McCormack took his place.

But there was one presidential photo that made me want to weep not just because it was of Boston's John Kennedy and John McCormack. It was the mood the photographer captured: the young president looking up to the elder statesman as if to say: "I'm afraid there might not be time for me to find that New Frontier for all." A line from yet another Irish play came to mind. It was said by the mother in Synge's "Riders to the Sea" when she learns of her last son's death: "In the big world the old people do be leaving things after them for their sons and children, but in this place, it is the young men do be leaving things behind for them that do be old."

John McCormack is fifty years my senior and yet he could out jog me in enthusiasm, energy, and insight. Already that day he had visited St. Joseph's Cemetery where his Harriet is at rest ("She is the only one I loved in life and love in death.") Then he returned to his polling place at Blessed Sacrament School in Jamaica Plain to vote before coming into the city. Piled high on his desk were recent books sent by former colleagues and lasting friends—Jim Bishop's was inscribed "to a statesman of the 20th century who will enjoy reading about our founding fathers," and George Aiken's to "the Leader of our Nation."

A large photo of McCormack with his great friend "Dev" was nearby. It was McCormack who christened Eamon DeValera "The Father of Modern Ireland," for it was "Dev in 1937, who gave the Irish Free State a new Constitution and officially changed its name to Eire, the Gaelic form of Ireland." "Dev's" devotion to his country's language, culture, history and religion is kept alive by his South Boston friend. McCormack is proud of the fact that he was the first Catholic Speaker of the House and that Tom O'Neill has taken his place. Though he seldom travels to Washington these days, he is in constant touch—thrice during our visit, calls came in from Congress friends.

I asked about the Lance resignation: "My sympathies were with Mr. Lance and I believe he emerged from the hearings stronger than before. He did a sound thing in resigning; the media would have hounded him out. Of course they were after Carter more than Lance."

McCormack is most supportive of Carter's concern for Human Rights: "It is an issue I hope he will adhere to and not weaken his position by threats and insinuations from the communist nations. Human Rights concerns God, man, natural law and human dignity. Such rights apply to all men whether they be in Bangladesh or Belfast, Beirut or Boston." What McCormack admires most about Carter is that "he is a man of confidence; he is not afraid of meeting challenges, of making decisions that are best for the country. Not only is he the first southern president since Zachary Taylor, but he will and has already begun to bring the South back into the union, politically and geographically."

What McCormack admires in Carter—his courage, conviction and deep faith, he himself possesses. His commitment to his Catholicism is as deeply rooted as his devotion to the country he has served in leadership for sixty years. No wonder then that he is this nation's most sought after honorary degree recipient. His favorite though, comes from Trinity College in Dublin: "To John McCormack for his outstanding contribution to American and Irish History." It is surprising that Ireland is the only foreign county McCormack has ever visited? It was after his Harriet's death (remember L.B.J. at her funeral?) that he first went over. "My father's parents were from Cork and Kerry and Harriet's clan, the Joyces, were from Galway. My last trip was the saddest. I represented this country at my friend "Dev's" funeral."

As I sat in that special chair listening to this most learned man talk with celtic pride about his "clannishness" (love of kin, church, community, country), I was reminded of his importance, not by himself, for he is the most humble of men, but by all those omnipresent photographs. James Joyce would use his word "epiphany" ("a sudden spiritual manifestation in a memorable phrase of the mind itself") to describe how I felt when John McCormack said the following: "If the good Lord had consulted me before I was born and told me that I could be either great or good, but not both, I would elect to be good rather than great."

John McCormack is a good man who has walked and talked with captains and commoners, presidents and kings. From Andrew Square to the House of Representatives, he has come a long way in sixty years spent in politics. Yet he has never lost what I call the "Shamrock Senses"—humor, integrity, and compassion. I'm sure St. Peter is at work, though in no rush, on a special chair for "Mr. Speaker." After his hundredth birthday (Dec. 21, 1991), he may want to take Roll-Call ("Curley, Cushing, Kennedy . . .") and tell "Dev" all about the wonderful view of Connemara from Castle Island.

RATIONAL APPROACH TO ENVIRONMENTAL THREATS

HON. DAVE STOCKMAN

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 3, 1977

Mr. STOCKMAN. Mr. Speaker, a distinguished constituent, of mine, the Honorable John T. Hammond, of St. Joseph, Mich., district judge of the fifth judicial district, recently sent me a copy of a speech delivered by one of our Nation's leading scientists. In this speech, Dr. A. L. Jones presents his case for a calmer, more rational approach to some of the major environmental threats said to be facing our Nation and the world. I would commend this speech to my colleagues, both for its presentation of the facts in these controversies, and for Dr. Jones analysis of those facts. The speech follows:

A QUESTION OF RATIONALITY—A TALK ON ENVIRONMENTAL CONCERNS

(By Dr. A. L. Jones, Senior Research Associate of The Standard Oil Company (Ohio) at The Ohio Electric Utility Institute, News Media Seminar, Columbus, Ohio)

In the midst of a technological revolution, it is difficult to realize the full significance of the myriad of changes that are occurring all about us. Some of these appear to be threats to our security because we fear they may adversely affect our health, our environment or our financial affairs. Many are genuinely concerned that our atmosphere is being depleted of oxygen and is being poisoned by the accumulation of such things as carbon monoxide from our cars and fluorocarbons from our aerosal spray cans. We fear that the ozone layer may be destroyed and increased deadly ultra-violet (UV) light from the sun will cause more skin cancer. The construction of water reservoirs has been held up because it is feared that rare plant and animal species may face permanent extinction. A spirit of mistrust has risen amongst us. The credibility of practically everybody is being seriously questioned.

As a scientist, I have been interested in evaluating the premises upon which some of our major fears have been based. What I have found shows that many of our fears are not based on confirmable evidence. Most of us would like to think that we live in the age of reason and that decisions based on presumption, suspicion and fear belong to societies more primitive than our own. Unfortu-

nately, it is not so. Many major decisions in the U.S., involving billions of dollars worth of human effort, have been based on untested hypotheses, presumption or fear.

Hypotheses are useful in science, but they become fact only if they are independently confirmable. In our technological society we have not found it feasible to build new industrial ventures on the basis of nothing more than hypothesis. It is just as unreasonable to shout them down on the same basis. If our major decisions in this country are to be beneficial to society, they must be based on confirmable evidence.

In science we must work in terms of what we know rather than what we do not know or fear. Unless the pronouncements we make are verifiable by others, they are worthless. Our job is to seek the truth. Our success as scientists depends on finding the truth and relating it to the needs and interests of man. I happen to believe that scientists have a special responsibility to be certain that their proclamations for public consumption are confirmable before they make them. The public is in no position to determine the validity of complex technical pronouncements. Unfortunately, not all scientists live up to that responsibility. This is proving to be a significant part of our overall problems.

For example, a few years ago, in a popular book, Dr. Paul Ehrlich, of Stanford University, predicted that we would have an oxygen shortage by 1979. Professor LaMont Cole, of Cornell, also predicted that man was bringing disaster upon himself by killing the phytoplankton in the sea with pesticides. He claimed that they were responsible for a major production of the oxygen of the atmosphere. These predictions were based on the belief that green plants are responsible for the oxygen content of the earth's atmosphere. For 200 years we have known that green plants take in CO_2 and combine it with water under the influence of sunshine to produce starches and cellulose and give off oxygen. It has been assumed that this is the source of the oxygen of the atmosphere.

The confirmable evidence is otherwise. We now know that the amount of oxygen released is exactly equivalent to the amount required to return the plant material to its original state. It doesn't matter whether the plant is allowed to decay or whether it is burned, it consumes all of the oxygen it ever released when it returns to the carbon dioxide and water from which it came. If any of the oxygen made by green plants were consumed irreversibly by exposed minerals and volcanic gases, there would be a storage of the amount necessary to decay or burn the plant tissues.

The amount of organic material on the earth derived from photosynthesis can be estimated with reasonable confidence. The total amount of oxygen in the atmosphere is known with certainty. If we take the largest estimate of the earth's organic material and calculate the amount of oxygen required to burn it up, it would reduce the atmospheric concentration of oxygen by less than one percent.

This evidence strongly suggests that sources other than photosynthesis must be responsible for the origin and amounts of molecular oxygen present in the atmosphere. A most likely alternate source of oxygen is the decomposition of water vapor by UV light in the upper atmosphere. The hydrogen from the water being much lighter than oxygen preferentially diffuses to the upper fringes of the atmosphere and escapes into space, leaving an excess of oxygen in the lower atmosphere. Photographs of the earth from the moon by ultraviolet camera/spectograph have proved this to be the case.

The National Bureau of Standards has been making accurate measurements of the oxygen content of the air routinely since 1910. In 1910 it was found to be 20.946 percent by volume. In 1977 it is still 20.946 percent. Analyses of trapped air samples in ice come from the Antarctic ice cap and Greenland glaciers dating back to 500 B.C. show the same oxygen content as modern air samples.

The significance of this new information is that the supply of oxygen in the earth's atmosphere is virtually unlimited. It is not threatened by man's activities in any significant way. Green plants are critically essential to man's food resources but they have no important bearing on his oxygen supply.

As most of us know, the most toxic component of automobile exhaust is carbon monoxide. Each year mankind adds nearly 270 million tons of carbon monoxide (CO) to the atmosphere. Most of this comes from automobiles. We know CO is a relatively stable molecule with a half-life of about 1½ years in dry air in laboratory containers. Until quite recently, scientists have been concerned about the accumulation of this toxic substance in the atmosphere.

Careful measurements, on a world-wide basis, over the past few years, show that CO concentrations are not building up in the atmosphere. A research team at the Argonne National Laboratory has shown that natural sources produce more than 3.5 billion tons of CO per year in the Northern Hemisphere alone, or more than 10 times the amount produced by man.

The largest source of natural CO is the oxidation of methane which is produced by the action of anaerobic bacteria on organic sediments in swamps, ponds, rice paddies and other places where organic matter is under water. Other interesting natural sources of CO are volcanic gases, seed germination, and contributions from the marine environment. Brown algae and sargassum produce it. Some jellyfish fill their floats with concentrations as high as 90 percent CO. These organisms can descend to depths which increase the CO pressure to 45 atmospheres. A pressure of one atmosphere of CO is lethal to the tissues of most organisms. In spite of the great output of this generally toxic substance by both nature and man, it is not building up in the atmosphere. Where does it go?

Early in 1971, scientists at Stanford Research Institute disclosed that they had run some experiments in environmental chambers containing oil. They reported that carbon monoxide disappeared from the chambers in a short time. They next sterilized the soil and found that now CO did not disappear. They quickly identified the organisms responsible for CO removal to be fungi of the aspergillus and penicillium types. These organisms are capable of using all of the CO produced by nature and man for their own metabolism, thus enriching the soils of the forests and the fields.

The significance of these new findings is that, in spite of man's activities, CO will never build up in the atmosphere to dangerous levels, except on a localized basis. To put things in perspective, the average concentration of CO in open air is much less than one part per million. In parking garages and tunnels it is sometimes 50 parts per million. Perhaps the highest concentration of CO encountered by people is in cigarette smoke which averages 42,000 parts per million. It is not at all unusual for CO concentrations to reach 100–200 parts per million in poorly ventilated smoke-filled rooms. It would be rational for us to ask whether the air in our living rooms present a greater hazard to our health than does the outside city air, but few of us do.

A similar situation exists with respect to hydrocarbons in the atmosphere. These are among the components that are specified in automobile exhaust emission regulations. It is well established that in sunny places, where the air is stagnant, certain hydrocarbons, when oxidized, produce photochemical smog. This results in the growth of aerosal particles which produce haze. The color and odor of the haze may be influenced by the kind of hydrocarbon involved.

Each year human activities produce 27 million tons of hydrocarbons which escape into the atmosphere. The sources of most of these are partially burned fuels and the direct evaporation of fuels and solvents. For the most part, it is advantageous to minimize this escape for reasons of efficiency, fuel conservation and the reduction of air pollution. In places such as Los Angeles, Denver, El Paso, San Francisco, etc., where temperature inversions cause a build-up of stagnant air, photochemical smog resulting from atmospheric hydrocarbon reactions has become an increasing problem.

It is not as well known that, on a global basis, nature releases at least five times more volatile hydrocarbons into the air than man does. Practically all types of forest trees emit substantial quantities of terpene hydrocarbons. In addition to pine trees, from which hydrocarbon turpentine is obtained, trees such as aspen, sage orange, locust, cottonwood, willow, oak, sweetgum, sycamore, mulberry, buckthorn and many others emit substantial quantities of a variety of hydrocarbons. The Blue Ridge and Smoky Mountains of the eastern U.S. derive their names from the characteristic haze generated by the photochemical reactions of the hydrochemicals produced by the abundant trees of this region.

The reason that leaves decide to fall from the trees each autumn is that the mechanism is triggered by an increase in the hydrocarbon ethylene which the trees themselves emit.

The smoky days of mid-October in Ohio are not caused by either burning leaves or industrial activity for the most part. For the past several years, we have had air pollution alerts for the whole state at this season. The real reason is that when the leaves fall, a considerable increase in natural hydrocarbons results. Man is accused of being the major polluter of the air with hydrocarbons but the confirmable evidence is that nature releases at least 175 million tons of hydrocarbons each year which is many times greater than human contributions.

There are many who believe that if an endangered species should disappear it would represent an irreparable loss to the world. The Endangered Species Act of 1973 is aimed at preventing such events from happening. This view of nature is apparently based on a belief of special creation of all species in the beginning. Each species is here for a purpose and the loss of any one of them might unzip a delicately balanced nature.

The abundance of scientific evidence does not support this view. About 50 animal species are expected to disappear during this century. But it is also true that about 50 species became extinct last century and the century before that going back for thousands and thousands of years. Recently, Francis Jacob pointed out that about 500 million animal species have become extinct since life began on this planet about three billion years ago. Yet there are more species alive today than at any time in the past. Mankind is a relatively recent visitor here. He has had nothing to do with the disappearance of the hundreds of millions of species that preceded him. It appears doubtful that our present policies to reverse this pattern of the ages will be successful.

The death of a species is as natural as the death of an individual. Man's efforts to prevent either one can be, at best, only a delaying action. Animals come and animals disappear. This is the essence of evolution as Mr. Darwin pointed out many years ago. The living world is fraught with functional imperfections. Sometimes they can do us in.

Most of us are familiar with the fact that there are only about 50 Whooping Cranes

remaining in the world. Their demise has been attributed to man. Scientific evidence suggests otherwise. There are two principal species of cranes in the U.S., the Sandhill Crane and the Whooping Crane. The Sandhill Crane is abundant. The Sandhill Crane builds a protective mounded nest with a depression in the top and lays two eggs in it. The Whooping Crane builds a very poor nest of sticks flat on the grounds and also lays two eggs in it. The Whooping Crane then proceeds to walk on the eggs, resulting in considerable breakage. The Sandhill Crane does not do this. This genetically derived habit of the Whooping Crane has led to their demise. Their end has been in the making for thousands of years. What can a Whooping Crane do for nature that a Sandhill Crane can't do just as well?

The Endangered Species Act has caused delays and cancellations of several hydroelectric projects for the generation of electricity. Electricity generated by water power is the least polluting of all methods. A hydroelectric project in The Blue Ridge Mountains was cancelled because a dam would cause the extinction of certain aquatic species peculiar to the valley involved. More recently, a $1.2 billion hydroelectric project, on the Saint John River between northern Maine and the Canadian province of New Brunswick, has been held up for endangered species reasons.

An inconspicuous member of the snapdragon family known as the furbish lousewort (Pedicularis furbishiae) was found to be growing in the area to be flooded by the proposed dam. The species was believed to have become extinct in the 1940's until last year 250 specimens were found upstream from the dam site. They would disappear from their natural habitat if construction were resumed. An act of Congress will be required to reinstate the project.

New England is heavily dependent on imported foreign oil for its electric power generation. The furbish lousewort is having an adverse effect on the U.S. balance of payments, the pollution of our air, and the utilization of renewable energy sources. The welfare of the people of New England would have been improved if the furbish lousewort had in fact become extinct in the 1940's. A better understanding of the real role of species in nature can improve the welfare of all of us.

People around the world are concerned that chlorofluoromethanes released from aerosol spray cans pose a serious threat to their health, through depletion of the ozone layer. The primary concern about the ozone layer depletion is that the ultraviolet ray intensity at the surface of the Earth would increase this causing more skin cancer among Caucasians. Publications have been made by scientists from several prominent universities in the U.S. which predict the possibility of ozone depletion. None of these papers present any measurements of observed decrease in the ozone layer due to fluorocarbon decomposition. They are all speculative hypotheses. At this time there is no more evidence that fluorocarbons are producing a significant reduction of the ozone layer than there was for either dragons or witches of the dark ages.

It is a confirmable fact that ultraviolet intensity at the land surface increases with altitude above sea level. In going from sea level to the altitude of Denver (1 mile), the UV intensity at 295 nm increases by 125 percent. The residents of Colorado have always been subjected to UV intensities several times greater than those that might result, on the average, from the hypothesized ozone layer depletion.

Publications by the American Cancer Society show that Colorado has one of the lowest skin cancer fatality rates of all of the states, 1.69 deaths per 100,000 population compared with a national average of 2.40 per 100,000. The entire desert southwest has about 125 percent greater UV intensity in sunshine than does New England. Yet the death rate from skin cancer in New England is 24 percent higher than it is in the southwest.

These facts show that even if the hypotheses of the ozone depletes were correct, an increase in skin cancer would not necessarily result because we already have people living under UV exposure much more severe than that predicted (33 percent increase by 2,000 AD).

Oxygen depletion, carbon monoxide accumulation, hydrocarbons in nature endangered species, and ozone layer depletion have been presented only to illustrate the importance of considering the abundance of available evidence before attempting to solve environmental problems. It can prove to be extremely costly or perhaps disastrous to our society to base decisions on presumption, suspicion, or fear. The only advances in technology that mankind has ever made were based on confirmable and reproducible evidence.

The most serious problem the U.S. faces is the continued supply of energy as the lifeblood of our technological society. Oil and gas have proved to be the most convenient and satisfactory sources used up to this time. However, the demand for oil exceeds our domestic supply and at the present time about 50 percent of the demand is imported from foreign countries. Most of the electricity along the U.S. east coast is generated from imported oil.

If our nation is to maintain its economic and political independence, alternate sources to oil and gas must be developed with the greatest of urgency. The energy supply problem is more important to our survival as a free people than any specific environmental issue of which I can conceive. It would be tragic if we let our great nation go down the drain on fear-based decisons that we later found were not supported by confirmable evidence.

"1977 GHOST DANCERS"

HON. DON H. CLAUSEN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 3, 1977

Mr. DON H. CLAUSEN. Mr. Speaker, Helen Fletcher Collins, a resident of Eureka, Calif. recently presented me with a copy of her poem entitled, "1977 Ghost Dancers."

The poem was written to protest the proposed expansion of the Redwood National Park. It expresses extremely well the feelings of many who live and work in northern California whose livelihoods are being threatened by proposals to expand the park.

The poem recently appeared in a collection by Helen Collins entitled, "Only My Heart Knows," based on her appointment as poet laureate of Humboldt County.

I am grateful to her for her concern in this matter and would like to take this opportunity to share her poem with my colleagues in the House of Representatives:

1977 GHOST DANCERS

(A Protest Against Expansion of Redwood National Park)

(By Helen Fletcher Collins)

Our hearts are as one
With those of our red brothers
Of a century ago—
One with their woes of aggression,
One with their plague of plunder
By ignorant, grasping authority.

Now, in the cycle of conquest,
Hearts again feel the burden
Imposed by governmental arrogance,
Greed,
Blind disregard of human rights.

Shall we revive the Ghost Dance,
Messianic mandate of a hundred years past . . .
Wrap with spiral vine the tallest redwood—
Pretend that eagle feathers
Adorn its lace-leaf crown—
Call back those valiant spirts
Crushed long before our birth?

Aware of that doomed pure protest,
Let us cleanse our minds,
Don white garments,
And join hands to save our trees and livelihood

From misguided conservationists . . .
Let our staff and our stay be knowledge
That if the redwoods are not to die,
Man, surely, must survive.

ALICE IN WONDERLAND REVISITED: MIDDLE EAST STYLE

HON. JAMES H. SCHEUER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 3, 1977

Mr. SCHEUER. Mr. Speaker, the thoughtful observer of the international pressure boring in on Israel to return all captured territories to her vanquished Arab neighbors and to resolve the Palestinian question, is reminded of Carroll's Alice in Wonderland. Israel is in the same fix as Alice, who, when surrounded by an almost unbelievably bizarre environment was forced, temporarily, to alter her conception of reality and adopt that of her contemporaries.

The road to peace designed by the United States, the Soviet Union, and other interested world powers begins with Israel's concession of most of all of the territories captured in the 1967 war. Theoretically, this "gesture of good faith" by Israel would at least insure meaningful Arab participation at the negotiating table. Following this gesture, Israel has been told that a resolution of the Palestinian question must be achieved when for the first time the United States formally recognizes "the legitimate rights" of the Palestinians (an accepted international code-phrase for another Palestinian state in addition to Jordan and the obliteration of Israel).

Why are the leaders of many nations, including the United States, willing to suspend international precedent and allow the vanquished Arabs to dictate negotiating terms? The simple and frightening answer is that the oil sheiks have intimidated the world into viewing Israel as an international outlaw and the Arab cause as a just and reasonable one. In 1973 OPEC oil accounted for 22 percent of U.S. oil imports; in 1976 that figure was 38 percent; and this year it will rise over 50 percent. Japan imports 57 percent of its oil from OPEC; and France, Italy, and Germany depend on imported oil for between 55 and 70 percent of their

energy needs. The penalty for sovereign nations with an alternative view is a petroleum drought.

Arab oil intimidation aside, what is the reality lurking behind Alice's mirror and the Arab initiated myths and misconceptions concerning Israel?

Israel presently occupies less than 1 percent of all the territory that has changed hands as a result of military conflict since the inception of the United Nations in 1947. Yet, Israel is the only nation is the world called upon by the U.N. to return captured territories. Why?

By the most liberal estimates, the Arab-Israeli conflict has contributed to less than 1 percent of the total number of refugees displaced by military conflict since the U.N. came into being. Yet, no U.N. resolution has asked a single other country to repatriate refugees either with or without compensation. Why?

From 1948 to 1967, when the Arabs had full control over the West Bank, there was no call for a separate Palestinian state and no expressed notion from any Arab source of "the legitimate rights" of the Palestinian people. Yet now, when Israel controls the West Bank, the instant international clamor climaxed by the joint United States/U.S.S.R. statement supporting "the legitimate right" of the Palestinians is deafening. Why?

Most disturbing to me is that the United States has apparently abdicated her responsibility to consult with Israel outlined in the September 1975 agreement by unilaterally joining the Soviet Union, in a statement pressuring Israel to give up territory contiguous to her border—only hundreds of yards from civilian settlements. To appreciate Israel's mortal peril under the old 1967 borders, one must travel to the old Israeli/Jordanian armistice line 8 miles from the Mediterranean or to the Golan Heights where from 1948 to 1967 Syrian soldiers and terrorists lobbed mortar shells at border Kibbutzim from atop the Syrian hills. It is morally indefensible for the United States to insist that Israel concede territory demonstrably essential to her national security, which she captured in a defensive war.

Similarly, U.S. criticism of the Israel settlements on the West Bank is totally without support in the canons of international law. As the sole surviving legal successor to the old British mandate, Israel simply has more legal right to the West Bank than any of the Arab aggressors. When Jordan invaded and occupied the land in 1947 it was censured by the Arab League.

In describing the Israeli expulsion of Jordan from the West Bank and East Jerusalem, Stephen Schwebel, now Deputy Legal Adviser for Special Problems to the State Department and a member of the International Law Commission, noted in 1974 that "Israeli forces, acting in self-defense, entered not onto Arab territory, to which Jordan had good title, but onto territory which Jordan had occupied through aggressive action."

And when Israel created settlements in the West Bank she did so in strict compliance with the Geneva Convention; she has never once forcibly displaced a single Arab. The settlements are either in empty places, old Jordanian government facilities, or on land purchased legitimately and without pressure from the former Arab occupants. The total population of these Jewish settlements is 6,000, scattered among the more than 1 million West Bank Arab residents.

Is it not pious sanctimony for us to tell Israel that she cannot make national security judgments concerning lands contiguous to her border when we, the most powerful nation in the world, are currently preoccupied with the question of how we can maintain control and access to a 100-mile strip of water 1,500 miles from our shores after the year 2000?

American Presidents in the last three decades have all shared the illusion that a "quick fix" solution for the Middle East's nightmarish problems would assure their place in history. This naivete has tended to wear off only after successive failures have convinced them of the utter futility of the simplistic "quick fix" approach.

In fact, 1977 may or may not be the year for sealing wax and parchment in the Middle East. Perhaps we should let Israel and her Arab neighbors decide this for themselves without the benefit of "brutal" pressure or "leverage" by us.

THE YOUNGSTOWN PLANT CLOSING AND OTHER LESSONS OF AN UNPLANNED ECONOMY

HON. JOHN CONYERS, JR.

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 3, 1977

Mr. CONYERS. Mr. Speaker, a month ago the general manager of the Youngstown Sheet and Tube Co. called the local union leadership into his office to announce that Youngstown was closing down its operation. Five thousand steelworkers immediately were laid off. The Youngstown closing is not unique; dozens of other factories across the country have also been closing down at an increasing rate. Some close down in one city in order to relocate elsewhere. Others close down period. The result is the same: Skilled workers, their families and communities are left holding the empty bag—out of work, loss of income, the drying up of the economic base of communities.

Equally appalling is the fact that, at this late date, in the face of the unambiguous evidence of growing economic disorder of which the Youngstown closing is but one example, the Federal Government has not the slightest notion how to prevent such things from happening. With all the personnel, funds, and measurement capability at its disposal, the Government lacks a strategy for promoting economic growth and full employment, for structuring such development toward the cities, and regions that are most vulnerable, and for addressing all the public as well as private capital needs in the country.

There are plenty of jobs that have not yet been created, plenty of goods and services that have not yet been produced that would come about if the Federal Government systematically examined the full range of social needs in the Nation and then developed and implemented an economic plan to create the jobs and capital to fill these needs.

Gar Alperovitz and Jeff Faux, who direct the exploratory project for economic alternatives, are in the process of methodically examining the issues of economic planning, resource allocation, and full employment. Supported by 30 foundations, their task is to define practical approaches to restructing our economy that hold promise of averting future Youngstowns. I urge my colleagues to consider their recent article, "Youngstown Lessons," published in the November 3 edition of the New York Times. They present with great clarity the implications and tremendous costs of our unplanned economy.

YOUNGSTOWN LESSONS

(By Gar Alperovitz and Jeff Faux)

WASHINGTON.—The spreading effects of intensified competition and global stagflation hit Youngstown, Ohio, last month with the announcement that 5,000 steelworkers were being laid off. A few weeks later the Zenith Corporation began to lay off 5,600 workers in places like Watsontown, Pa.; Springfield, Mo.; Sioux City, Iowa.

The economic blow in cities like Youngstown will be substantial. Given the already high national unemployment rates, most workers will face long odds against finding comparable paying jobs anywhere. And soon their neighbors will feel the pinch, as suppliers and retailers and other services begin to close. Next year, the city will find it has lost a significant portion of its tax base.

The political response to the Youngstown layoffs has not centered on saving the town, but on saving the *steel industry*. Steel executives are blaming Japanese imports and environmental restrictions. Union leaders are demanding import quotas and Federal subsidies to the companies. Free-trade liberals from affected Congressional districts are turning toward protectionism.

So far, the Federal Government's response to the Youngstown layoffs has been a promise to enforce the anti-dumping laws against importation of subsidized foreign goods, plus the possibility of some assistance to unemployed workers. The workers call this "funeral insurance." There are likely to be more such funerals elsewhere: No one expects either a dramatic improvement in the United States employment picture, nor relief from international pressures in the coming period.

Although the Administration has so far resisted them, demands for protectionism and subsidies for inefficient management to produce overpriced products will get stronger, particularly as we move closer to the next election. In effect, the nation will be faced with a choice between massive layoffs and a wasteful and dangerous international trade policy. It is a stupid choice.

It is also an unnecessary one. Youngstown is as much an opportunity as it is a problem. Here we have 5,000 experienced workers with a variety of heavy-industry skills. We have a network of industrial buildings. We have equipment, at least some of which can be used for other things. And in America we have needs for manufactured goods such as mass-transit vehicles, for a modernization of the railroads, medical equipment, solar-energy devices, pollution-control equipment. Many such products require steel. Many more could use the skills and talents that once made steel.

The question is not simply how to save the steel industry, but how best can our fellow citizens in Youngstown use their skills

to meet other national and international requirements. The private sector will not take the initiative. Therefore, the Government, instead of offering Youngstown marginal welfare programs, should take responsibility for catalyzing new markets.

The Government could begin by identifying a specific set of new manufacturing needs over the next decade. The emphasis should be on high technology and industries that might in the future have an advantage in international trade. A T.V.A.-type development corporation could then provide contracts, financial aid and technical assistance to translate these markets into specific investment requirements for Youngstown and other pockets of industrial unemployment. One source of investment might be the communities themselves; citizens and workers could help partly finance their own recovery. There are a number of models of mixed community and employee ownership around the country to draw upon.

Several questions will immediately be raised. One is that the strategy involves too much of a Government role. But since both labor and management are already clamoring for Government action—and sooner or later will probably get it—isn't planned, positive action better than unplanned, negative crisis management with dangerous international consequences?

Another question that might be raised is that if the Federal Government took responsibility for helping put the unemployed back to work in Youngstown, wouldn't it have the moral responsibility to do so for the growing number of suffering communities and unemployed people throughout the nation? A good question. The answer is yes.

SOCIAL SECURITY FINANCING

HON. FLOYD J. FITHIAN

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 3, 1977

Mr. FITHIAN. Mr. Speaker, I am here today to explain my vote on the social security financing bill, H.R. 9346. Guaranteeing confidence in the financial structure of social security is one of the most pressing and important problems facing the administration. Because this is an issue that enters into almost every household in the United States, I am proud that a successful effort was made to bring this essential system to solvency.

I do have some reservations, however, as to the method of achieving this solvency. This is why I voted against the bill in final passage. I realize that the social security system faces two financing crises, long term and short term, and that something had to be done quickly, but I believe that not only is raising the payroll taxes not a fair way to relieve the system, but it was an unnecessary move. Two more important problems were not dealt with.

There are a substantial number of people who are currently eligible and are receiving both a Federal pension and a social security pension. It is estimated that this double payment costs social security an extra $1 billion a year. In order to save this money one of two things should be done; either make nonmilitary Federal employees eligible for only one of these pensions or integrate the systems so that they would be paying into only one system during their working life. I am disappointed that the bill which passed did not address this fundamental problem and hope that in future legislation that this matter will be dealt with.

The second problem which was not dealt with, and may prove to be the ultimate solution to the social security financing troubles is the fact that the disability and health insurance trust funds should not be under the social security system. Both of these funds are a tremendous drain on the social security system and the Government should take some responsibility in assuring disability and health benefits to the needy and the elderly as they do somewhat under the welfare system. I feel very strongly that if these trust funds were separated, that funds from the old age and survivors. trust fund would be able to remain solvent.

Increasing the payroll taxes and wage base is not the best way to shore up this system. Because this is the path that the bill took, I had to vote to recommit this bill to committee. The Republican motion to recommit was the only proposal that addressed the idea of separating the disability and health insurance trust funds from the old age and survivors. Even though this motion failed I still feel that there should be separate appropriations for the two newer trust funds.

Several members of the Ways and Means Committee agree with me that some of these more fundamental solutions can come about in a more thorough reform over the next couple of years. At best, these legislative efforts have made the social security system solvent. We could have, however, made it more permanently and more fundamentally solvent and avoided such tremendous increases in taxes.

THE FIRE ANT

HON. BOB GAMMAGE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 3, 1977

Mr. GAMMAGE. Mr. Speaker, I would like to take this opportunity to commend Chairman FOLEY of the House Committee on Agriculture, and Representative KIKA DE LA GARZA, chairman of the Agriculture Subcommittee on Department Investigations, Oversight and Research, for their diligent efforts on H.R. 7073, the Federal Insecticide, Fungicide, and Rodenticide Act Amendments of 1977.

The bill extends and amends the Federal Insecticide, Fungicide, and Rodenticide Act to permit a more effective realization of the objectives of FIFRA. The amendments are designed to improve the operation of the Federal pesticide registration program and facilitate implementation of the major changes in the program made by the 1972 amendments to the act. It will assure the availability of pesticides for agricultural and forestry production in the United States, while at the same time providing needed safeguards against unreasonable adverse effects on human health and the environment.

Recently, I was contacted by the Fort Bend County, Tex., Farm Bureau, the members of which I know to be outstanding citizens and community leaders, regarding the availability of agricultural pesticides. Specifically, these good people have sent me a petition asking that the Congress take the necessary steps to implement an effective Federal-State cooperative imported fire ant eradication program. Many of you are not aware of what a fire ant is, and worse, what harm the ants can inflict. The fire ant was first noticed in Mobile, Ala., in 1918. Since that time, the spread of the ant into previously uninfested areas has mushroomed.

In his statement before the House Committee on Agriculture's Subcommittee on Department Organizations, Investigations and Oversight on June 26, 1975, Deputy Administrator John Quarles of the Environmental Protection Agency commented:

> I know I need not provide an in-depth catalog of the undesirable characteristics of the fire ant. We are all aware that the pest can disrupt agricultural practices, injure farm animals, and worst of all, inflict a burning, painful sting on humans. There are many documented cases of violent reactions to the sting which have required the hospitalization of the unfortunate victim. Parents write that the aggressive ants attack their children at play. The public outcry for protection in infested areas is more than understandable.

The insecticides used against the fire ant were dieldrin and heptachlor, which are well-known as potent general insecticides. There were kills and other damage to wildlife. The program was severely criticized by both scientists and environmentalists on the basis of method of treatment and the lack of target specificity. By 1962, mirex had been found. Mirex could be used in much lower quantities, and was much more target specific than dieldrin and heptachlor. Programs using mirex were started in 1962.

In response to reports that mirex was mutagenic and possibly carcinogenic, and that it can kill certain aquatic organisms, the Environmental Protection Agency imposed restrictions on the use of mirex in 1972. These restrictions prohibited the use of mirex bait more than once each 12 months in any area, prohibited its distribution over forests with more than 80 percent crown cover or near lakes, streams, marshes, and other water areas, and prohibited its distribution by aircraft over coastal counties. These regulations were imposed for legitimate environmental reasons, as were the Food and Drug Administration's tolerance limitations on mirex in fish.

The U.S. Department of Agriculture suspended the Federal-State cooperative fire ant program in June of 1976, and a few months later, the Allied Chemical Co., holder of the patent on mirex bait, announced the closing of its formulation plant in Mississippi. The State of Mississippi then took over the plant and resumed manufacture of the bait. With the supply of mirex bait from Mississippi, the USDA resumed its control program with the States. Subsequently, the

Hooker Chemical Co. sole U.S. producer of mirex, refused to continue to sell mirex to the State of Mississippi unless the State agreed to indemnify the company in the event of lawsuits. On September 3, 1976, EPA announced that Mississippi had petitioned EPA to end all aerial application of mirex for fire ant control in the South by December 31, 1977. According to the proposal, application by ground-based equipment could continue through June 30, 1978. On October 13, 1976, EPA announced acceptance of the plan.

The Mississippi State Chemical Laboratory at Mississippi State University is presently running tests on alternative baits to the current mirex bait. According to officials at the Mississippi State Chemical Laboratory, the new bait, known as ferriamicid, appears, from the field tests, to be effective at lower application rates than the current baits. Furthermore, the toxicant in these baits degrades rapidly. My view is that the efforts demonstrated by the Mississippi State Chemical Laboratory are laudable. However, until such time as a viable alternative to the pesticide mirex for control and eradication of the imported fire ant is developed, farmers and ranchers in areas such as Fort Bend County, Tex., will continue to suffer from the growing infestations of fire ants.

Therefore, while I commend the committee for its fine work on the Federal Insecticide, Fungicide, and Rodenticide Act, I am extremely distressed that the use of mirex to control the imported fire ant in a cooperative Federal-State fire ant program was not considered. My hope, and sincere trust, is that when we next consider amendments to FIFRA, the committee will demonstrate its favor toward the reestablishment of an effective Federal-State cooperative program for the eradication of the undesirable, dangerous, and destructive imported fire ant.

VERIFICATION NOT PROMISES

HON. PAUL FINDLEY

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 3, 1977

Mr. FINDLEY. Mr. Speaker, while we in Congress often hear how important it is for the United States to reach a SALT II agreement, we less frequently examine the arms control achievements of SALT I and the arms control possibilities for SALT II. While I agree that we should stress the value of SALT II negotiation, I believe that we must be wary that any agreement which is able to meet its stated objectives.

Extremely useful to our understanding of issues surrounding United States-U.S.S.R. strategic arms limitation are papers such as that prepared by Dr. Wolf Fuhrig, chairman of the Department of Political Science at MacMurray College in Jacksonville, Ill. Dr. Fuhrig discusses the Soviet threat and the American response in "The New Look of America's Strategic Arsenal" which is excerpted below.

Particularly significant are Dr. Fuhrig's remarks on the cruise missile and verification:

The fact that no country is presently able to obtain an accurate determination of the total cruise missile capability of others by remote surveillance makes it more than ever necessary to work toward mutual unlimited on-site inspection as the most trustworthy means of verification. Since ours is one of the most open societies in the world and we do not want to attack anybody, we could surely be willing to permit on-site inspection of our military arsenal as long as the rest of the world reciprocated on equal terms. This kind of openness and honesty, particularly on the part of the Soviets, could do more to bring peace to the world than any promise they could ever make.

I recommend to my colleagues these excerpts from the excellent paper by Dr. Fuhrig.

THE NEW LOOK OF AMERICA'S STRATEGIC ARSENAL

(By Wolf D. Fuhrig)

THE SOVIET THREAT

To understand the projected changes in the American nuclear aresnal for the 1980's, we first need to assess what has happened to our strategic defenses in recent years in comparison to the military build-up of our main adversary, the Soviet Union. When we compare strategic nuclear strength, we need to consider at least four aspects: (1) long-range delivery vehicles, (2) total nuclear warheads, (3) nuclear missile throw weight, (4) and nuclear megatonnage, i.e., explosive yield.

	1965			1976		
	United States	U.S.S.R.	Ratio	United States	U.S.S.R.	Ratio
1) Long-range delivery vehicles:						
ICBM's	854	262	3.3:1	1,054	1,507	1:1.4
Nuclear subs	29	0	----------	41	54	1:1.3
SLBM's	464	0	----------	656	716	1:1.1
Bombers	783	155	5:1	430	180	2.4:1
(2) Nuclear warheads	4,500	1,000	4.5:1	8,900	3,500	2.5:1
(3) Nuclear missile throw weight, 1976: 2.5:1 in favor of U.S.S.R.						
(4) Nuclear explosive yield, 1976: 7.5:1 in favor of U.S.S.R.						

Overall, the U.S. still has more bombers and warheads but the Soviets now possess more and heavier missiles and much more megatonnage.

What complicates the strategic arms limitation talks most, however, are the wide differences in the perceptions which the two sides have of the military utility of different weapons systems. The Soviets, for example, place much greater emphasis than we on high nuclear megatonnage, massive civil defense preparations, and superior quantities of conventional weapons. Among the many new and different features of the Soviet arsenal, five are of special significance to the strategic arms limitation talks (SALT): (1) Hundreds of intermediate-range ballistic missiles are now being equipped with multiple, independently targetable warheads (MIRV's) aimed at Western Europe. (2) The development of a "cold launch" technique permits intercontinental ballistic missiles to be popped out of their silos, their engines igniting above the silos in the atmosphere and thus leaving the silos sufficiently undamaged for further launches within minutes. For the first time, therefore, we face the possibility of a virtually uninterrupted ballistic missile attack which would be limited only by the number of available missiles. (3) As a response to our old B–52 and in anticipation of our production of strategic bombers of the B–1 type, the Soviets have already produced more than 100 bombers of the type Backfire–B, a swing-wing aircraft. It carries a payload of 17,000 lbs., half that of the B–52, a quarter that of the B–1. It reaches a maximum speed of 1,400 m.p.h. and is thus twice as fast as the B–52 and slightly faster than the B–1. Although its range is reported to be "only" 5,500 miles, about half that of the B–52 or the B–1, it can be refueled during flight for long-range missions to any point on the North American continent. (4) In the most extensive war survival and civil defense program in the world, the Soviets have now succeeded in relocating their most essential war support and communications centers in huge, hardened underground bunkers, up to 600 feet deep, that can be destroyed only by direct nuclear hits. There are strong indications that the Soviet leaders are basing their preparations for nuclear war on an assumption which few Americans share with similar certainty: that, in spite of heavy losses, their society and its political system can survive a nuclear confrontation. (5) Most ominously perhaps, the Soviets are reported to be ahead of us in high energy beam research which is apparently aimed at using charged particles to interfere with, or destroy, our satellites in outer space.

THE FUTURE OF ARMS CONTROL

As far as is known today, the neutron bomb is being projected only as a tactical weapon in defense against superior conventional forces, particularly concentrations of attacking armor. Our Trident submarines constitute a greatly improved but not an essentially new weapons system. So they are unlikely to pose new obstacles in arms control negotiations. The cruise missile, however, is bound to burden SALT II with some very difficult and unprecedented problems.

Since cruise missiles can be deployed for any range from a few miles to at least 1,500 miles, they may be either tactical or strategic weapons. More than any other weapons system heretofore, cruise missiles blur the distinction between tactical and strategic weapons. Moscow immediately pounced on this issue by claiming that neither photo reconnaissance nor electronic eavesdropping could adequately verify the range and payload of a deployed cruise missile. To do that, they would have to take the missile apart and measure its fuel load. Hence, the Soviets demanded at SALT II that all cruise missiles be classified as strategic weapons. This apparently would suit the Kremlin well as long as our cruise missile technology is ahead of theirs.

The fact that no country is presently able to obtain an accurate determination of the total cruise missile capability of others by remote surveillance makes it more than ever necessary to work toward mutual unlimited on-site inspection as the most trustworthy means of verification. Since ours is one of the most open societies in the world and we do not want to attack anybody, we could surely be willing to permit on-site inspection of our military arsenal as long as the rest of the world reciprocated on equal terms. This kind of openness and honesty, particularly on the part of the Soviets, could do more to bring peace to the world than any promise they could ever make.

SUNBELT CITIES DESERVES EQUAL ATTENTION

HON. MARK W. HANNAFORD

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 3, 1977

Mr. HANNAFORD. Mr. Speaker, recent developments in the allocation of Federal funds for community development have been a disappointment to many of our colleagues representing Sunbelt States. This disappointment does not merely arise from the fact that greater allocations will be made to the older cities of the Northeast and Midwest. It is based on a genuine concern about the assumptions on which some major policy decisions are being formed.

For example, 50 percent of the new community development funding formula is based on an age of housing factor. Specifically, this refers to the number of existing housing—based on census data—that was built before 1940. The older cities in the Northeast and Midwest are, admittedly, experiencing economic hardships and deserve attention and assistance. However, younger cities—many of which are located in the West and South—are also suffering from urban blight. Their problems merit equal consideration.

Mr. Speaker, an October 31 Washington Post article titled "Younger Cities Starting To Feel Urban Distress" focuses on the plight of some younger cities. According to a Department of Housing and Urban Development staffer who is quoted in the article:

> The same process that took place in Baltimore and Philadelphia is taking place now in the newer cities.

Additionally important to keep in mind is that a few examples of substantial growth in younger cities in the Sunbelt States may be shifting attention away from the problems which are clearly emerging. If Federal programs place less emphasis on the needs of urban centers in the West and South, we will be faced with a resurgence of the very problems which plague the Northeast and Midwest.

Mr. Speaker, without objection, I insert the article mentioned above into the RECORD at this point:

YOUNGER CITIES STARTING TO FEEL URBAN DISTRESS

(By Bill Richards)

DENVER.—There's a message of hope here in the Five Points section, an area of junked cars, abandoned buildings and clusters of men standing idly in the bright afternoon.

"Ain't no place like this place," says the sign, daubed in red paint on the boarded-up window of an empty garage.

Unfortunately that is not the case. Despite the efforts of legions of urban planners, the number of decaying inner-city neighborhoods in the nation's newer generation of cities such as Denver, Dallas, Seattle and Phoenix is gradually growing, and urban experts are becoming concerned that these cities may be following in the depressing footsteps of their older Eastern counterparts.

Middle-class families, the traditional bulwark of the complex urban structure, are moving out. Problems such as crime and school deterioration are growing. Population in some of the newer cities has stopped growing or has begun to decline after a spurt in the last decade or so.

"The same process that took place in Baltimore or Philadelphia is taking place now in the newer cities," said Sybil Phillips, specialist in neighborhood patterns for the U.S. Department of Housing and Urban Development. "We're beginning to become very definitely concerned about these cities."

Heavy growth in recent years, particularly in and around the Sun Belt cities of the South and Southwest, has masked some of the problems, according to urban experts. "To the casual eye of the outsider, not much blight is evident," said Alan Siegel, another HUD urban expert.

"But," Siegel added, "there are vacant buildings, deteriorating neighborhoods and holes where urban renewal has torn things out and nothing has come in to replace them but parking lots."

Perhaps nowhere is the split urban personality more evident than here in Denver.

With the development of oil, gas, coal and uranium resources in the Rocky Mountain states Denver has become a hub of energy growth, and many energy-related firms are opening branch offices or shifting their opertions here. The city's downtown is awash in new construction and office space is at a premium.

Two weeks ago, however, Denver's Office of Policy Analysis released a report showing that nearly half of the rental residences in the inner-city area here are either substandard or marginal. Noting the inner-city problems of New York and Newark, the report warns "the experience of these older Eastern Seaboard cities is a grim indication of what the future could hold for newer cities like Denver."

Nor is Denver alone in the drift toward urban blight. Dallas, at the heart of the Sun Belt, is also wrestling with problems of inner-city deterioration. Dallas officials have created several "historic districts" in rundown areas to try to control inner-city deterioration.

"It has been recognized that if Dallas doesn't do something to cause a turnaround our center city could end up the same as those of the Eastern cities," said David Ryburn, a Dallas city planner.

Last spring Seattle released a report noting an inner-city housing decline there. Phoenix, which has already lost some of its commercial development and office construction to the suburbs, is now in the midst of a three-year study to try to reverse the trend. A committee of about 100 Phoenix civic leaders is investigating the possibility of a new type of urban deisgn based on the development of up to a dozen urban "villages" scattered within the city's borders.

The idea, said Phoenix planning department director John W. Beatty, is to use the concept to arrest the spread of urban blight. "We're trying to catch it now while we can before history repeats itself here," Beatty said.

Denver, which is neither a member of the youngest set of cities like Phoenix nor one of the older East Coast urban generation, is at a critical point in its development, according to urban planning experts here.

Under a 1973 amendment to the state constitution the city is prohibited from annexing suburbs, and population has started to decline slowly from a peak of about 515,000 in 1970.

Neighborhoods like Five Points have begun to push outward as the city's core business area has expanded. Ahead of this circle of blight, many of the city's middle-class families, helped along by their unusually strong ties here to the automobile, have headed for the suburbs. The process, planners here note, is a repeat of the "white flight" pattern of many older Eastern cities.

In Five Points, once a fairly healthy, racially mixed area of bustling all-night barbecue stands and small shops, most of the residents are black and many are jobless. In addition to a high rate of street crime and unemployment the area has suffered from what planning experts here call "institutional disinvestment."

According to the city's analysts, mortgage lenders have shied away from redevelopment efforts in areas like Five Points. At least 40 per cent of the landlords—most of them absentee owners—indicated they are planning to pull out within a year if they can find buyers for their properties.

"Nobody really knows how these things will go in the future," said Kyle Davis, a Denver planning specialist. "But we're operating on the idea that it will follow the same pattern as in the older cities."

If anything, Davis and other urban analysts say, Denver's situation contains the possibility of even more rapid deterioration. Like many of the newer cities, Denver has tended to restrict the use of public capital more than older cities. Boston and Philadelphia, for example, used public funds to stimulate private downtown rehabilitation efforts, but Denver's charter prohibits this type of funding. Davis said.

Nor have federal aid programs proved particularly effective here. Because of a quirk in HUD's regulations defining "fair market" rents, Davis said, returns on rehabilitation projects are too low to attract either the full-time landlord, who would be likely to live in or near his project, or the big developer looking for a tax shelter.

The result is a continued movement toward the suburbs, experts like Davis say. Crime and urban deterioration push the middle-class population farther away from downtown until eventually businesses begin to break off from the inner cities and follow their work force to the suburbs.

The pattern is still in a relatively early stage here and Denver, like Seattle, Dallas and other younger cities, has tried to reverse the flow by attempting to lure affluent singles and childless couples back to inner-city areas.

A controversial report last spring by Seattle planners actually urged the city to concentrate on this population segment and, in effect, to write off the possibility of regaining many of the white, middle-class families who have left for the suburbs. The report suggested that city development be aimed at apartment construction and office buildings instead of commercial structures and family-type dwellings.

Denver has not yet taken a similar stance but Davis and other planners here noted that the trend is flowing in the same direction. Most of the city's new construction has been in smaller apartments and shopping and entertainment complexes geared toward affluent, younger singles. School enrollment dropped by nearly 10,000 to about 60,000 students in the last five years.

"We don't see this as an unchangeable flow and we haven't given up on attracting families," said Davis. "But we have to face facts about what's happening to places like Denver and the facts are that these are the people who have the money and who can help us most to hold on to what we've got."

PERSONAL EXPLANATION

HON. DAVE STOCKMAN

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 3, 1977

Mr. STOCKMAN. Mr. Speaker, I was necessarily absent during the consideration of H.R. 9346, the Social Security Financing Amendments of 1977. Had I been present, I would have voted in favor

of the amendment offered by Mr. FISHER, the amendment offered by Mr. KETCHUM, the amendment offered by Mr. PICKLE, the amendment offered by Mr. CORMAN, and the amendment offered by Mr. JENKINS. I would also have voted in favor of the motion for recommittal, and voted against the bill on final passage.

HUMAN RIGHTS

HON. DONALD J. PEASE

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 3, 1977

Mr. PEASE. Mr. Speaker, earlier this week, the House approved a resolution urging that President Carter take strong steps to make clear that the American people strongly disapprove of the recent wave of repression in South Africa. I supported that resolution wholeheartedly in my belief that recent events in South Africa have shocked and disgusted all nations committed to respect for human rights and to the pursuit of justice.

At the same time, our Government would be remiss if we failed to call the attention of the international community to the need to take responsible action against Idi Amin's reign of terror in Uganda. While we must press the Vorster government to respond to legitimate needs for change in South Africa, it makes a mockery of our commitment to human rights to remain silent on another African problem of hideous dimensions—Idi Amin's murderous regime bent upon wholesale slaughter in Uganda.

It was a little more than 6 weeks ago that I introduced legislation to end U.S. commercial trade with Uganda. Thirty-five of my colleagues in the House have joined me in calling for a halt to the support being provided to Amin by American companies. I have been heartened by the response my legislation has evoked and I want to share with my colleagues some excerpts of editorials that have appeared in different parts of the country:

In darkest Africa—dark, at least, in Uganda—a bloody tyrant is having people murdered wholesale. Some claim Idi Amin, a black dictator of a black nation, has slaughtered 100,000 of his subjects. Others say the figure is much higher, perhaps 300,000.

Whatever the actual number, it is high—high in the thousands. Yet no one has been doing more than raise an eyebrow. The other black nations have accepted the gory regime; the NAACP has offered no strong protests. The United States, which has insisted on bringing pressure against South Africa and Rhodesia for attempted white supremacy policies, has ignored genocide, brutality and killings in Uganda.

But at last, glory be, something is being done. And it is gratifying to be able to say that our Congressman, Representative Don Pease is the one who is trying to pull the plug on Idi Amin Dada.

Pease proposed legislation which if adopted, would require that all trade between the U.S. and Uganda be broken off. American companies this year are buying $200 million worth of Ugandan coffee. To have that economic crutch jerked away could cripple Uganda, and perhaps force Amin to end his reign of terror.

But whatever the result, the action would show that the United States is concerned when a cruel dictator wipes out thousands of lives, either to satisfy his own twisted caprices or to retain his tyrannical power.—The Journal, Lorain, Ohio, September 28, 1977.

Big Daddy Amin has a playground in Africa called Uganda. He believes, however, that the borders of his playground are larger, that the rest of the world is chuckling right along with him as he brutalizes his subjects, tortures his opponents and murders whomever his momentary whims finger.

But Idi Amin, president for life—vicious dictator until he's shot, dethroned or both—is no stand-up comic with a rather macabre sense of humor; he's a serious threat to the meaning of the word 'humanity.' He should have been universally condemned long ago when the first rumblings of his misdeeds began to surface. He should have been treated at least as harshly in the forum of world opinion as have the governments of nearby Rhodesia and South Africa.

Amin's latest 'routine' was the execution of 15 men accused of plotting to overthrow his regime. . . . The incident reinforces what is already known about the off-beat savagery in Uganda under Big Daddy, yet there are many nations in Africa and elsewhere . . . who have hesitated to criticize this man. . . . There has been no lack of evidence of the atrocities which he has committed. The stories, many of them eyewitness accounts, of the animal-like subjugation of the people of Uganda, have been flowing from Ugandan borders like a flood.—The Herald, New Britain, Conn.

While the whole theory of economic boycott of countries whose human rights policies differ from those of the U.S. won't stand up, the idea of boycotting such a flagrant tyrant as Idi Amin has a strong appeal.

The House of Representatives will be asked to do that very thing soon in legislation to be introduced by Rep. Don Pease, D–Ohio.

The idea of trading with only those countries whose policies are extreme, we would find ourselves trading with only a handful of highly developed democratic countries, most of whom would not be able to supply the raw materials needed for U.S. industry.

Yet the U.S.—under pressure from third world nations—boycotts Rhodesia, refusing to buy Rhodesian chromium because of the policies of the white minority government of Ian Smith.

But even Smith's most dedicated enemies have never accused his government of the atrocities that most of the world agrees occur daily under the tyrant Amin in Uganda.

Pease's argument for a boycott of Ugandan coffee is powerful and one that the Congress will find difficult to overlook.—The Tulsa World, Tulsa, Oklahoma.

Rep. Don J. Pease is to be commended for the legislation he introduced to cutoff American imports of Ugandan coffee.

Although trade boycotts are not generally in the interest of the world market, this one might help topple the barbaric regime of Idi Amin. And that should be all right with just about everybody.

Pease said that Uganda's coffee exports to the United States account for one-third of Uganda's total export earnings, but only represent 4.76 percent of total American coffee imports. A boycott shouldn't hurt American coffee drinkers significantly.—The Wheeling Intelligencer, Wheeling, West Virginia.

Remember when we stopped eating grapes to support farm workers' rights to organize a labor union? We now have an opportunity to bring pressure on a far greater social evil than the denial of that right. The pressure would come in the form of a boycott on coffee from Uganda, the African nation now under the despotic rule of President Idi Amin Dada . . . Congressman Don J. Pease from Oberlin, Ohio, has introduced three bills into the House of Representatives, designed to stifle Uganda's export earnings. . . . The Pease bills are designed to block importation of all Ugandan goods into the U.S., to stop exports to Uganda and . . . to prohibit specifically the importation of Ugandan coffee . . . Congressman Pease says that ordinarily he is not an advocate of economic boycotts to "conduct foreign policy," but he insists that Amin's case is an exceptional one. Indeed it is.—The Christian Century.

THE NARBONNE HIGH SCHOOL KEY CLUB

HON. GLENN M. ANDERSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 3, 1977

Mr. ANDERSON of California. Mr. Speaker, the development of our youth in leadership and awareness of community needs is one of the most important goals any group can endeavor to achieve. Since 1925, when the first chapter was founded in Sacramento, Calif., the Key Clubs have been instrumental in helping young people develop by giving them the opportunity to help others.

Last July, at the annual Key Club International Convention in Kansas City, Mo., the Narbonne High School Key Club from Harbor City, Calif., won two first-place awards; in achievement, Silver Division, and another for their scrapbook of the year's activities. Since these awards were received in competition with approximately 4,000 other clubs, I believe that the 1976–77 Narbonne High School Key Club deserves special mention for the outstanding record they achieved in community service.

The Achievement Award reflected not just a single activity worthy of special note, but instead a solid record of year-long activity dedicated to fulfilling a constructive role in the community. Among the approximately 350 projects taken on by the Narbonne students were the annual Christmas basket drive, a collection of canned goods, clothing, toys and money for about 80 needy families in the area; Operation Drug Alert, in which Key Club members visited grade schools, discussing the dangers of alcohol and drug abuse with children in the 5th and 6th grades; and a "buddy program" for Indochinese refugee children from 4 to 10 years of age, taking them on field trips and helping them become acclimated to life in this country.

Other projects of note during the past year included Operation Identification, in which Key Club members engrave the drivers license number of an owner on his belongings, making them easily identifiable and discouraging theft. In the 5 years this project has been underway, about four-fifths of Lomita's 20,000 residents have been covered by Key Club members.

The Narbonne High School Key Club also worked with Hub, Ltd., an organization benefiting the mentally handicapped. During the Save Madrona Marsh Fair in August, the work donated by club

members was an important asset in making the affair a success.

Mr. Speaker, these are but a few of the many outstanding projects for which the Narbonne Key Club has been instrumental in providing needed services to their community. Undoubtedly, these fine young people have gained much through the experience they have obtained. Equally important is the effect they have had in making the 32d Congressional District a better place to live.

Mr. Raymond Blinn has been an outstanding faculty adviser for the group over the years, and when he left on a sabbatical last year, his place was ably filled by James Bone, a former Narbonne student and Key Club member.

I would also like to take this opportunity to congratulate the members of the 1976–77 Narbonne Key Club for the outstanding performance reflected in the awards they received in Kansas City. They are club presidents, David Flores and Wade Maetani, Mark Usui, who was elected district treasurer for the States of California, Nevada, and Hawaii, and Dana Aratani, Scott Arbuckle, Mark Benson, Marc Brown, Tom Burns, Barry Chung, Mark Ellington, David Hashimoto, Craig Honma, Bryan Ishino, Curtis Kaneshiro, Randy Krant, Scot Laney, Chris Logel, Michael Matoi, David McKnight, Alan Oto, Jerry Ouellette, To-Woon Park, Carl Padgett, Joe Rodriguez, Steve Royall, Gary Shimotsu, Craig Takamiya, Dennis Toyofuku, Gary Umetsu, John Wagoner, Bert Wong, Daniel Wong, and Willie Yuste.

Special mention should also be given to the Lomita-Harbor City Kiwanis Club, the sponsoring organization for the Narbonne Key Club; Mr. Zoltan Beiro, last year's president; and Kiwanis sponsor, Terry Liston.

REMARKS BEFORE THE NEW YORK STATE ASSOCIATION OF HOUSING AND RENEWAL OFFICIALS, INC.

HON. HAMILTON FISH, JR.

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 3, 1977

Mr. FISH. Mr. Speaker, this past Tuesday, November 1, I had the privilege to address the fall conference of the New York State Association of Housing and Renewal Officials.

At this time, I would like to express my profound gratitude and appreciation to NYSAHRO for the beautiful award I was presented.

For the information of my colleagues, I would like to insert the text of my remarks prepared for delivery before this conference:

TEXT OF REMARKS

Clarence McGill and Head Table Guests, Ladies and Gentlemen . . . Welcome to Nat Parish Night at the Nevele.

Nat brings great wisdom as well as industry to bear on the problems we all face.

In serving you, he serves me. In Washington we focus so much of the time on our specific and immediate legislative responsibilities—then in comes Nat with the big picture. And what I marvel at is—he tells me what's going on in Congress and how things are going to turn out. In honoring this gifted individual, you do honor to yourselves.

I hear often from N.Y.S.H.A.R.O. and from the local directors in Poughkeepsie, Beacon, Peekskill and Kingston, as well as from some communities that used to be in my district. And now that your N.Y.S.H.A.R.O. president is an old friend, Clarence McGill, it seems like I'm always hearing from either N.Y.S.H.A.R.O. or Poughkeepsie or both—and sometimes both at the same time!

For some reason, tonight you honor me with an award. For this, I am truly grateful.

I shall show my gratitude by delivering one of the shortest acceptance speeches ever.

All day yesterday and all day today you have heard speakers, participated in round tables and enjoyed working lunches. You deserve brevity this evening.

I come to you from Washington, D.C. Adlai Stevenson called it the City of Alcohol, Protocol and Geritol.

But for better or worse, what Washington produces is important to you.

This evening I thought I would focus on the Housing and Community Development Act of 1977 and some of the new programs it has in it.

In a way it reminds me of the story about the widow who was lonely and decided to buy a parrot. She was assured by the salesman that the parrot really could talk. When she brought the parrot home, she found that all the parrot would say is "I am a wild sexy lady." This was most embarrassing to this very proper widow and she explored all kinds of ways of getting the parrot to switch to some more sedate dialogue . . . nothing worked. One day she invited the local parish priest to tea and no sooner did he sit down than the parrot did her "I am a wild sexy lady" bit.

The widow was most embarrassed and explained her plight to the priest. Upon hearing of it, he thought of a way of possibly helping her. It turned out that at the local monastery, the Brothers had two parrots who sat in their cage praying all day long. The priest suggested that if the widow were to bring her parrot to the monastery and place it in the cage with the praying parrots, the object lesson from peers would be most instructive. So the next day the widow dutifully went off to the monastery; the Brothers were most obliging and put her parrot in with the other two who, at the time, were praying away.

After a few minutes of getting acquainted (however parrots do that) the visiting parrot blurted out her "I am a wild sexy lady" line. At which point, one of the monastery parrots turned to the other and exclaimed "Hey Charlie, drop your beads . . . our prayers have been answered."

As I listen to a lot of the talk around these days, I begin to wonder whether all of America doesn't think that Urban Development Action Grants (UDAG's) are the answers to all of their prayers. I hope it turns out to be at least of some help in many of your communities. I had the same hopes for the Section 8 program in 1974, and to this date I have not been at all impressed with the production record of that program. We have made some technical changes in Section 8 that HUD seems to think will make it work better. I, along with you, want to be shown through performance rather than promises.

I do hope that Urban Development Action Grants (UDAG) turn out to work better than Section 8 did. UDAG is intended to be a program which will spur economic development and private sector investment. We sorely need both in our State and I pledge to you that I will use the limited power of a Congressman's office to try to make sure that HUD gets the program working as quickly as possible.

I must point out to you that there is only $400 million a year available on a national basis and, of that, 25 percent is earmarked for small cities (those under 50,000, except for central cities of an SMSA such as Poughkeepsie which has to compete with the big boys). When you divide $100 million among the 50 states, under any formula there isn't going to be a huge pot of gold for New York State. So, I can't promise each of you a UDAG, and certainly there are going to be some losers. It will be a competitive program and the money will, at least initially, go to those communities with the most economic distress, and to those among them who put together realistic plans that specifically show how public funds will leverage the investment of private capital with a resultant increase of jobs, particularly for low and moderate income people.

So you all have a lot of homework to do in putting together such a program. I can anticipate that I and my staff will get a lot of phone calls asking for help in getting these approved. As always, I will do all I can . . . but, I must tell you that the better the job you do at the local level, the more likely it is that I will be able to be of some help.

While UDAG (Urban Development Action Grants) may be the new wild sexy lady on the block, I don't want you to overlook the other important new elements of the Housing Act of 1977. It creates a new "small cities" discretionary program which will give many of you the option to either do programs on a multi-year basis or to go in for a single purpose one year grant. The total money in that pot for small communities will be far greater than in the UDAG pot.

The order of magnitude of the funds available under this in Fiscal 1978 for New York State is about $25 million of which about $12 million will go for grants inside SMSA's and about $13 million outside. These figures will grow in Fiscal Years '79 and '80, so I think there will be something worthwhile to go for under this program.

And the screening criteria will give some advantage to past performance so that many of you who have great needs, and are running comprehensive and successful programs will have a good shot at keeping them going at past levels.

This may sound like I am trying to gloss over the fact that we lost the fight on continuing the "hold harmless" formula at the first three year levels. I am disappointed about that. As I hope you know, I went down the line on that fight, but unfortunately there was not enough support from my colleagues on the Hill . . . and certainly not from the Administration. So we now have to make do as best we can and I do hope that you will all roll up your sleeves and develop good programs following the new guidelines and regulations so that some of you might even get more money than you lost out of the drop-off in "hold harmless". Also . . . for those who were living on year-to-year handouts under the previous discretionary program, I think the new approach will give you the chance to put together a meaningful comprehensive multi-year approach.

I have mostly talked about CD. Actually, I hope many of you will be taking advantage of the $1.2 billion of new housing assistance funds available under the new law. This can generate many of the construction jobs that I think are so necessary in New York State. I am told that every dwelling unit constructed generates about two man years of construction and related employment. And I know that creating these jobs are a much more productive approach than

spending money through unemployment payments and welfare programs. We need the housing, and we need the jobs.

Now it is up to you to get the programs going so that these funds quickly come into our state. And it is up to me to see, if HUD is giving you processing problems or adopts unworkable regulations, that we do everything possible to straighten them out.

There are many more things that I think are important in the new legislation. Some are positive and some may cause you problems. I am sure you are all more expert on the subject than I am . . . and frankly, when we write a bill up on the Hill, there always are some things in it that are new and untried. Here, one of the prime advantages of democratic pluralism come to play. The advantage is the capacity to correct its own errors.

I know that together we will, for several years ahead, be working on technical amendments to make the new Housing Act work better—and Nat will be there to suggest them. I ask that you at N.Y.S.H.A.R.O. continue to help me to better understand the ramifications of proposed legislation. I pledge to continue to do everything in my power to help you meet your local needs in the best possible way. In my own district the projects I have worked with you on have, on the whole, been most beneficial to the people in our communities. I feel very certain the same is true for most of the other housing and community development programs around our State.

Keep up the good work and thanks again for this wonderful award.

RALPH NADER—FOR WHOM THE VOICE RINGS

HON. JOHN N. ERLENBORN

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 3, 1977

Mr. ERLENBORN. Mr. Speaker, the leadership of the House has chosen not to put to the test the newest in a series of bills designed to create a Consumer Protection Agency.

Debate and a vote on such a bill was scheduled for November 2. Late Tuesday afternoon, November 1, the Members were informed that consumer protection had been pulled off the calendar and would not be considered until at least 1978. Mr. Speaker, let us end this time- and money-consuming process.

The leading proponent of a Consumer Protection Agency has been Ralph Nader through his various "public interest" organizations. Time and time again, he has prevailed upon Congress to draft legislation, schedule and hold hearings, take committee votes, consider amendments, write letters, ask and answer questions and go through the entire, complicated, expensive legislative process only to have the bill fail to be enacted. Mr. Speaker, enough is enough.

During this latest attempt to create a Consumer Protection Agency. Mr. Nader went directly to the people. In a much-ballyhooed campaign, he urged every citizen to send his Congressman one nickel, saying, in effect: "If everyone sends in a nickel, the total amount of money collected will equal the projected budget for the CPA. We, the people, will have demonstrated our support for a Consumer Protection Agency by paying for it in advance."

In my mind's eye, Mr. Speaker, I can picture Mr. Nader and his staff chuckling as they waited to see congressional offices flooded with nickels; our aides struggling under the load of great bags of 5-cent pieces as they took them to the Sergeant at Arms for safekeeping. This was to be the great test, a national referendum on CPA.

Mr. Speaker, only two nickels came into my office. If every office received as many, the Agency would have to be funded on a grand total of $43.50. The great outpouring of sentiment from the "public" never materialized. The test failed. Mr. Nader, hoist with his own petard, has been proven wrong.

Mr. Nader has held himself out as being the "voice of the people." He has garnered an enormous amount of publicity, and caused a great deal of public money to be spent on his behalf. As Jimmy Breslin wrote in his book, "How the Good Guys Finally Won," "If people think you have power, then you have power."

Ralph Nader appears to have power. He is treated by the press and on the Hill as though he has power. He believes he has power. Mr. Speaker, he has none.

The "public interest" is one of those nebulous terms we all tend to use with authority, but which defies clear definition. What is the public interest? As opposed to what other interests? How many "private" interests must be added together before they become the "public" interest? The answer is, Mr. Speaker, that there is no single public interest. No one person or organization can pretend to speak for the public interest.

Mr. Speaker, Ralph Nader does not speak for the public interest because, obviously, the public does not agree with him. The public did not want ignition interlocks on their cars, I suspect they do not want airbags, and Mr. Nader has himself proven that the public does not want a Consumer Protection Agency.

Only Ralph Nader wants all those things. His voice is heard ringing through the hallways and committee rooms of Congress. For whom does that voice ring? It rings not for thee or me. It rings only for Ralph Nader.

SALUTE TO THE ORGANIZATION THROUGH TRAINING UPON THE 50TH GOLDEN ANNIVERSARY OF WOMEN'S AMERICAN ORT

HON. MARIO BIAGGI

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 3, 1977

Mr. BIAGGI. Mr. Speaker, and my colleagues here today, I want to tell you of a young girl, who was born to expect little out of life and settle for less. Oh, I am sure she may have had an occasional chance to daydream. Perhaps, she sat back and envisioned herself as the princess of her favorite fairy tale. But far beyond the ranges of her imagination, and the knowledge or fantasies of those who touched her life, our modern-day heroine was able to find a path toward the realm of personal fulfillment, replete with happiness and success. For she, 12-year-old Mahavash Kalatizadah, had come to know contemporary princes and fairy godmothers in the dedicated men and women of ORT, and a world of educational and vocational possibilities now open to her.

Mahavash had arrived at the "ORT City" in Iran to study just enough math and humanities to prepare for her anticipated vocation of dressmaking. An eager appetite for more learning took hold and at the completion of her first cycle of courses at the ORT girls school Mahavash requested admission to the elite division in advanced studies in architectural drawing. She had become, in her own way, and without thinking in such terms, a pioneer feminist in a society whose mores consigned women to a life of drudgery and illiteracy. Through the personal encouragement of the director of ORT Iran, Parvine Motamed, a child-student grew to be an educated and talented woman.

Mahavash is now in France on scholarship. She has a wealth of fresh potential ahead of her. But she plans to return to her ORT school to be a teacher, to continue a tradition of emancipation for the men and women of her community.

Mr. Speaker, I offer this tale of the transformation of Mahavash as a special living tribute to the very devoted membership of the Women's American ORT, whose valiant efforts are helping a Mahavash in many corners of the globe.

I am proud to be before you today asking that the attention of our colleagues, and our constituencies throughout the Nation be directed in salute to the work of an outstanding worldwide humanitarian association, the Organization for Rehabilitation through Training. It is the occasion of the 50th anniversary year of Women's American ORT, and this golden milestone affords us an opportunity to consider the very meaningful work of an essential foundation for very needy and deserving young people throughout our world.

Even as we meet here today, some of the representatives of the over 130,000 U.S. Women's ORT membership, which includes the 3,000-strong New Yorkers of the Queens region, are returning to this country after reaffirming the continuation of their valuable work at the observance of the 24th Biennial ORT Convention in Jerusalem, October 20 to 28, 1977.

Let us first take an overall look at the ORT framework, and then some singular areas of achievement, to gain our basis for understanding and appreciating the extent of the ORT contribution to mankind.

For almost a century, this institution has provided the skills and the trades to the Jewish people wherever there is a need. The present ORT network em-

braces 800 training units in 30 countries. More than 76,000 students are being trained annually in 90 trades. More than 1,500,000 people have been trained since its inception in 1880. ORT is the largest nongovernmental vocational agency in the world.

On a more personal plane, ORT has recently expanded its programs throughout Israel, in both quality and quantity, despite Israel's perilous position and its difficult economic situation. It has met the arduous challenge of providing their services to migrants and refugees, who have escaped the Soviet regime. It has effectively furnished the means with which to meet the Jewish needs of small communities throughout the world.

ORT has opened opportunities where none existed, and has implanted the capacity for self-reliance, and productive, useful and dignified participation in the life of a community. It has anticipated the needs of the economy of Israel, without failing the needs of Jews elsewhere, or denying ORT expertise to developing nations.

ORT has led the way in transforming vocational studies into something more than job training for losers or the poor. It has made vocational education attractive. ORT schools have become synonymous with high quality. Their curriculum can be described as a broadly defined preparation for contemporary life with a cross-section of Israel's, or the particular locality's, youngsters in mind.

The record of what ORT is doing in Israel indicates its place as a resource for nation-building. The Jewish community has shown through ORT, and its development, that it has an answer to give to the needs of society. Through vocational training, it can make a positive and solid contribution to the upgrading of labor.

An ORT leader describes his role as follows:

> By preparing young men and women for useful vocations, we are equipping them to lead useful working lives. The feeling of confidence which grows out of competence and dignity reinforces identity and Jewish consciousness.

Joseph Harmatz, Director of ORT Israel, in speaking of the Holon, Israel operation, made a poignantly revealing observation about the ORT way—

> The tools used are love, attention, respect, and mainly, no mention of the past. Today the students feel that they are important to their surroundings, their own consciousness is strengthened, while at the same time their self-assurance is developed.

Women's American ORT is the largest and most effective ORT organization. Their cumulative participation in the ORT budget, and in the construction of new facilities, results from the sustained will and work of its members throughout the American Jewish community.

We have the example of the ORT Center in Toulouse, France. This facility will train well-grounded skilled technicians as well as give them a technical education. This type of school has never existed in Europe before. The buildings were erected in record time through the generous aid of Women's American ORT.

Women's American ORT has championed the cause of bringing ORT's expertise and experience to the United States. It has become increasingly involved in promoting relevant quality education in this country, with special emphasis on career and comprehensive education.

We have viewed the purpose of ORT, and looked briefly at its structure as it realized some of its goals. Success does have many faces, but none so touching and meaningful as a dream come true for a little girl, and so many of her brothers and sisters the world over.

I trust that all here today will join me in extending to the leadership and membership of Women's American ORT our heartiest congratulations on their golden jubilee. Together with the World ORT Union, and the workers in the ORT organizations all over the globe, may they enjoy even greater successes in the years ahead.

WILLIAM J. (BILLY) WELDON

HON. JACK BRINKLEY

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 3, 1977

Mr. BRINKLEY. Mr. Speaker, I want to take this opportunity to congratulate a native of the Third District of Georgia on his inspiring life of service to others.

Mr. William J. (Billy) Weldon, of Woodbury, Ga., who was born on January 4, 1888, is living proof of the invaluable contributions many of our senior citizens continue to make to their communities. Although he will soon be 90 years young, Mr. Weldon's zest for living surpasses that of many men half his age. He is a lay speaker, Sunday school teacher, and frequent preacher at his Bethesda United Methodist Church and, somehow, still finds time to cultivate extensive vegetable and flower gardens.

I commend the following article on Billy Weldon, published in the Manchester Star-Mercury of Manchester, Ga., to the attention of my colleagues. It is a fitting tribute to this great man's community service and his faith in America's future. I salute Billy Weldon on behalf of Woodbury, Ga., and the entire Third District.

W. J. (BILL) WELDON, 89, BELIEVES "GOD IS ANSWER TO AMERICA'S PROBLEMS"

(By Cecil Hamby)

William J. (Billy) Weldon, of Rt. 1, Manchester, is a man who is intensely proud of his religious heritage, indelibly impressed upon his heart and mind in his youth by his parents and grandparents and other relatives.

A few days after his 89th birthday on January 4, Mr. Weldon posed for a picture holding photographs of his paternal grandparents, Mr. and Mrs. William Alexander Weldon, pioneer settlers of the Dunwoody, Ga. community. His grandfather came to America from England at the age of 19 and settled in the Dunwoody community. His wife was a native of Covington, and they raised a family of nine children, five girls and four boys.

Grandfather Weldon was a blacksmith by trade, and shod horses for the Confederate Army during the War Between the States. He gave the land and helped to build what was then known at the New Hope Associated Reform Church in Dunwoody. Grandfather Weldon died at the age of 65, just two months before Billy Weldon was born on January 4, 1888.

Billy Weldon was himself a member of the Associated Reform church for a number of years. "They were a strict people," Mr. Weldon recalls, "and they adhered closely to the teachings of the Bible."

Mr. Weldon is a member of the United Methodist Church, and has been for a long number of years. His membership is with the Bethesda United Methodist Church on Highway 85 East, between Manchester and Woodbury.

He is a lay speaker, and has taught Sunday School classes, and preached in churches for as long as he can remember.

Although he is now working on his 90th year, Mr. Weldon remains active, going and coming pretty much as he pleases, and drives his ancient pickup truck when the vehicle is inclined to cooperate. He enjoys good health, although a back ailment sometimes gives his trouble, causing him to bend a little and limp as he walks.

He attends the services of his church faithfully, and services at other churches regardless of denomination, and their revivals. One of his favorite religious gatherings is the weekly prayer services which are held in Manchester when the weather and circumstances permit.

Since the death of his wife several years ago, Mr. Weldon lives alone in his bright yellow, five-room frame house on the Country Club Road, just a short distance from the home of his daughter and son-in-law, Marie and James F. Carlisle.

With the help of a once-a-week cleaning helper, he keeps the home tidy and neat. One of his hobbies and pleasures is growing flowers and vegetables, and the front porch of his home is crowded with plants and shrubs, and his front lawn, in season, produces tomatoes, squash, beans, corn, and the like, for his own consumption and for sharing with his neighbors and friends.

Here, in his neat little home, surrounded by photographs of his wife, their children, grandchildren, his grandparents and other relatives; his Bibles and religious tracts, he spends his leisure time reading and meditating.

Billy Weldon's proudest and most rewarding heritage is his inculcated belief that "Almighty God and His love and mercy" are the answers to all questions and problems.

His greatest concern centers around what he describes as "the desecration of the Sabbath and its meaning for mankind."

He recalls that in his youth, the Sabbath was observed by his family as a "Holy day of rest and communion," and the opportunity and obligation of learning and memorizing of pages of the youth's catechism.

Some weeks ago, Mr. Weldon received a copy of Senator Herman Talmadge's weekly report to his Georgia constituents, in which Talmadge used the phrase: "Putting first things first."

It is Mr. Weldon's firm and devout conviction that "God must be placed first in our nation and world," if we are ever to confront and solve the many problems of our nation and world.

Not a crusader in the sense of its most pious stage, Mr. Weldon nevertheless fears that America is succumbing, day by day, to its own decadence, through its self-indulgent permissiveness; its drugs; its crime, its pornography; its pampering of its youth.

He believes America is too intent on bodily comforts and its worship of the material.

"God is not pleased with us," he believes, and the image of God's terrible visitations on rich nations grown soft and corrupt dwells with him.

And there is plenty to support Mr. Weldon's fears.

The headlines of the past four years have portrayed our nation's capital, for example, as a place where national leaders, infatuated with power, systematically lie to the people, commit burglaries, put concubines on the public payroll, paid their expense accounts, and commit other lesser sins too numerous to mention.

And there is reason to believe that the public is just as disturbed by the level of morality close at home as in Washington.

A report from a small town in the midwest, for example, finds almost every one with his own tale of thievery. A motel manager tells of having to fire his entire night kitchen staff for stealing meat, dividing it and selling it to their neighbors. A hospital maintenance supervisor had his tools stolen almost before his eyes. An elderly woman reported that someone stole a hanging plant from her front porch.

Here in Manchester, a Baptist minister had his coin collection, valued at over $5,000.00 stolen from his pastorium while he was conducting worship services in his church next door.

Everyone wonders what happens to all the things that disappear. Who buys them? Where are they sold? Do the buyers know the items are stolen goods?

Mr. Weldon's outlook on the "desecration of the Sabbath" is not the pious thinking of a religious fanatic. It is close to fact and truth, and it is a premise shared by millions of many faiths or of no faiths.

Sunday has become a day little different from any other day of the week in the minds of suppliers of services, recreation, and material things, and in the minds of those who desire them.

It is not reasonable to expect that the God Who created the Sabbath and made it Holy, will deal kindly with those who abuse it and use it as an extension for secular activities and programs.

In short, Mr. Weldon believes that God was not passing a temporary or situation piece of legislation when He revealed to Moses on Mt. Sinai His Ten Commandments.

In His brief statement, He told the confused and erring people traveling with Moses, as He is telling the present generation and all who have existed in the years between this simple message: If you didn't known before what is right and what is wrong, you know now. If you didn't know before the requirements for successful life, you know them now.

He said: "This is what I require of you. Not for just an hour. Not for just a day. Not for just a year. But always.

We extend a belated congratulations to Mr. Billy Weldon on his 89th birthday, and our best wishes for many more birthday observances by him.

He represents that vast and growing segment of American society that is a part of what is sometimes referred to as the "Bible Belt"; the church-goers and church-supporters, and praying Bible readers and scripture practitioners who manage somehow to hold together the fabric of American Christian Democracy raging in opposition.

EXPLANATION OF VOTE ON REGULATION Q

HON. NEWTON I. STEERS, JR.

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 3, 1977

Mr. STEERS. Mr. Speaker, on Monday, October 31, the House considered under suspension of the rules H.R. 9710—a bill to extend regulation Q and for other purposes. The House passed this bill by a vote of 395 for, 3 against, and 7 voting "present." I did not vote either for or against this bill but merely recorded myself as present.

My financial statement of net worth was the first such statement submitted by any Member of the 95th Congress to the CONGRESSIONAL RECORD for public scrutiny. In that statement (on page 208 of the January 4 issue), I recorded ownership of 6,000 shares of Government Services Savings & Loan, which then had a market value of $47,250.00. In order to avoid even the appearance of voting in favor of legislation that might help my stock, I voted "present."

I also did not vote on this bill when it passed the Committee on Banking, Finance and Urban Affairs.

TOXIC SUBSTANCES CONTROL ACT AMENDMENTS

HON. PHILIP E. RUPPE

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 3, 1977

Mr. RUPPE. Mr. Speaker, 3 days ago, the Senate passed S. 1531, a bill that would establish a program of assistance to States in order to aid individuals injured by toxic chemicals.

Today, Mr. FORD of Michigan and I are introducing a similar measure. Its basic purpose is simple—to protect innocent victims from the financial hardships caused by toxic chemical accidents.

In no way, however, is this bill intended to forgive the chemical polluter. To the contrary, States providing financial assistance to the innocent victims of such contamination are required to "take all steps necessary" to assure that the State has and will pursue legal action against the party or parties responsible for the contamination before funds paid out under this bill are available.

Essentially, the bill sets up a means whereby a State could act promptly to quarantine and condemn livestock or food containing a chemical substance without delaying because of the financial liability involved.

A joint Federal-State grant program would be set up if the State: first, has a chemical substance in its environment; second, the chief executive or a Federal agency moves to impound or otherwise condemn any food or livestock contaminated by such a substance; and third, the State moves to provide financial assistance to persons harmed by such State or Federal action.

One provision included in this bill but not covered in the Senate-passed legislation deals with assistance for research into ways of eliminating these substances from the human body. The chemicals already identified as possible health hazards is growing—PCB's, kepone, mirex, tris, PBB's, and this list will continue to grow. In the case of the PBB contamination issue in Michigan, I am at a loss to understand why Federal assistance has not been provided to study methods of eliminating PBB from the human body. I have expressed my concern about this matter to the FDA, but have not been assured that such a project will be undertaken—even though the accident took place 4 years ago.

On the issue of PBB, lest my colleagues believe that such contamination is limited only to the State of Michigan, I would point out that PBB's have been found in the Ohio River, in New York, and New Jersey. In addition, tests for PBB contamination are being studied in other States where PBB's are used in large amounts—Illinois, California, Mississippi, Ohio, Tennessee, and Pennsylvania.

It is time to respond legislatively to accidental chemical spills—for as long as there are toxic chemicals being produced, there will be more chemical accidents.

The bill Mr. FORD and I have introduced is a way to minimize the impact of such accidents by: First, assisting innocent victims of such accidents by providing prompt financial assistance; second, encouraging States to set up programs to detect and control such accidents and move against polluters in a consolidated manner; third, remove concern over financial liability from the State decision-making process; fourth, assist the needy in medical expenses incurred by such contamination; and fifth, work to restore public confidence in the food and produce of a State by combining Federal and State efforts to insure a prompt response to any such accident.

The bill also increases the authorization levels in the Toxic Substances Control Act in order that the act can be more effectively implemented.

Congressman FORD and I welcome the support of our colleagues and hope they will join us in this effort to make this legislation a reality in the second session.

ODESSA, MO.

HON. IKE SKELTON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 3, 1977

Mr. SKELTON. Mr. Speaker, the community of Odessa, Mo., is just a few miles from my hometown of Lexington. I have known many Odessa residents all my life. There is no question in my mind that it is small communities like this one that are the backbone of America. Thus, it is with a deep sense of personal pride and satisfaction that I report to you that Odessa has just received the top award in the Missouri Community Betterment Conference for communities between 2,500 to 5,000 population. I would like to include in the RECORD an extract from the local newspaper, the Odessan, which outlines the community's achievements:

ODESSA, MO.

Odessa received the top award at the fourteenth annual Missouri Community Better-

ment Conference and awards banquet held Tuesday in Jefferson City. Odessa received a $500 cash award and trophy as the grand prize winner, along with an additional $500 and plaque for taking first place honors among communities between 2,500 to 5,000 population.

Projects undertaken by Odessa during the competition year centered around improvement of both city parks, programs dealing with leadership development and community awareness, a major clean-up and tree-planting campaign, and preliminary planning for a one week centennial celebration.

Odessa, population 2,839, has participated in the annual competition for the past two years and has placed both times—third in 1975 and fourth place last year. More than 300 Missouri communities participate in this statewide civic improvement program administered by the Missouri Division of Community Development. Member communities are judged on the progress made during a one-year period only.

AMERICAN CAPITALISM AND JANE FONDA

HON. DEL CLAWSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 3, 1977

Mr. DEL CLAWSON. Mr. Speaker, the perception and ability to glean from diverse disciplines and/or groups their characteristic expertise or wisdom, while also encouraging cohesion and broadness of vision, is as essential to academic development as to national progress. It is all the more unfortunate then, if the college campus becomes a forum for divisiveness or philosophical myopia. The column by George Will which follows appeared in this morning's Washington Post. The example of dangerous extremity which it describes is worthy of note. But I especially commend the reaction of balance and skepticism advocated by Mr. Will:

THE INCANDESCENT FONDA

(By George F. Will)

Jane Fonda (for those unlettered in political philosophy) is one of the movie stars often seen on the barricades of the class struggle as well as on the silver screen. Her previous enthusiasm was North Vietnam, and her current enthusiasm is Lilliam Hellman, a sort of former Jane Fonda, a figure in the entertainment world whose enthusiasm was the Soviet Union.

Fonda also is keenly interested in corporate taxation, the Dow Chemical Company, the legislative process and the duty of business to pay taxes with cheerful abandon. (Presumably, Fonda and her colleagues in the movie industry, in Beverly Hills and thereabouts, do that.)

Fonda is not renowned for reticence on these or any other matters. Like her husband, Tom Hayden (whose offer to be a U.S. Senator was declined by Californians), she speaks for "the people." Wherever her incandescent self is, the air is thick with reproaches—her preferred mode of self-expression.

Recently Fonda was drawn to Central Michigan University by her thirst for justice. She said she would contribute her $3,500 fee to the Campaign for Economic Democracy, which her husband founded. She labored to impregnate Michigan youth with her insights on (among many other things) the revenue system.

While discussing political economy, justice, etc., Fonda announced that Dow Chemical USA, a company based in central Michigan, is part of a "new group of rulers, tyrants." Unbeknownst to most Americans but not to Fonda, these tyrants control the lives of most Americans (but not Fonda's life of solitary understanding). She said Dow and other tyrants "have learned to manipulate the tax laws to get away from paying their fair share." (Last year Dow paid $429.6 million in taxes.)

Last year Dow contributed $73,000 to Central Michigan, which was one of approximately 450 schools receiving contributions from Dow. But now Dow is thinking hard thoughts about Central Michigan, and has notified it that there will be no more grants until something is done about balancing "what your students hear."

Dow cannot be reasonably accused of trying to impoverish the life of the mind in Michigan. While not wishing to suggest that Central Michigan does not respect Fonda for her mind, I do doubt that she ranks among the 10,000 most intellectually formidable exponents of even radical orthodoxy on any of the subjects she regularly ventilates.

Although Fonda fancies herself bold beyond belief, in this instance, as in most, her behavior was conventional. (One radical free-spirit nonconformist is pretty much like another.) But Dow's behavior was unconventional. It is, alas, unusual for the business community to balk at subsidizing those who detest it.

Business is conducted by people of action and practical wisdom. Most are not gifted at articulating the theoretical premises and justification of capitalism.

But because of the abundance capitalism provides, and the technical sophistication capitalism demands, an advanced capitalist society is apt to devote substantial expenditures to higher education. And the academic community, nimble with words and theories, often is hostile to the business community.

On the one hand, many academics despise business for being concerned with crass worldly things. On the other hand, many academics (often the same ones) resent the fact that business has something worldly that they want: power to change the world.

Capitalism inevitably nourishes a hostile class, but there is an optional dimension of this process. American business has been generous with gifts to universities—not too generous, but too indiscriminate. Dow has given the business community a timely sample of appropriate discrimination.

Universities should be (and should deserve to be) free from close supervision by the sources—public or private—of their financial support. But there should be *some* limits to intellectual frivolousness, even on campus. And those who support universities have not only a right, but also a duty, to withdraw support from institutions that recognize no limits.

It has been well said that "intelligence will tell in the long run—even in a university." Perhaps. And perhaps by nailing vague academic minds to hard financial facts, the business community can help.

CONGRESSIONAL MEDAL OF HONOR

HON. NORMAN Y. MINETA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 3, 1977

Mr. MINETA. Mr. Speaker, it is a great privilege to speak today on behalf of myself and two distinguished colleagues, DON EDWARDS and PAUL N. MCCLOSKEY, JR., to honor those veterans who have received the Congressional Medal of Honor, our Nation's highest award for valor during conflict with an enemy of the United States.

Among the many events scheduled to honor these veterans is a parade in San Jose, Calif., on Veterans' Day, November 11, 1977. The parade will be broadcast by national television so that all Americans will be able to view this celebrating honoring not only Congressional Medal of Honor winners but all veterans.

On Saturday, November 12, 1977, the San Jose Chamber of Commerce is hosting a communitywide banquet to honor these brave men. The banquet will be a climax of the biennial meeting of the National Congressional Medal of Honor Society and will give our entire community a chance to acknowledge publicly the brave deeds the medalists performed during combat.

Mr. Speaker, I am sure that you and all Members of the House of Representatives will join us in commending those who have proved their patriotism and loyalty to our Nation by showing extreme valor in the face of battle. To these men we say thank you.

BLOWING THE WHISTLE ON GOVERNMENT WRONGDOING

HON. JOHN CONYERS, JR.

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 3, 1977

Mr. CONYERS. Mr. Speaker, a few years ago as an outgrowth of Watergate and coverups concerning cost overruns at the Pentagon, a group of lawyers in Washington led by Ralph Stavins of the Institute for Policy Studies launched the whistle-blowers project to develop legislative and other remedies to protect conscientious civil servants who uncover wrongdoing in Government. A larger purpose which this project serves is to rehabilitate public—and private—institutions from the inefficiency, unresponsiveness, duplicity, and other abuses which plague so many.

I commend to the attention of my colleagues a recent article which appeared in the Boston Globe written by Ralph Stavins and Brian Blanchard. The authors recommend one solution to Government wrongdoing:

Reverse the set of sanctions that govern the behavior at our major institutions. Penalize the managers who order improper programs and reward those who flush them out.

The Government reorganization task forces at OMB and the White House ought to include this recommendation in their reorganization agenda.

The article follows:

BLOWING THE WHISTLE ON WRONGDOING

(By Ralph Stavins and Brian Blanchard)

At first it seemed to be a sloppy error in bookkeeping by administrators in Harvard University's Department of Nutrition.

Dr. Phin Cohen claimed that the problem ran deeper.

Then the blame fell on Frederick Stare, chairman of the Nutrition Department in Harvard's School of Public Health, who accepted "technical" responsibility for mismanagement of Federal funds in three of his department's research projects.

But Dr. Cohen was certain that this was not the whole truth.

Finally, a National Institutes of Health (NIH) audit reported that Harvard had misused $132,000 in taxpayers' funds and cited a host of other improper acts as well:

Charging for personnel who did not work on the grant projects;

Filing false and inaccurate personnel effort reports;

Failing to furnish adequate financial information to the principal investigators;

Pooling of grant funds;

Charging the direct cost budget for indirect costs that were already covered in the indirect costs awards.

Harvard University returned the $132,000 to NIH, but that has not deterred HEW from ordering an audit for the whole school, scheduled for October—"partly because of the Phin Cohen case," explains HEW auditor Al Hefferman.

Phin Cohen, former assistant professor of nutrition, was engaged in medical research at Harvard for 20 years, from 1956 to 1976. During that time he wrote or participated in writing 58 publications in the field of blood platelets and bone diseases. Dr. Cohen has received outstanding evaluations and has been elected to a number of scientific societies.

On the basis of a recommendation by an ad hoc committee and his well-established scientific credentials Dr. Cohen had every reason to expect reappointment. In May 1975, two months after he had been offered a promotion, the offer was suddenly withdrawn and Dr. Cohen was discharged.

Why? Because Dr. Cohen told the truth about Harvard misallocating government money.

"No one has told us why Cohen was not reappointed," protests Albert Cullen, Cohen's attorney. "Not only has Harvard misused funds, but it has gone to the point of saying something is wrong with him for blowing the whistle."

As our major institutions find themselves falling deeper and deeper into the netherworld of crime and corruption, ordinary employees, clerks, stewards and researchers—the Phin Cohens of the world—suddenly find themselves thrust into the role of supermen, locating and apprehending the mighty in the hidden reaches of Gotham. Asked why they speak out when their coworkers remain silent, they invariably respond like nurse Sandy Kramer, who blew the whistle on substandard health care at Shiprock (N.M.) Indian Hospital, "It wasn't something I thought about. I saw wild dogs running loose on the hospital grounds, emergency carts half-filled and the supervisors sitting around drinking coffee behind closed doors. I had to do something, so I wrote the President. I guess it was instinctive."

Managers at our leading institutions, on the other hand, produce lengthy and heated debates about whom to include and exclude from their cabals; the chosen conspirators research and calculate where to hide the laundered money, how to fix prices and what to put in the soft files. Crime at the top and justice at the bottom are the hierarchical imperatives of the new social order.

And the institutions go on and the whistleblowers are blown away. Tony Morris, a reputable virologist at NIH, compiled facts for several years documenting the unsafe and inefficacious procedures for flu vaccines and presented his findings opposing the swine flu vaccination program to top administrators at NIH. The administrators sat on his findings and gave the green light for the swine flu program. Americans were killed and paralyzed, and $1 billion in claims are being processed by the Justice Department. Tony Morris? He was fired and is still unemployed. Nurse Kramer was fired from her job at Shiprock Indian Hospital. Dr. Phin Cohen is looking for a job.

A simple solution awaits our lawmakers. Reverse the set of sanctions that govern the behavior at our major institutions: Penalize the managers who order improper programs and reward those who flush them out. Legislation pending before Congress would establish clear protections for Federal employees who blow the whistle, giving them the right to bypass the cumbersome administrative process and go directly to court to seek redress; to get attorneys' fees reimbursed in the event they are vindicated; and to hold managers personally liable for harassment.

Similar redress could be afforded employees in the private sector through the intercession of trade unions that are willing to include whistle-blowing protection in their collective bargaining efforts. Ultimately, the courts must decide whether they wish to extend the right to speak from the citizen to the employee. If they do, we could take a giant step toward rehabilitating our major institutions.

WHAT HAPPENED TO CONGRESSIONAL PAY RAISE DEFERRAL

HON. NEWTON I. STEERS, JR.

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 3, 1977

Mr. STEERS. Mr. Speaker, anyone who was present Tuesday during our consideration of H.R. 9282 must agree that the proceeding was confusing, to say the least. Unfortunately, a reading of the CONGRESSIONAL RECORD does little to help clarify matters.

In yesterday's Washington Star, though, we do find an excellent article by Ron Sarro. He not only explains what happened on the floor Tuesday, but also sheds considerable light on the history of the congressional pay raise deferral proposal and the developments that led up to the floor action on H.R. 9282.

For the benefit of those who may still be puzzling over what happened to the congressional pay raise deferral bill the other day, I present herewith the full text of Ron Sarro's article from the November 2 Washington Star.

[From the Washington Star, Nov. 2, 1977]

HOUSE DEMOCRATS EMBARRASSED: COME THE ELECTION YEAR, HILL PAY FLAP TO RISE AGAIN

(By Ron Sarro)

The latest chapter in the great congressional pay raise controversy of 1977 has proved to be an embarrassment for the House Democratic leadership and assures that Capitol Hill politicians still will be faced with the issue in 1978, an election year.

The proposed Congressional Pay Raise Deferral Act was supposed to be the last in a series of actions taken by the House since January to sort of apologize to the voters for the 29 percent, $12,900 pay raise legislators accepted earlier this year.

Instead, House action on the legislation to defer any future congressional pay raises for at least two regular sessions after it is approved ended in disaster when the House late yesterday voted 232–168 for a procedural motion blocking consideration of the bill.

That kicked it over until next year. Politicians would much rather not be forced to discuss a $12,900 pay increases in a year in which they are running for re-election, as all 435 members of the House will be.

The procedural motion seemed to be going down to defeat—at one point by a 220–180 vote—when word swept across the floor that the act contained an unexpected provision widely interpreted as prohibiting congressmen from rejecting any future cost-of-living increases.

Members switched votes rapidly, killing the bill for this session. Also killed was House Speaker Thomas P. O'Neill Jr.'s hope that the 1977 pay raise controversy could be put to rest once and for all with the deferral act he had promised he would allow to come to a vote before this session ended.

To put yesterday's action in its proper perspective, it's best to go back to early this year when the Quadrennial Federal Pay Commission recommended a 29 percent salary rise for congressmen, judges and top-level federal executives.

The raises, increasing congressional salaries from $44,600 to $57,500 a year, became effective automatically when neither the House nor the Senate took the option of adopting a resolution rejecting the salary increases. In the House, the issue became a major battle, particularly over the fact that no vote was allowed on the pay, pro or con.

After the raise had taken effect, Rep. Otis G. Pike, D-N.Y., forced a vote on a symbolic amendment to the House Budget Resolution to reject the raise. That was adopted 236–179. Although the amendment had no practical effect, the vote showed the political heat on congressmen generated by a raise that was offensive to low-paid constituents.

The controversy became so hot, in fact, that both the House and Senate adopted amendments to the Federal Salary Act requiring up or down votes on all future congressional pay raises so voters could hold legislators accountable.

Further reflecting the political pressure, the House and Senate also adopted legislation canceling an autmatic cost-of-living pay increase of about 5 percent that congressmen would have received last month under "comparability" provisions of the pay act. Next October's increase still is in effect and would not have been changed by yesterday's bill.

Finally, in June, there was a real vote on the pay raise when the House voted 241–181 against a move to take money for the pay raises out of the 1978 legislative apropriations bill. It was quite a turnaround compared to the vote on Pike's amendment, mostly because O'Neill made it a vote of confidence in himself.

The Congressional Pay Raise Deferral Act was sponsored by Rep. Charles W. Whalen, R-Ohio, a retiring congressman, in the belief that politicians in Washington should play by the same rules used by politicians back in the states when it comes to their salary increases.

Whalen's bill, which attracted 176 co-sponsors in the House, would automatically defer any pay raise recommended by the federal pay commission until the next Congress convened after the Congress which approved the raise.

That Whalen noted, is the way it's done in 37 state legislatures, giving voters a chance to re-elect or defeat members based on their

position on their salaries, if the voters so choose.

Whalen's bill was referred to a special House subcommittee on pay raises, headed by Rep. Stephen Solarz, D–N.Y. It was this subcommittee, firmly supported by the House Democratic leadership, which originally bottled up resolutions to force a House vote on the congressional pay raise before it became effective.

Solarz's subcommittee wrote into the legislation a provision Whalen yesterday called a "tradeoff" which would have barred in the future any amendments to House budget or appropriations bills "which directly or indirectly prevents the payment of increases in pay raises for members of Congress." This was widely interpreted as barring votes to kill future cost-of-living increases.

The subcommittee report used this reasoning on the provision:

"The events of the last few years have led the committee to conclude that the emotional appeal of the congressional pay issue coupled with the ease with which it can presently be exploited by means of amendments to appropriations bills or budget resolutions ensure that the issue will continue to receive more time than it warrants.

"While the pay issue is important, the committee believes that much of the time spent debating that issue could better be spent on more significant issues facing the country and Congress," the committee concluded. It added a clincher—that every other year such offensive amendments would be before the House "shortly before an election."

The alarm about the provision was sounded by Reps. Robert Bauman, R-Md., John Rousselot, R-Calif., William Armstrong, R-Colo., and Dan Quayle, R-Ind. Armstrong and Quayle circulated a letter to colleagues calling the section a "sleeper . . . precluding the only effective means we have of voting on these cost-of-living increases."

Solarz insisted that wasn't true, that congressmen could still sponsor and vote on resolutions to kill cost-of-living increases, as long as these were not amendments to appropriations or budget resolutions. But few members would listen to him.

Bauman, the master of House parliamentary maneuvering, forced the procedural vote on the bill, which was brought up under suspension of the rules, requiring a two thirds vote for adoption but prohibiting any amendment to take out the offensive section.

Bauman first unsuccessfully made a point of order against the bill on grounds it violated budgeting and appropriation laws, then forced a roll-call vote on a "second" for the bill. A vote against a "second" was a vote to kill the legislation.

His motion appeared lost when the 15-minute voting clock ran out, but then large numbers of congressmen—many of them clutching the subcommittee's report or copies of the Armstrong-Quayle letter—gathered in the House well and started switching their votes.

O'Neill and Solarz said later there was no way to take up the measure this year without amendment by the subcommittee.

REBUTTAL OF CONGRESSMAN DINGELL'S DEFENSE OF PART V OF H.R. 8444

HON. JOHN T. MYERS

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 3, 1977

Mr. JOHN T. MYERS. Mr. Speaker, on September 27, 1977, Representative JOHN D. DINGELL inserted in the CONGRESSIONAL RECORD questions and answers concerning some effects of part V of the National Energy Act (H.R. 8444) as it passed the House. This memorandum is a rebuttal to Representative DINGELL's answers.

NAEC REBUTTAL

Mr. DINGELL's questions and partial response. Question. Doesn't Part V provide for a federal takeover of regulatory authority traditionally vested in the states?

No.

National Association of Electric Co.'s response.

1. Yes. Section 511 specifically sets forth minimum Federal standards to be imposed on a nationwide basis. Section 531 then declares that in the event that these minimum standards are not implemented by the States, then no rate increases may be authorized by the State and the appropriate Federal agency, now the Federal Energy Regulatory Commission (FERC) would assume jurisdiction for implementation of Part V. This is a Federal take-over. Furthermore, Section 531 prohibits any retail rate increase by a utility that is not in compliance with these standards without regard to State regulatory action, which compliance is to be determined by the Federal agency. If this is not a take-over then it is difficult to imagine how one could be more effective or direct.

The concentration of ratemaking authority in the Federal government would represent a radical encroachment on an area of traditional state authority. There has been no showing of abuses at the State level to justify the takeover. On the contrary, there is a strong trend by the States to strengthen support for the regulatory agencies from State resources, and the quality of both leadership and staff in State regulatory agencies has been significantly improving in recent years. At least 32 States are actively studying and experimenting with progressive rate design, in addition to the activities of industry and the existing and adequate role of the Federal government.

Mr. DINGELL's question and partial response:

Question. Doesn't the bill add another regulatory layer full of red tape to an already burdensome process?

No

National Association of Electric Co.s respond:

2. Yes. The bill will complicate and prolong an already extended regulatory process by encouraging intervention, adding new levels of review and in other ways. The whole purpose of the regulatory process—to conduct efficient and fair ratemaking proceedings—is called into question by the bill's provisions.

The bill requires utilities to provide customers with information on existing and proposed rates. Any individual consumer may intervene in regulatory proceedings with the full rights of a party, and funds are authorized in the bill to finance their intervention at both the State and Federal level. In addition, consumers may attack regulatory determinations collaterally by injunction even where they have not participated in the regulatory process. An independent Office of Public Counsel is created in the FERC to second-guess and frustrate the activities of its own agency.

It is clear the above provisions will inevitably cause delay. Delay increases cost and forestalls needed energy supply. Out of necessity the implementation of the bill's extensive provisions is going to take additional cost and effort to oversee. The bill adds not one layer, but layer upon layer of bureaucracy and red tape at every level of the regulatory process, Federal and State.

Mr DINGELL's question and partial response:

Question. Aren't the minimum standards specified in Part V new, untried, and unsound rate principles which will lead to chaos in ratemaking and unfair pricing?

No.

National Association of Electric Co.s respond:

3. Yes. Rep. Dingell's third question relates to the issue of whether the Section 511 standards are novel and his conclusion is that they are not, and he bases that conclusion on certain experiments in rate design being conducted by various States and on certain rate schedules in the telephone industry. The fact of the matter is that, while some State regulatory authorities are experimenting with various changes in rate design concepts for electric utilities, they are being tested in areas which do not have load characteristics similar to other areas of our country. Even those States which are experimenting recognize that additional data must be collected before any firm long term commitments can be made to novel rate designs.

Studies are presently underway by many State commissions and other agencies to determine the effects of rates based on marginal cost, time-of-day, season, and other considerations. It is not clear to date which of these rates discourage consumption or conform with cost considerations.

Electric utilities in the United States differ significantly in terms of mix of generation capacity, fuel type, amount and density of transmission and distribution facilities, mix of customers by class (residential, commercial, industrial, and other), season and time of maximum demand, and load growth. State commissions are in a much better position than the Federal government to evaluate the effect these varying characteristics among electric utilities have in costing methods and ratemaking. Characteristics of both supply and demand vary so greatly from State to State and region to region that no one set of Federally mandated standards can or should apply to all regions.

In Rep. Dingell's comparison of the electric and telephone industries he fails to draw the distinction that the load characteristics of a telephone company are not dependent upon seasonal and temperature changes as are electric utilities. Parenthetically, ATT's night discount rates were designed to increase usage of long lines, not to conserve or reduce telephone usage. It is misleading to indicate that the standards of Section 511 are time-tested either within or outside the industry.

The tendency due to pressure to legislate should be withstood where the repercussions of such legislation is yet unknown. Congress should take the responsible position that further study in this area is needed.

Mr. DINGELL's question and partial response:

Question. Weren't all these provisions added to the Carter energy program at the last moment, going much further than the Administration's proposals, and why does Congress feel it necessary to legislate here?

The legislation which the Administration sent to Congress earlier this year had provisions not only for regulation of the electric utility industry but also the gas utility industry. While it is true that the legislation suggested by the Administration wasn't as broad in scope as that passed by the House, the Administration's version had a much greater impact on the degree to which the federal government would participate in state ratemaking. This is too important an area for Congress to ignore.

The Electric Co.s respond:

4. Yes. These provisions do go much further than the Administration's proposals. The President's bill as submitted was 239

pages long; the House-passed measure was 500 pages. In a highly presured atmosphere, the House, as a matter of expediency, has incorporated a number of regulatory provisions into the energy bill which were picked up from existing legislative proposals representative of various ideologies. A few of the many examples of these added on provisions are: Section 512 dealing with advertising, Section 514 and 544 dealing with automatic adjustment clauses, Section 523 dealing with termination of electric service, and Section 547 dealing with interlocking directorates. Contrary to Rep. Dingell's expression of opinion to the question, merely because Congress has spent a good deal of time investigating this area it doesn't follow that Congress legislate just to get something on the books.

Mr. DINGELL's question and partial response:

Question. Doesn't the bill provide for certain loopholes for some customers?

The Electric Co.'s respond:

5. Yes. Congressman Dingell admits in his answer loopholes might occur in two situations but he ignores those provisions of Part V which create an entire subindustry known as cogenerators, which, if established, would be entitled to price mechanisms which would unquestionably work to the advantage of the cogenerators and to the disadvantage of all other customers of the utility. He also fails to discuss the discriminatory affects which are inherent in those provisions of the Act which require interconnection, wheeling and pooling. As written, these provisions would inure to the advantage of the small electric system and to the disadvantage of the customers of the larger systems.

It is true that the bill doesn't mandate lifeline rates but the support of the principal in Federal legislation applies pressure on the state for implementation. This concept is contrary to the whole thrust of the bill—conservation and price based on cost of service. In many instances such rates would result in higher costs for the very customers it is intended to help, since low-income households are not necessarily minimal users of electricity. Conversely, low use, high income customers who also exist in significant numbers would be unjustified beneficiaries of such rates.

Mr. DINGELL's question and partial response:

Question. Does the legislation mandate marginal cost pricing and, if so, why?

The legislation does not mandate any specific costing methodology and says so explicitly in the report to the legislation. There was very convincing testimony given to the Subcommittee on Energy and Power that marginal cost pricing might be appropriate but the final Committee (and House) decision was to leave the choosing of a costing methodology in the hands of the states.

The Electric Co.'s respond:

6. In response to the question of whether marginal cost pricing is mandated by the bill, Rep. Dingell gives a curious answer: he says that it is not mandated and the House Report, accompanying the bill, specifically says so; however, it is not specifically stated in the bill itself. It is equally curious that virtually everyone who has analyzed the provisions of Section 532 have concluded that this section does, indeed, require marginal cost pricing and, therefore, does not leave to the States any discretion in deciding the methodology to be used for determining cost of service.

The extent to which marginal costs should be utilized in the desgin of electric rates is still being debated in the industry. A few State commissions have embraced the concept while some other State commissions have rejected marginal cost pricing. Concerning the determination of marginal costs, there is considerable disagreement among economists as to the proper methods to use to calculate these costs. Neither is there unanimity among the experts as to how to translate these costs into a set of electric rates.

Mr. DINGELL's question and partial response.

Question. Why is there a ban on advertising by utilities?

There is no ban on advertising by utilities; that would be a blatant violation of the First Amendment. There is no doubt, however, that certain classes of advertising, such as political advertising (much like that with which we have recently been inundated) is performed for the benefit of the stockholders of the company and not for the ratepayers.

The Electric Co.'s respond:

7. Congressman Dingell in his response to the question on advertising states that there is no ban, rather that certain classes of advertising, such as political advertising, should be paid for by the stockholder. Again, Rep. Dingell's response is misleading because Section 512 would require the stockholder to pay not only for political advertising but for promotional or institutional advertising which cannot be justified. There are many types of "promotional, political or institutional" advertising which may, indeed, be for the benefit of the ratepayer, i.e. the need for rate increases; the need for additional capacity or the adverse affects of local governmental activities. The decision as to whether or not a particular advertising expense should be paid for by the ratepayer or the stockholder should be in each case left to the sole discretion of the State regulatory authority. Furthermore, Rep. Dingell carefully fails to point out that under Section 536 a utility's request for a rate increase may be denied totally if it has engaged in any such prohibited advertising activities regardless of who paid for it. Thus, the restrictions placed on such advertising are far more severe than Congressman Dingell indicates in his answer.

Enactment of this type of provision would effectively restrict the right of utilities to speak and contribute to the public discussion and would be an unwise, if not constitutionally suspect, action. The U.S. Supreme Court, in Bigelow v. Virginia (1975), made it clear that advertising should enjoy a large measure of First Amendment protection—especially advertising on topical and controversial subjects. The exclusion of utilities from participation in public and community affairs, and the muting of utilities on subjects of public concern, can only harm the overall public interest. Advertising programs convey a maximum amount of understandable information at minimum cost and, far from its intent of saving utility customers money, this section could actually result in an increase in utility rates. Less efficient means of communications to meet the customers' need for information would have to be used and, by disallowing legitimate and necessary business expenses, one group—stockholders—would be forced to pay for the information needs of another group—customers.

Mr. DINGELL's question and partial response:

Question. Doesn't the legislation make it more difficult for electric utilities to get competent people for their boards of directors?

It shouldn't.

Mr. DINGELL's question and partial response:

Question. In establishing these minimum standards, why were privately owned utilities covered and not publicly owned ones?

Coverage is not controlled by type of ownership but by size: both privately and publicly owned electric utilities are covered. It happens that most of the large utilities are privately owned (and, therefore, covered) while most of the small ones are publicly owned (and, therefore, not covered). The threshold of coverage for the first seven years is annual sales of 750 million kilowatt-hours per year. This threshold captures about 90 percent of total sales in the nation. After the first seven years the threshold drops to 200 million kilowatt-hours per year which captures 95 percent of total sales. This covers about 400 companies. To capture all sales would involve covering 2,000 more companies to get just 5 percent of the sales. This would clearly involve bureaucratic red tape at its worst. Even with the highest limit of 750 million, many public utilities are covered such as those which serve Los Angeles, Anaheim, and Pasadena, California; Jacksonville and Orlando, Florida; Kansas City, Kansas; Austin, Texas; Seattle and Tacoma, Washington; all of Puerto Rico; and many others.

The electric companies responded:

8. Yes. The Federal Power Act now prohibits, unless with the express order of the Commission, any person to hold the position of officer or director of more than one public utility or to hold such a position with a utility while at the same time serving as an officer or director of any bank, banking association or firm that is authorized to underwrite or participate in the marketing of securities of a public utility, or any company supplying electrical equipment to such public utility. Section 547 would add to existing law a requirement that any person who is an officer or director of any bank, insurance company, any other organization providing financial services or credit, any company supplying electrical equipment or fuel for the use of public utilities, or any company which is among the 20 largest purchasers of electric energy sold by the utility, and at the same time is an officer or director of a utility company must file a notice of his dual responsibilities with the Commission. If the Commission finds that the holding of the positions in any case "adversely affects the public interest" it may prohibit the individual involved from continuing as a director of the utility.

As a practical matter this disclosure requirement will make it more difficult for a utility to receive the services as director of many of the most important leaders in the business community, the very people whose knowledge of community and business affairs could be most helpful in guiding management.

This provision appears to be entirely punitive as no evidence has been presented that any substantial problem of conflict of interest exists.

The electric companies respond:

9. The preferences given to publicly-owned systems and cooperatives in the bill, and the corresponding discriminations against the investor-owned utilities reflect an implicit bias against private enterprise in the electric power area.

Congresman DINGELL's rationale for exempting publicly owned utilities is specious. The effect of this exemption is to exclude from the Act virtually all except the very largest municipally owned electric systems of the nation and virtually all of the electric cooperatives who, in total, serve millions of customers. If, indeed, Part V is to protect the retail customer and to encourage conservation, then there can be no justification to exclude those who supply electricity to millions of Americans.

H.R. 8444 contains provisions which discriminate against investor-owned utilities. Section 526(a) exempts non-regulated cooperatives from Sections 512 (limiting recovery of certain advertising expenses) and Sections 514 (limiting automatic adjustment clauses). Why should the cooperatives be allowed to recover?

AND THE WORD WAS GOD

HON. JIM MATTOX

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 3, 1977

Mr. MATTOX. Mr. Speaker, nowadays there seems to be a week set aside for just about everything. There is a National Coin Week, a National Baby Week, and even a National Fink Week.

But the week of November 20–27 celebrates something which strikes close to my heart. That week is National Bible Week, during which we are encouraged to read and reflect upon that greatest of all books—the Bible.

As I look around my office in the Longworth Building, I see thousands of books, letters, and reports which all seek, in some way or another, to educate, advise, or admonish me. I have got briefing reports, newsletters, magazines, legislation, and information on just about any subject one can imagine.

But after viewing this mass of printed matter, I can sit down at my desk, and within arm's reach is a small, red book which provides me with all the information I need to go through this life—a Bible which was given to me when I was 9 years old. Its worn, torn pages, with favorite verses starred and underlined, seem to give me far greater sustenance than any factsheet or newspaper.

The Bible has been studied by scholars for centuries. Painstakingly translated and printed, it was, and still is, a rich source of information for historians, a work for poets, and an encyclopedia for theologians.

The advent of modern printing techniques, together with more widespread literacy, have made the Bible easily available to those for whom it was intended—the peoples of the world. Once the prized possession of kings and emperors, the Bible has found its way into the hands of billions.

Unlike the flashy paperbacks which intrude themselves upon one's field of vision, and try to shock their way onto the bestseller lists, the Bible needs no eye-catching layout, no television promotion. It stands on its own merits—and succeeds. Where else could one find the beautiful poetry of the Psalms? And whose letters are more interesting and significant than the epistles of Paul? And what epic adventure story in fact or fiction can match the book of Exodus? The wisdom of Solomon, the parables of Jesus, the laws of Moses, and the prophesies of Isaiah—is not the Bible our most priceless literary treasure?

Beset as we are in these troubled times, with the energy problem, the dangers of nuclear proliferation, and threats of war and revolution echoing around the world, National Bible Week affords us an opportunity to sit back and read the best briefing paper I have ever found. For within the pages of the Bible lies the courage, spirit, and wisdom to meet and overcome the problems of modern society.

In closing, Mr. Speaker, I would like to quote from my little red book. It is a psalm I underlined in my youth; one that still serves as testimony to the everlasting nature of God's word:

Make a joyful noise unto the Lord, all ye lands.

Serve the Lord with gladness: come before his presence with singing.

Know ye that the Lord he is God: it is he that hath made us, and not we ourselves; we are his people, and the sheep of his pasture.

Enter into his gates with thanksgiving, and into his courts with praise: be thankful unto him, and bless his name.

For the Lord is good; his mercy is everlasting; and his truth endureth to all generations. Psalm 100.

SS "LIFE" ACT OF 1978

HON. PARREN J. MITCHELL

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 3, 1977

Mr. MITCHELL of Maryland. Mr. Speaker, I have introduced H.R. 9785, the SS *LIFE* Act of 1978, to provide for the temporary transfer of the hospital ship U.S.S. *Sanctuary* to LIFE International for the purpose of providing health care and related services to developing nations on a nonprofit basis, and to authorize funds for such a purpose.

As some of my colleagues may know, LIFE International is an incorporated, tax exempt, nonprofit organization founded in June of 1975 for the general purpose of providing humanitarian services to developing areas. LIFE International found its beginnings, however, in the highly successful Christian Service Corps, established in 1965, which has to date stationed more than 400 volunteers whose ages range from 18 to 70 years old in over 60 nations to provide services in the areas of medicine, health, agriculture, communications, art, business, and others. LIFE, itself, has a particularly noteworthy board of directors, the membership of which includes the highly distinguished former Speaker of the House of Representatives, the Honorable John W. McCormack.

The U.S.S. *Sanctuary* is a hospital ship which is presently in a state of quasi-mothballing in the Philadelphia naval yard. Launched in 1944, the *Sanctuary* was commissioned as a hospital ship in 1945 and served her first tour of duty evacuating POWs from Japan at the close of World War II. She served in Vietnam treating battle casualties and giving humanitarian care to civilians. During 4 years, almost 25,000 patients were treated and cared for, 2,633 of these being Vietnamese.

In 1973, the *Sanctuary* was sent on a 3-month "Navy handclasp" cruise to South America. This was a State Department sponsored good will mission, which included not only medical care and medical training programs, but also the distribution of foodstuffs, medical supplies, and other materials donated by the American people to the people of Colombia and Haiti. During the "Navy handclasp" cruise, the hospital cared for 123 in-patients, 5,663 outpatients, and more than 2,000 dental patients. The medical staff also performed more than 10,000 supplementary tests. About $500,000 worth of donated materials, which included food products, diapers, toys, athletic equipment, and books were distributed.

The ship has 3 operating rooms, 5 intensive care rooms, and 100 beds. It is my understanding that the available number of hospital beds can easily be expanded to a total of 300, if required.

Mr. Speaker, the introduction of H.R. 9785 is a submission to my colleagues that the availability of health services to developing areas, indeed, needs to be expanded and a lot more "handclasping" needs to be going on.

It is the right of every human being to be free from disease and to have access to high quality health services. Millions of people in developing nations suffer greatly because of a lack of availability of health education, training, and care. Not only is it the moral obligation of the United States to help developing nations which desire to help themselves to improve health services for the benefit of their respective peoples; it is also in the best interest of the people of our country to share their knowledge of health care with the people of all nations, regardless of ideology, in order to better the quality of life in the world.

The SS *LIFE* Act of 1978, H.R. 9785, is the vehicle to institute a joint venture between the Government and the private sector to foster high quality, comprehensive health education, training, and care—including medical, dental, environmental, and nutritional programs—in developing nations. An international interchange of health ideas, services, and personnel would also be promoted.

For an initial period, not to exceed 15 years, the U.S.S. *Sanctuary* would be renamed the SS *LIFE* and made available through LIFE International to developing nations on a nonprofit basis, staffed by volunteer operational and health professional personnel. Already, LIFE International has received over 600 expressions of interest in volunteering service from doctors, dentists, nurses, and other health oriented personnel. More than 200 similar requests from officers, seamen, and technicians to serve as volunteer operators of the vessel have been collected. In excess of 30 foreign governments have filed letters of interest or invitation for the program.

The cost of this project is minimal, certainly when measured against the needs of developing nations for immediate self-help in training their personnel to better meet the health needs of their people. It is envisioned that the Government would provide funding to activate the ship, a nonrecurring cost, and funds in declining amounts each year with the balance of program costs being raised from the public sector. The non-Govern-

ment sector will take over all funding after 6 years.

The initial year's total cost is estimated at approximately $6.5 million, including both activation and operational moneys. Subsequent operational costs to the Government for the following 5 years would be yearly declining sums of from $5 million to $1 million.

Mr. Speaker, I would like to conclude this presentation of the SS *LIFE* Act with a very important perspective for those whom, at this point, might feel less than comfortable in supporting this bill. Admittedly, when originally researching the need for a humanitarian effort in the area of health, I too felt somewhat apprehensive about "helping others in view of what needs to be done right here in our cities and States." My colleagues know that I have and will continue to be one of the first to point out that health care availability in the United States is far less than adequate.

However, I would also be among the first to admit that health care in the United States is far advanced of any developing nation. In this area of health services, I am convinced that our country has the technology and the resources to both adequately serve our citizenry and help others. Particularly in view of the billions of dollars in "help and aid" which we spend peddling weapons of death and destruction, the SS *LIFE* project is unquestionably a "can do" and a "need do" effort.

There is little to lose and life to gain.

I commend the text of H.R. 9875 to my colleagues for their consideration and support:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SHORT TITLE

SECTION 1. This Act may be cited as the "SS LIFE Act of 1978".

DECLARATION OF FINDINGS AND PURPOSES

SEC. 2. (a) The Congress finds that—

(1) it is the right of every human being to be free from disease and to have access to high quality health services;

(2) millions of people in developing nations suffer greatly because of a lack of availability of health education, training, and care;

(3) it is the moral obligation of the United States to help developing nations which desire to help themselves to improve health services for the benefit of their people; and

(4) it is in the best interest of the people of the United States to share their knowledge of health care with the people of all nations, regardless of ideology, in order to better the quality of life in the world.

(b) The purposes of this Act are—

(1) to institute a joint venture between the Government of the United States and the private sector (A) to foster high quality, comprehensive health education, training, and care (including medical, dental, environmental, and nutritional programs) in developing nations, and (B) to promote international interchange of health ideas, services, and personnel; and

(2) to make available (through LIFE International) to developing nations on a nonprofit basis for the uses described in paragraph (1) the hospital ship United States Ship Sanctuary (AH–17) which (A) shall be staffed by volunteer operational and health professional personnel, and (B) shall be renamed "SS LIFE" during the period of such availability.

TRANSFER

SEC. 3. (a) Notwithstanding any other provision of law, the Secretary of the Navy shall transfer, without consideration, to LIFE International, a nonprofit corporation organized under the laws of the District of Columbia, the hospital ship United States Ship Sanctuary (AH–17) for use by such corporation to provide health care and related services to developing nations in accordance with the purposes described in section 2(b).

(b) The transfer required by subsection (a)—

(1) shall be effective not more than ninety days after the date on which funds are first paid to LIFE International under section 4(a);

(2) shall be for a period not to exceed fifteen years during which the hospital ship United States Ship Sanctuary (AH–17) shall be renamed "SS LIFE" and shall be maintained and operated for the purposes described in section 2(b); and

(3) shall be subject to such additional terms, reservations, restrictions, and conditions as may be determined by the Secretary of State and the Secretary of the Navy to be necessary to safeguard the interests of the United States.

AUTHORIZATION OF APPROPRIATIONS

SEC. 4. (a) There are authorized to be appropriated for fiscal year 1979 not to exceed $6,000,000 to be paid to LIFE International for modification and refitting of the hospital ship United States Ship Sanctuary (AH–17) to carry out the purposes described in section 2(b).

(b) There are authorized to be appropriated for the six fiscal years designated in paragraphs (1) through (6) the sums specified in such paragraphs to be paid to LIFE International for administration, support, maintenance, and operation of the hospital ship United States Ship Sanctuary (AH–17) with respect to the purposes described in section 2(b):

(1) not to exceed $494,000 for fiscal year 1979;

(2) not to exceed $5,000,000 for fiscal year 1980;

(3) not to exceed $4,000,000 for fiscal year 1981;

(4) not to exceed $3,000,000 for fiscal year 1982;

(5) not to exceed $2,000,000 for fiscal year 1983; and

(6) not to exceed $1,000,000 for fiscal year 1984.

(c) Sums appropriated pursuant to this section shall remain available until expended.

DEFICIENCY PAYMENTS FOR WHEAT GROWERS

HON. ARLAN STANGELAND

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 3, 1977

Mr. STANGELAND. Mr. Speaker, I am cosponsoring legislation which would aid our drought-stricken farmers. This bill simply expands a program which was enacted into law in the recently passed Agriculture Act of 1977. In the new farm bill, deficiency payments will be made, beginning in 1978, on the acreage planted. This change does away with the old allotment system which has proven obsolete for current farming practices. However, the 1977 crop is still subject to the old system.

As we all know, many of our farmers have suffered recently from various natural disasters, and particularly from drought. Since crops require varying degrees of moisture, a farmer may not have been able to plant his usual crop for which he held an allotment in 1977. Of course, to stay in business, a farmer must plant whatever crop which could best survive under the growing conditions. I think it is only fair to allow these farmers who were forced into planting crops other than those for which they held an allotment to receive deficiency payments on the crops which they planted. I emphasize that this is only just since these farmers hold allotments which, through no fault of their own, they were unable to use. We are not giving them anything. We are simply adjusting to real life.

We recognized that the allotment system was inadequate and discriminatory and did away with it—but not until next year. Let us not turn our heads from the problems of today. These farmers deserve fair treatment and fair treatment demands that they be declared eligible for deficiency payments on the crops which they were able to plant.

I am hopeful that my colleagues will join me in correcting what has been recognized as a error and help these Americans who have been trying to help themselves.

PENN CENTRAL'S TAX DELINQUENCIES

HON. MARY ROSE OAKAR

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 3, 1977

Mrs. OAKAR. Mr. Speaker, today's Wall Street Journal, November 3, 1977 carries an article concerning the treatment of the State and local taxing authorities in the bankruptcy proceeding of the Penn Central Transportation Co. While it is commonly held that the taxing authorities have been unfairly dealt with in this reorganization of the railroad, too little has been done to correct the inequities. The Journal's reporter relates the options that now lay before the local officials. Do they accept a partial payment? Or, do they gamble on the outcome of the amended plan of reorganization?

As you know, I have introduced legislation that would make the latter course of action more attractive to the taxing authorities. 70 Members have cosponsored the legislation. By guaranteeing the notes to be offered to the taxing authorities, this Congress will be providing funds for those areas of the country that are most in need of these dollars—the Northeast and Midwest. Moreover, the new proposal by the Penn Central trustees have upgraded these notes to a point that they would pose very little risk to the U.S. Treasury. What the pending Penn Central legislation (H.R.

8882) offers is a low risk, no cost vehicle for consummating a complex and historic bankruptcy as well as a saving grace for the financially hard pressed taxing authorities of the Northeast and Midwest.

I urge the chairman of the Subcommittee on Transportation and Commerce to give H.R. 8882 prompt consideration when we convene for the 2nd session of the 95th Congress.

Article from the Wall Street Journal follows:

PENN CENTRAL SWEETENS PROPOSAL IT PLANS TO OFFER STATE, LOCAL TAXING AUTHORITIES

PHILADELPHIA.—Penn Central Transportation Co. sweetened the treatment it plans to offer state and local taxing authorities under its proposed plan of reorganization.

The complex plan for paying off the former railroad company's many classes of creditors had come under sharp attack from many taxing authorities who charged they were being shortchanged.

However, Consolidated Rail Corp. said yesterday that it was "hopeful" that the amendments, which it said were the result "of extensive negotiations" with the authorities, would induce state and local officials to drop their objections to the plan.

As of last May, the authorities had billed Penn Central for $523 million, including $151 million of interest.

Basically, the amendments provide the biggest concessions to authorities that had levied taxes against property Penn Central no longer owns. Most of that property was taken over April 1, 1976, by Conrail, a federally sponsored concern.

But benefits are also provided for authorities with tax claims against property Penn Central retained. Those authorities were already receiving more favorable treatment under the original reorganization plan.

Under the amended plan, 26.4 percent of the claims levied against both retained and conveyed property would be paid in cash on the day the reorganzation is completed, and the payment would apply to claims for both principal and interest. The previous plan provided an immediate cash payment of 20 percent of only the claims for principal.

In addition, the amendments provide that notes, bearing 7 percent interest, would be issued in satisfaction of 17.6 percent of both classes of claims. Half of these notes would mature one year after the plan is completed and the second half would mature two years after completion. There wasn't any similar provision in the original plan.

Penn Central Transportation, although technically a unit of Penn Central Co., is, as a practical matter, a ward of its bankruptcy court here.

The remaining 56 percent of the claims would be satisfied with additional notes, maturing Dec. 31, 1987. The amended plan provides that as far as this second kind of notes is concerned, the principal amount of the claims levied against assets conveyed to Conrail will be a general obligation of the reorganized company. Under the previous plan, the payment of the principal wasn't backed by that sort of promise.

For taxes against retained assets, both the principal and interest claims will be general obligations of the company, the amendments provide. Previously, only the principal was guaranteed.

However, the previous plan also provided that 30 percent of the notes issued in satisfaction of claims for principal against retained property would be paid in three annual installments, beginning in 1978. That provision was deleted from the amended plan.

The amendments announced yesterday represent the second time Penn Central has improved its offer to taxing authorities.

Penn Central's earlier reorganization plan, filed with the court last December, provided that taxing authorities would be paid only in notes. There wasn't any distinction made between taxes levied on retained and those levied on conveyed assets.

Penn Central stressed that the latest amendments won't affect a previously announced compromise plan under which taxing authorities can accept an immediate cash payment of about 50 percent of the principal amount of their claims in return for renouncing the remainder of their claims. To date, the response to that compromise offer has been light.

FEED GRAIN SET-ASIDE

HON. WILLIAM S. MOORHEAD

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 3, 1977

Mr. MOORHEAD of Pennsylvania. Mr. Speaker, as the Members of the House are aware, the Agriculture Department is approaching an important decision on whether to order a set-aside of 10 percent of the acreage that farmers plant to corn and other feed grains. I am confident that Secretary Bergland will make the decision with the best interests of all parts of our society—consumers as well as farmers—in mind. But I would like to suggest that the consumer interest, the anti-inflation interest, is not always seen clearly. That interest, I believe, weighs against a set-aside for feed grains.

The conflict essentially is between large supplies and probably higher budgetary costs, on one hand, and somewhat smaller supplies and smaller budgetary costs on the other. In contrast with budget outlays in general, larger farm program outlays can be of indirect help on the inflation front. The reason is that food prices are so greatly influenced by supply.

A large supply should be the objective, even if there is a risk of bigger budget costs as a result. The gentleman from Connecticut (Mr. GIAMO) chairman of the Budget Committee, may not agree with me on this, but I would like to assure him that a few billion dollars added to the budget deficit in today's circumstances will not raise the Consumer Price Index a year from now nearly as much as a short corn crop. I am not sure that the President and the Office of Management and Budget have fully grasped this point.

A farm analyst, commenting on the impending set-aside decision, has been quoted as saying:

It's a trade-off between the risks of big government payments and sharply higher food costs.

That is a good description, and the decision should be to avoid the risk of higher food costs. Another year of large, even over-large, feed grain crops will assure us against another explosion of meat prices such as occurred several year ago.

INCENTIVES TO CREATE JOBS WHERE THE NEED IS GREATEST

HON. FREDERICK W. RICHMOND

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 3, 1977

Mr. RICHMOND. Mr. Speaker, I am sure that my colleagues in the House are well aware of the high rate of unemployment which plagues our Nation. What is often overlooked, however, is the degree of variance in unemployment rates among various geographic and demographic regions. For example, while employment rates in our suburbs are relatively stable, rural areas, and inner-city neighborhoods are experiencing a high percentage of people without jobs.

The following article, which appeared in the October 30 edition of the Washington Post, proposes what I believe to be an innovative and practical approach to resolving this problem. It is a concept that simply provides incentives to businesses and industries to invest in those areas where the need is greatest. The concept is simple and yet persuasive. For this reason, I feel it merits the attention of my colleagues:

CREATING JOBS IS NOT ENOUGH—TAX BREAKS ARE NEEDED TO AIM THEM AT THE JOBLESS

(By James L. Sundquist)

Whenever Washington officials worry about ways to inject life into an anemic economy and reduce unemployment, a vital aspect of the problem usually is ignored. The aim of national policy is not only to promote stable economic growth, difficult as that may be, but also to ensure as far as possible that new investment and job opportunities are targeted at those who need them most.

It makes little economic or moral sense, for example, for Washington to provide equal encouragement for new investment in the outer fringes of Dallas-Ft. Worth, a metropolitan area where the latest jobless rate was only 3.9 percent, and in Jersey City, N.J., where it was a devastating 11.6 percent. By what logic should the federal government do as much for an outer suburb of Chicago where there is virtually no unemployment and for San Diego, Calif., where the jobless rate was 9.4 percent?

While Washington long has had programs to help accomplish these ends through the rural areas, officials have failed to use an equally—and perhaps more—promising way to help accompliish these ends through the tax system. The Carter tax program, according to authoritative reports, ultimately may contain up to $22 billion in tax reductions, some in the form of incentives to encourage business and industrial investment. By making the incentives greater if the investment is placed where the need is greatest, a portion of that investment could be channeled to distressed central cities and rural areas where unemployment has reached appalling levels.

The country has used tax incentives before as a means of directing investment according to national need. During World War II and again during the Korean war, an accelerated depreciation allowance was granted for investment in industries defined as war-related but not for others, and the system served its purpose. In principle, discrimination on the basis of geography is just as feasible as discrimination on the basis of industry group. Drawing the boundary lines between eligible and ineligible locations admittedly involves difficulty, but deciding

what industries were war-related involved tough boundary decisions, too.

Indeed, discrimination between prosperous areas and those in need is accepted as a matter of course in other programs. Ever since 1961, depressed areas legislation and emergency public works programs have made funds available only to areas of high unemployment. The Appalachian Regional Development Program, and the kindered regional programs established under the Public Works and Economic Development Act of 1965, confer benefits only on regions of relative impoverishment. It is equally logical to confer higher benefits on areas of need when tax breaks are written into law.

NO EXTRA COST

The crucial importance of the tax approach is that it provides an incentive for private investment and private jobs. A shortcoming in existing programs for depressed urban and rural areas is that they are limited to public investment and public jobs. These are useful and necessary in themselves, but they usually do not lead to self-sustaining, permanent growth. Sometimes public investment that spruces up a community makes it so attractive that private investment follows—but not often enough or quickly enough to serve the purpose.

Experience also tells us that offering loans on favorable terms to private firms—as through the proposed "urbank" that is reportedly being designed—will not do much to influence locational decisions either. Small, marginal firms may find the credit helpful, but big companies do not lack for access to normal credit markets. What is needed to lure more of their investments into distressed urban and rural areas has to be something more tangible—a direct cash benefit. The subsidy could be provided in various forms, but since the proposal about to be offered by President Carter is to give a direct cash benefit to all firms through the tax route, introducing a differential rate into that benefit would appear to be the quick, easy, simple way to do it.

This need not cost the Treasury anything extra. The present investment tax credit is 10 per cent. Whatever additional tax credits the administration concludes is necessary to spur investment can be provided either as a flat rate or as a sliding scale. To increase by half the present benefit, for instance, a flat rate of 15 per cent could be offered or a range could be established—perhaps from 12 per cent in areas of relative labor shortage to 20 per cent in areas of heavy unemployment—that would produce the same volume of additional investment at approximately the same total cost to the Treasury.

Moreover, to employ tax policy in this manner would represent an important beginning toward carrying out the intent of Congress in the Urban Growth and New Community Development Act of 1970. That law committed the United States to adopt a "national urban growth policy" that would seek to stem urban and rural decline. No specific policy was proposed by either President Nixon or President Ford, but there is every sign that President Carter is taking the statutory mandate seriously. His administration is preparing the biennial report on growth policy called for by the act, and a White House conference on balanced national growth and economic development is scheduled for late January.

All of the major industrial countries of the world—except the United States—have explicit and well-established national growth policies designed to steer investment to where it is most needed. "Take the work to the workers" is the slogan in the European countries, and direct subsidy to investors is the universal means.

This is seen as the way to preserve and restore communities, to minimize hardship on individuals and families, and indeed to serve the goals of maximum employment and production with minimum inflationary consequences.

But "taking the work to the workers" is exactly what is not happening in the United States today. Our concentrations of unemployment and underemployment are in the inner cities, in declining rural areas and in old industrial centers. But most new jobs are being created in the thriving suburbs of major metropolitan areas.

WASTE, HARDSHIP AND INFLATION

This is what happens in the absence of a national growth policy—and it is undesirable for four clear reasons.

First, such a pattern of growth is wasteful. If a new plant is put in a green field 20 or 30 miles from the center of St. Louis or Chicago or Philadelphia, a whole array of public facilities has to be created at public expense—while facilities that already exist in the center of the city are in the declining small towns of the hinterland are underutilized. The result is urban sprawl instead of compact settlement, and sprawl is synonymous with waste—waste of resources, waste of energy, waste of productive agricultural land.

Second, such a growth pattern is inhumane. It forces people to uproot themselves and move—often at great financial loss—from where they are to where the jobs are put, or to spend hopeless hours trying to commute. Housing is not necessarily available to low-income blacks and other minority group members who might seek to relocate from the cities to where the jobs are. As for interregional migration, experience both in this country and in Europe shows the great reluctance of workers to leave the native areas. When the Labor Department some years ago tried subsidizing the relocation of unemployed iron miners from northern Minnesota to steel centers of the Middle West, the experiment failed: The workers drifted back. As for commuting, the new jobs located on—and beyond—the beltways that girdle the metropolitan centers usually are inaccessible by any form of public transportation to the unemployed of the urban ghettos, and they are beyond the commuting range of most of the rural unemployed as well.

Third, such a growth pattern is inflationary. If most of the country's growth takes place in areas of relative labor scarcity—and the outer suburban fringes of major metropolitan centers are such areas—as the economy expands, labor shortages and bottlenecks appear relatively quickly, costs rise and price increases follow. By contrast, if the jobs are taken close to where the unemployed live, labor surpluses are absorbed and the economy can move significantly closer to full employment before shortages occur and inflationary forces are set in motion.

Fourth, such a growth pattern is destructive of communities—originally the communities of rural and small-town America and now the great metropolitan central cities as well. The national interest in maintaining a viable New York or Detroit or Cleveland need hardly be argued.

THE LURE OF THE SUBURBS

So why, if there are all these consequences, do investors choose the suburbs? There are many reasons. Land costs are lower than in the city. Low, rambling buildings with spreading lawns are possible. Business transportation problems may be eased. The air is cleaner, the crime rate lower, the environment more pleasant. The available labor force may be better trained or more tractable.

But the benefits to individual firms have to be weighed against the economic and social costs borne by employees, taxpayers and the country at large, and the previously noted public costs—waste, hardship, inflationary impact, destruction of communities—surely outweigh the private benefits. The object of the tax differential, then, would be to provide enough subsidy to an investing firm that takes its jobs to the workers to offset the gains it would otherwise realize by locating on the suburban fringe.

It may be, of course, that the forces that lead entrepreneurs to avoid investing in distressed areas, particularly in the most rundown central cities, would prove too powerful in most cases to be offset by the scale of the tax differential. If this proved the case, the government would have to decide whether to increase the differential, at least for the most neglected areas, or possibly abandon the objective altogether. In that case, the Treasury would have lost nothing, since there would be no extra tax breaks if firms did not bite.

Yet there is great diversity among American cities, and in all likelihood they would respond quite differently. Some probably would benefit from a differential of any size; others might be beyond rescue no matter how large the subsidy proffered. The answers to these questions cannot be known in advance. They can be learned only by enacting something and finding out what happens.

The rural areas and old industrial centers that would benefit are a diverse lot, too. Rural distress seems to have dropped out of the news of late while the South Bronx and Detroit are the centers of attention. But only a few years ago it was the poor of Appalachia and the Mississippi Delta who captured the nation's sympathy. Indeed, it was the plight of the rural areas that originally gave rise to the agitation for a national growth policy that culminated in the act of 1970, and the statute seeks rural-urban as well as city-suburban balance. "Taking the work to the workers" has to mean steering investment to wherever the unemployed and underemployed are concentrated, whether the locale be a declining metropolitan core, a New England mill town, a Pennsylvania mining center that has lost its basic industry, or a county in the Southern Black Belt.

This is not only the most equitable approach, but it is also the basis for the political coalition needed to pass such a measure. The prospects for aid on a scale necessary to turn the tide in the cities would be hard to come by if the cities and their supporters tried to go it alone. But a coalition of the cities with the rural and small town areas that are fellow sufferers could well prove irresistible. Even a good part of suburban America might support a city-rural coalition dedicated to claiming the bulk of new investment for their communities; not all suburbanites are in favor of headlong, unrestrained growth.

Two Senate votes a few years ago show both the power of the tax differential idea and the strength of the city-rural coalition.

One of those votes came in 1969. President Nixon had recommended that the 7 per cent investment tax credit then in effect for manufacturing investment be removed. This passed the House, but when it reached the Senate floor, Sen. Ted Stevens (R-Alaska) proposed an amendment to retain the tax credit for rural areas of "substantial outmigration." Even though the idea came as a surprise at that time, it carried the Senate by two votes. It was lost, however, in the House-Senate conference.

The second vote came two years later, when Nixon reversed himself and recommended that the 7 per cent investment credit be restored. Again the House supported the President, and again an amendment was offered on the Senate floor. This time, Sen. James Pearson (R-Kan.) proposed that a differential of 3 per cent be added for most rural areas, and the bill's sponsors accepted the idea. Sen. Abraham Ribicoff (D-Conn.) then demanded equal treatment for central cities with unemployment over 6 per cent. This was approved, 56 to 24, and the combined Pearson-Ribicoff amendment was adopted by the overwhelming vote of 60 to 19—better than 3 to 1. But the bill's managers refused to support it on the ground that the projected revenue loss of $750 million—the extra incentive in this case was to be placed atop the general investment credit—was more than the Treasury could

stand, and the idea was again lost in conference.

No such proposal has been voted on since, but there is every reason to believe the potential for a powerful coalition still exists. This coalition, it should be noted, cuts across the current Sunbelt-Snowbelt argument. Both North and South have their areas of unemployment and underemployment that would be eligible for any special tax concession, and their flourishing metropolitan fringes that would not.

THE EUROPEAN EXPERIENCE

In time, the United States might find that tax concessions are not the simplest and most effective means for influencing the locational decisions of investors. That has been the experience in Europe.

There, tax devices were used initially when experimentation with growth policy began in earnest in the post-World War II years. But the European countries, and Canada as well, have long since shifted their emphasis to direct cash grants made by the government to the investing firm as more direct, more open, quicker and in the end less costly. The standard grant for locating an investment in an area of labor surplus seems to have settled down at 20 per cent of the cost of the investment, but gradually the countries have developed sliding scales of subsidies for different areas—a kind of zoning according to the degree of need—and the rate may range from 10 or 15 per cent to 25 or 35 per cent or even more in a few cases.

The nine countries of the European Community together are spending an estimated $17 billion a year on locational incentives. There is recurrent debate, of course, about the fine points of policy—what areas and what kinds of enterprises should be eligible, and for how much. And policies change from time to time. But on the principle itself there seems no longer to be any debate anywhere in Europe.

The consensus is that the policies have been successful. New jobs that otherwise would have been located on the fringes of London or Paris or Milan have been steered to Scotland and Brittany and the impoverished Italian South. Three independent analyses by British economists of that country's program several years ago credited investment grants and other related measures with creating 30,000 to 70,000 additional jobs a year in development areas. One of the studies concluded that the policy measures had cut the north-south migration flow within the country by half, reduced the national unemployment rate by one-half of 1 per cent and increased national output by $500 million a year.

Whatever the economic analyses show, the political judgment in Europe is that the benefits of the locational incentive systems far outweigh the costs. Every major political party in every country supports the programs. All the parties agree that it is a proper function of government to attempt to influence and guide the geographical location of investment—to put the jobs where, in the interest of the whole society, they are most needed.

MEDICARE COVERAGE FOR CERTAIN ALLIED HEALTH SERVICES FOR ELDERLY BLIND PERSONS

HON. CLAUDE PEPPER

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 3, 1977

Mr. PEPPER. Mr. Speaker, I am today introducing for appropriate reference a bill to amend title XVIII of the Social Security Act to authorize payment under the medicare program for services provided in a rehabilitation facility for the blind, and for services furnished to blind individuals by mobility therapists and rehabilitation teachers.

The purpose of my bill is to authorize medicare coverage for certain specialized allied health services for blind and deaf-blind persons to enable them to function more independently despite loss of sight, thereby reducing medical expenses, preventing or delaying substantially costlier institutionalization of older blind persons, and often making their employment possible. By enacting my bill, the Congress will fill a major gap in services to older blind persons—the largest but most neglected segment of the blind population in the United States.

Although the group whose neglect we are seeking to remedy comprises 53 percent of the blind population in our country, it is nevertheless small in actual numbers. According to the National Society for the Prevention of Blindness, there are close to 500,000 blind persons in the United States, of whom 265,000 are 65 years of age or older. The prevalence rate for blindness in this country is 2.25 per 1,000 of general population for all ages. It is 12.38 per 1,000 for individuals 65 and older.

According to the National Eye Institute, the leading causes of blindness in the United States are senile cataracts, diabetic retinopathy, macular degeneration, and glaucoma—conditions which principally affect people in middle age and later life. In addition, blindness can be caused by cardiovascular conditions, such as hypertension and stroke. Thus, blindness is a catastrophic disability more likely to occur in the older population for whom medicare services were originally enacted. Yet, medicare is woefully deficient in covering those specialized allied health services which can minimize the disabling effects of blindness.

My bill would correct this serious shortcoming. It would authorize payment for the services of a certified mobility therapist for the blind to teach a patient how to walk safely and efficiently by himself and with others in his own home, in his neighborhood, in any setting. Learning these mobility techniques will enable blind persons to continue physical activity, to shop, and to participate in social and recreational activities.

Similarly, my bill would provide medicare coverage for the services of a certified rehabilitation teacher of the blind—another vital member of the rehabilitation team whose services can minimize the disabling effects of blindness. The certified rehabilitation teacher helps the blind patient to learn a variety of personal management skills without sight—eating, dressing, cooking, cleaning, writing, reading, and the like.

Under the provisions of my bill, these allied health services would be available in a rehabilitation facility, in a hospital or nursing home, and on a home health basis. Their availability under medicare will take helplessness and hopelessness out of the lives of older blind persons.

I must underscore the fact that the services my bill would authorize for older blind persons under medicare have a long history of proven effectiveness in minimizing the handicapping effects of blindness and deaf-blindness.

They are techniques which were developed by Army medical personnel for the basic rehabilitation of World War II newly blinded servicemen and women. The program was refined and continued by the Veterans' Administration since World War II and is currently available in three VA hospitals with a fourth center to be opened in the near future. Similar programs are available to nonveteran blind persons of optimum employable age as the basic first step in a vocational rehabilitation program, with the cost covered through the Federal-State vocational rehabilitation program. However, most blind persons over 65 can only get these services if they can afford to pay for them out of their own resources. With the current monthly average social security benefit of $234 for a retired individual aged 65 or older, only a few persons in this category will be able to bear the cost of essential rehabilitation services themselves should they become blind.

As my colleagues know, we in the Congress have made a wide variety of health and allied health services available under medicare for covered individuals who become ill or disabled. These include reimbursement for the cost of rehabilitative services designed to help a stricken person to achieve maximum functional capability. For example, medicare will cover the costs of physical therapy, speech pathology, and occupational therapy for a stroke victim—all essential services designed to mitigate the handicapping effects of paralysis or loss of clear speech. However, if a stroke should cause blindness instead of paralysis or slurred speech, the services of qualified allied health professionals—such as a mobility therapist and rehabilitation teacher—to minimize the handicapping effects of blindness are not covered by medicare. This is a gross inequity which my bill would correct. I urge my colleagues to support this legislation and assure its enactment by the 95th Congress.

PERSONAL EXPLANATION CONCERNING VOTES OF SEPTEMBER 30, 1977

HON. JOHN BRECKINRIDGE

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 3, 1977

Mr. BRECKINRIDGE. Mr. Speaker, I was unable to make the votes on September 30, 1977, as I was attending the Democratic Women's Club Convention in my hometown of Lexington, Ky. Had I been present, I would have voted "aye" on rollcall No. 613, a motion to approve the Journal of Thursday, September 29, 1977.

I would have voted "aye" on rollcall No. 614, an amendment that lowers the amount the Federal Government would contribute to the cost of the State pro-

grams from 50 to 25 percent, as part of H.R. 7010.

I would have voted "aye" on rollcall No. 615, an amendment that requires participating States to require anyone contracting with a person accused and convicted of a qualifying crime for a rendition, an interview, a statement, or an article relating to the crime, to deposit moneys payable in an escrow fund for the benefit of the victim or survivors, as part of H.R. 7010.

I would have voted "no" on rollcall No. 616, final passage of the amended version of H.R. 7010, Victims of Crime Act of 1977.

I would have voted "aye" on rollcall No. 617, the staff allowances for former Presidents bill, H.R. 9354, authorizing an increase of $54,000 for staff of former Presidents for the 30 months immediately after their expiration date concurrent with the Presidential Transition Act.

PERSONAL EXPLANATION CONCERNING VOTES OF OCTOBER 25, 1977

HON. JOHN BRECKINRIDGE

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 3, 1977

Mr. BRECKINRIDGE. Mr. Speaker, I was unable to make the votes on October 25, 1977, as I was in Frankfort, Ky., meeting with the Kentucky group in the Governor's office concerning the upcoming congressional rural caucus conference, to take place at the University of Kentucky in Lexington on November 10 and 11. Had I been present, I would have voted "aye" on rollcall No. 684, the utility pole attachments bill, H.R. 7442.

I would have voted "aye" on rollcall No. 685, the bill, H.R. 8803, amending the National Trails Systems Act.

I would have voted "aye" on rollcall No. 686, the amendment to the sexual exploitation of minors bill, H.R. 8059.

I would have voted "aye" on rollcall No. 687, the law school depository libraries bill, H.R. 8358.

I would have voted "aye" on rollcall No. 688, concerning the Tax Treatment Extension Act, H.R. 9251.

I would have voted "aye" on rollcall No. 689, that amends section 10 of the Merchant Marine Act of 1936 concerning vessels traded in to the National Defense Reserve Fleet, H.R. 7278.

I would have voted "aye" on rollcall No. 691, that will provide the implementation procedures for Offender Transfer Treaties with Mexico and Canada, as well as for similar future treaties, through Senate bill S. 1682, the transfer of offenders to or from foreign countries bill.

I would have voted "aye" on rollcall No. 692, which instructed House conferees to agree to Senate provisions regarding the transportation, sale, or distribution of material depicting sexual exploitation of a minor under H.R. 8059.

I would have voted "aye" on rollcall No. 693, making supplemental appropriations for the fiscal year ending September 30, 1978 under H.R. 9375.

A SUMMARY OF LEGISLATION BY THE 95TH CONGRESS CONCERNING SENIOR CITIZENS

HON. HAMILTON FISH, JR.

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 3, 1977

Mr. FISH. Mr. Speaker, many Members of the House will be going to their congressional districts following the close of floor business today. I expect that many will be meeting with various groups to discuss the accomplishments of the first session of the 95th Congress.

I know that the problems facing our older Americans concern us all, and that many senior citizen groups appreciate hearing from their Congressman concerning the latest legislative efforts affecting them. This is very true in my congressional district. And, for this reason, I have asked the help of the Select Committee on the Aging to prepare an analysis of legislation we have considered that affects senior citizens.

I know that this summary will be helpful to me and my constituents. I hope that the following summary prepared by the committee will be useful to all my colleagues as they appear before organizations concerned with the problems of our senior citizens:

CONGRESSIONAL ACTION TO DATE BENEFICIAL TO THE ELDERLY

APPROPRIATIONS

Included an unprecedented $699 million for spending under the Older Americans Act, the chief vehicle for research, community services and nutrition programs for the elderly. (Up $140 million from last year.)

HOUSING

$82.5 million will be spent by Community Services Administration this year to weatherize homes belonging to the poor, elderly, and handicapped.

$200 million was made available this summer to pay utility bills—relieving the cost burden on the poor and near poor due to last year's severe weather and high energy costs. $2.2 billion has been authorized for 3 years for sec. 202 housing for the elderly.

$100 million allocated for the continuation of a loan authority program for housing for the elderly.

$5 million included in Agri. Approp's for repair of houses in rural areas.

TRANSPORTATION

Secretary Brock Adams recently announced he would issue regulations to require that all buses offered for bid after Sept. 30, 1979 must be equipped with a boarding ramp, wide doors, lowered floors, and other such "barrier-free" features.

House passed bill which, if enacted by the Senate, will allow airlines to offer the elderly reduced air fares on a standby basis.

HEALTH CARE

President has stated he hopes to move in a direction away from unnecessary institutionalization and toward outpatient and home health services. He has promised to submit to the Congress his national health insurance plan in early 1978.

Amendment passed restoring monies, proposed to be cut-back, for home health services. The Health Services Extension Act sought to reduce the authorizations for home health services from $12 million to $4 million. The amendment, restored the $8 million.

House passed the "Medicare-Medicaid Anti-Fraud and Abuse Act." Described as "a major step in restoring integrity and fiscal soundness to the medicare and medicaid programs." It will, among other things: 1) require annual disclosure by providers and suppliers participating in these programs with ownership interest of 5 percent or more; and 2) require Medicaid to be payor of last resort where private insurance companies actually have an obligation to pay. (HEW estimates a savings of between $200 and $500 for such an effort) • • • Also, this bill as passed, will define as felonies those instances where contributions are required as a condition of entry or continued stay at a hospital, skilled nursing facility, or intermediate care facility, for medicaid services.

INCOME

Social Security Subcommittee has recommended that the earnings limitation on the amount of outside earnings that a social security beneficiary may receive and still receive full benefits, be liberalized. The ceiling, now set at $3,000, would be increased to $4,500 in 1978, and to $6,000 in 1979. Under current law, when earnings go over $3,000, $1 is deducted for every $2 earned. Discourages older people to continue working.

Farm bill recently passed eliminating the purchase requirement for recipients of food stamps.

CRIME

Victim compensation bill recently passed house.

Legal Services Corporations Act passed with amendment assuring priority services for the elderly and handicapped whose family income is under $7,000 a year. Elderly experience numerous types of legal problems with Social Security benefits, landlord-tenant disputes, various kinds of consumer fraud.

EMPLOYMENT

Bill to curb forced retirement approved. Will ban most mandatory retirement in the federal sector and extend protection from mandatory retirement to age 70 in the private sector. The bill also requires that a study of the legislation's impact in both the public and private sectors be submitted to the Congress within two years.

Carter's economic stimulus package included two programs designed to help older workers find jobs. The total federal outlay was over $160 million (Does not include $190 million for Title IX community service employment programs).

EDUCATION

$2.7 million has been appropriated for a public television series designed to inform, educate, and entertain the elderly, entitled "Over Easy."

WORLD ASSEMBLY ON AGING

Senate recently approved legislation urging United Nations action leading to worldwide attention to aging in 1982. The legislation instructs the U.S. delegation to the United Nations to join other nations in seeking the World Assembly and a World Year on Aging by 1982. Elderly are increasing in numbers worldwide. The increasing elderly population poses crucial social, economic, and political questions for policymakers in the United States and throughout the world. Need to enhance communications between lands to benefit from their insights, etc. House should be enacting similar legislation in the near future.

RESEARCH

$2 million appropriated for Center for Studies of Mental Health of the Aging. National Institute on Aging will probably get $39 million, an increase of $5 million from last year's funding.

NEXT SESSION

Will investigate: the future of aging in America; make recommendations for improvements, if necessary, to the Older Americans Act; continue investigation of age stereotyping in the media; alternatives to retirement; etc.

ELEANOR HOLMES NORTON AND THE EQUAL EMPLOYMENT OPPORTUNITY COMMISSION, SHE DESERVES A CHANCE

HON. PAUL N. McCLOSKEY, JR.

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 3, 1977

Mr. McCLOSKEY. Mr. Speaker, one of our most important new efforts in the 95th Congress has been to cut the size, cost, and complexity of the Federal bureaucracy. We have initiated a careful scrutiny of agencies whose operations are the subject of documented complaints, and we have started to build up some real momentum to reverse Parkinson's law that government must inexorably grow.

For example, a majority of Members are now committed to abolish one wartime agency—the Renegotiation Board—until such time as another national emergency should exist. We have just deferred creation of a new Consumer Representative's Office until such time as we can be sure we have abolished more consumer bureaucracy than the new bill would create. We have abolished the old Federal Power Commission as part of the creation of the new Department of Energy.

This momentum to cut the size of Government should continue. Agencies created years ago to deal with circumstances which no longer exist deserve first consideration. Among these might be classed the ICC, FMC, and Bureau of Reclamation.

Agencies which have earned public disfavor as a result of ineptness, bad morale, and low efficiency records likewise deserve a hard look.

In this latter category falls the Equal Employment Opportunity Commission (EEOC).

The Commission was created by title VII of the Civil Rights Act of 1964 to process complaints of employment discrimination. Basically, the agency was established to receive, investigate, and resolve charges of discrimination in employment and to enforce title VII, which prohibits job discrimination as related to race, color, national origin, sex, or religion.

After a century of governmental inadequacy, and indeed hypocrisy, in moving to make the promise of the Constitution's 13th, 14th, and 15th amendments a reality, the Civil Rights Act of 1964 and Voting Rights Act of 1965 finally brought Federal law into conformity with the promise of the Constitution. The EEOC was the agency designated to make employment practices conform with the law. The Agency's task is immense—to change a pattern of job discrimination which has been a dismaying fact of life in America for over 3½ centuries.

The EEOC's record has been at best mixed. Over the past 7 years, the Agency has been afflicted by every imaginable bureaucratic disease, including a high turnover in top positions, internal dissension, inefficient procedures, and most importantly, a large backlog (approximately 130,000 to date) of unresolved cases. The average case has required approximately 2½ years for the completion of administrative processing.

In the words of its newest chairperson, Eleanor Holmes Norton, the fact that over 50 percent of EEOC's cases have been closed administratively—for reasons such as failure to locate witnesses or the original complainant—constitutes a "scandal."

Prior to the time Mrs. Norton took office 4 months ago, 90 percent of the cases referred for litigation were found by the general counsel's office to be inadequately prepared. From July 1975 through September 1976 there were about 35,000 administrative closures.

A critical analysis of the operations and effectiveness of EEOC completed in 1976 by the House Committee of Education and Labor, Subcommittee on Equal Opportunities, and the General Accounting Office found that operational problems account for the excessive time required for charge resolution, the low rate of successful negotiated settlements and the low rate of cases brought to court after conciliation failed.

The following problems were specifically cited:

(1) EEOC has not adequately controlled charged processing to track charges, to screen out obviously worthless charges and to weed out outdated charges;

(2) EEOC has not adequately coordinated the investigation-conciliation process with litigation, so that EEOC attorneys reject about 20% of unsuccessfully conciliated cases for litigation because the evidence developed by investigation is inadequate or because cases and evidence are too old;

(3) EEOC has failed to monitor adequately conciliation agreements resulting from individual charges and consent degrees usually resulting from pattern or practice cases;

(4) because of its backlog of cases, EEOC has been unable to devote sufficient staff to pattern or practice cases;

(5) EEOC has failed to coordinate its efforts with the Department of Labor (Office of Federal Contract Compliance) to exchange investigative information, to elaborate similar regulation and to avoid duplicate compliance reviews;

(6) EEOC has made insufficient use of state and local fair employment agencies to help reduce its charge backlog and

(7) the frequent turnover of top EEOC officials has lessened the effectiveness of policy and program direction.

Other critics have alleged that civil rights enforcement is hampered by the fragmentation of the present system. Currently more than 25 Federal agencies share jurisdiction over civil rights complaints. This, of course, encourages overlapping investigations and inconsistent requirements, procedures and standards from agency to agency. In a recent study by the Republican Wednesday Club, a group of 30 Republican Members of the House, it was found that a woman alleging that a university has discriminated against her on the basis of sex may be investigated by any or all of not less than four agencies, the Department of Labor under the Equal Pay Act; HEW or the Department of Labor under Executive Order 11246; HEW under title IX of the Education Amendment of 1972, and EEOC under title VII of the Civil Rights Act.

Most importantly, the EEOC's shortcomings and the Federal duplication of responsibility has often resulted in a denial of justice to complainants. This is graphically illustrated by the testimony submitted to the Equal Opportunity Subcommittee by Joan Abramson of Hawaii. She stated:

To date five committees from the University of Hawaii, where I was once employed have ruled in my favor on various employment discrimination issues; The Equal Employment Opportunity Commission has also ruled in my favor on both my initial complaint of sex discrimination and a number of subsequent retaliation complaints; and the Wage and Hour Division of the Department of Labor has ruled in my favor on two separate occasions. Finally, a state court has ruled that the university administration erred in the administrative procedures used to remove me from the University of Hawaii faculty. Nonetheless I have been unemployed for over two years and have been forced to take private legal action in the Federal courts in the hope of enforcing my rights.

To combat this type of problem a number of proposals have been presented in recent years to rectify the ills of EEOC and put teeth into civil rights enforcement. Congressmen EDWARDS and DRINAN, for example, have introduced H.R. 3505 which would cause a major restructuring of EEOC as well as give the agency the power to issue cease-and-desist orders, consolidating all Federal employment opportunity powers in EEOC.

In 1974 the Civil Rights Commission recommended the unification of Federal civil rights functions in a single agency. The House Subcommittee on Equal Employment Opportunity has urged that EEOC would be the logical place for this function, while the Civil Rights Commission recommended otherwise.

The recent Republican Wednesday group proposal envisioned a single new law which would concentrate all regulatory responsibility for civil rights enforcement in the Department of Justice.

Though these proposals raise a number of questions and issues, it is clear that their basic spirit and intent is to strengthen civil rights enforcement in the light of past failures of the EEOC.

Quite frankly, Mr. Speaker, it had been my initial feeling earlier this year that the EEOC was a ripe candidate for abolition, and that we should create a wholly new and different mechanism to insure that we finally end the employ-

ment discrimination which is so repugnant to our system of values and yet so naggingly persistent.

The single thing that causes me to pause and to urge a 6-month delay in our consideration of alternatives is the character, energy, and motivation of Ms. Norton, the first woman chairperson for the EEOC since the Commission's creation 12 years ago.

Ms. Norton was sworn in 4 months ago.

For the previous 7 years she served as head of the New York State Commission on Human Rights. She is widely known as a brilliant and articulate lawyer, an able administrator, and a committed advocate of minority and women's rights.

Professionally Commissioner Norton is a constitutional and civil rights lawyer of high reputation. She received her training at Yale Law School and practiced law as the assistant legal director of the American Civil Liberties Union before going to the New York Commission.

Her track record in New York is as impressive as her background. In her Senate confirmation hearings, Ms. Norton stated that 60 percent of the EEO cases in New York are now completed within 3 months of filing, compared with 17 percent under the old system. Moreover 80 percent of the cases are resolved within 10 months of filing and 45 percent are settled before a final hearing. Under the old system 30 percent of the cases were closed for administrative reasons and now only 6 percent are closed for such reasons.

If the EEOC, under Ms. Norton's direction, can achieve the same success as did her New York State agency, it will be of great benefit to the Nation. In meeting with Ms. Norton I have been impressed by her spirit of openmindedness and fairness. She has conceded that business groups have legitimate gripes about the overlapping machinery of civil rights agencies, and she has initiated a major reorganization which is just now beginning to be tested.

Most of her efforts center on case processing procedures and overall management systems. They include the following:

(1) Management reorganization—an orderly line of reporting, the hiring of a competent executive director, installation of a new financial system and a new vacancy control unit.

(2) Complete restructuring of EEOC field operations including the elimination of all regional offices.

(3) Introduction of a new rapid case processing system with emphasis on expanded intake procedures, face to face fact finding and settlement—This has been implemented in three model offices in Chicago, Dallas and Baltimore. Members can check the Baltimore operation right now to see how the new system is working.

(4) A separate backlog case processing system to give systematic and priority attention to presently backlogged cases.

(5) A direct service consumer oriented structure patterned after the National Labor Relations Board.

(6) Integration of litigation, investigation and conciliation functions.

(7) Establishment of a program to deal with systematic discrimination, addressing first those firms whose actions have demonstrated clear disregard for the purpose of Title VII.

(A) A new program to place the commission in an affirmative posture for developing title VII through guidelines, interpretation and other rulings.

(9) A new management accountability and information system to insure that the above programs take hold and are implemented.

(10) A national training program and standards to insure that the EEOC staff will be able to effectively administer the new systems.

In her confirmation hearing, Ms. Norton stated that her first priority was to build public confidence in EEOC and that the best way to accomplish this would be by reducing the backlog at the earliest possible time. She has further stated that her ultimate goal is "to free a greater measure of the agencies' energies to do more work in pattern and practice cases which alone can have impact on millions of minorities and women today."

I hope Ms. Norton will be successful. I am satisfied that if there is any person in America who can make EEOC work, she is that person. She deserves the opportunity, and for this reason, it is my hope that we can give her an additional 6 months of experience and innovation before addressing the various legislative remedies which have been thus far proposed.

This is not to say that congressional committee hearings be deferred. It seems appropriate that hearings go forward now. A total statutory reorganization may still be necessary, and I believe Ms. Norton will devote a reasonable proportion of her time to considering what statutory changes she will want and need. I doubt that continuing congressional scrutiny and oversight hearings will hamper her efforts in any way, and indeed, may assist those efforts.

What is encouraging about this whole picture is that an experienced, brilliant, and fearless newcomer to the Washington scene is attacking one of the most glaring examples of past bureaucratic failures.

I wish her every success, and if it cannot be achieved by the spring of 1978, I hope we can move rapidly and knowledgeably to the appropriate legislative remedy, even if it means abolishing the EEOC entirely.

For the bemused interest of historians, I attach a letter on this subject I wrote to President Ford on December 1, 1975, as well as a recent article on Ms. Norton which appeared in the June 11, 1977, edition of the National Journal:

WASHINGTON, D.C.,
December 1, 1975.

HON. GERALD R. FORD,
President of the United States, The White House, Washington, D.C.

DEAR MR. PRESIDENT: I have a policy suggestion to make in accord with your announced campaign to streamline the bureaucracy. I think you should accept and implement the U.S. Commission on Civil Rights' recommendation of last July that a single enforcement agency for civil rights be created, and that the four or more other governmental agencies in this field be abolished.

The new agency, suggested to be named the National Employment Rights Board, would be empowered to "enforce one law prohibiting employment discrimination on the basis of race, color, religion, sex, national origin, age, and handicapped status."

I make this recommendation because of the very substantial and precise experiences my staff and I have had with the existing anti-discrimination efforts of DOD and the Department of Labor.

We have checked into numbers of citizen complaints of employment discrimination, both from within and outside the government office involved: the Civil Service Commission, the Department of Labor, the Equal Employment Opportunity Commission, and the Equal Employment Opportunity Coordinating Council. We have found that federal agencies are seemingly almost inherently incompetent to enforce civil rights when those rights run counter to the primary mission of the agency itelf. Their efforts tend to involve tremendous paperwork requirements on business and much needless milling around, but little actual enforcement.

Let me cite a particular example.

There are over 600 defense contractors in one western administrative region of the United States, all of whom have been required by the Office of Contract Compliance (OCC) of DOD in the San Francisco Bay Area to submit affirmative action proposals requiring literally thousands of hours of paperwork. One of my constituents, Varian Associates, employing roughly 4500 people (*and against whom no complaint has ever been made to OCC*) estimates that OCC's requirement of the information in question required over 4000 man-hours of work on the part of company employees.

At the same time, the 29-man OCC staff in Northern California was unable to make field investigations of all of the few actual complaints which were made. I was personally told by the Staff Director that their inability to investigate actual discrimination complaints was because the entire staff was fully engaged in analyzing the mountains of paperwork submitted by firms against whom no complaints had been made. Last year there were only six investigations of actual complaints and, when violations were found, I was advised by federal employees at the lower level that they were told by their supervisors that "nothing further could be done."

Thus, the sum total of impact of this particular portion of the bureaucracy last year was a big zero. It was my own conclusion, after investigating the Bay Area's OCC operations, that a four-man office, with one attorney, one secretary and two investigators could have done more to enforce the anti-discrimination laws than the 29 people employed in sifting through the mountains of paperwork they demanded (with the accompanying lack of productivity imposed on the businesses involved).

I should think that the consolidation recommended in the Commission on Civil Rights' Report could also be accompanied by a cut in overall funding for the total effort, as well as the abolition of the existing four employment discrimination offices.

I appreciate the argument that the creation of an independent agency could lead to needless conflicts *between* governmental offices. This need not occur, however, under an Administration which is strongly led by a person who shares universal respect and who can occasionally knock heads together (i.e., your pressure on State to speed up the Law of the Sea negotiations last month).

I hope you understand this recommendation is made with the hope that it might assist in your initiative towards regulatory and bureaucratic reform, an initiative which may well be the most important thing you can do as President to restore public faith in government this year of the bicentennial.

If I can help with further implementation, I would be glad to do so.

Best regards,

PAUL N. MCCLOSKEY, Jr.

THE BEST YET FOR THE EEOC

She comes to Washington from New York City, trailing at least a puff, if not full-blown clouds, of glory—and she plunges headfirst into a treacherous bureaucratic quagmire. Eleanor Holmes Norton clearly faces the challenge of her career as the new chairperson of the Equal Employment Opportunity Commission (EEOC).

For the past seven years, Norton, 40, who was confirmed in her new job by the Senate on May 27 and is scheduled to be sworn in by President Carter in a few days, has served as chairperson of the New York City Commission on Human Rights. By almost all accounts, she is a brilliant and articulate lawyer, an able administrator, a demanding taskmaster and a committed advocate of minority and women's rights. With her long experience in the field of equal employment opportunity, she is the most qualified person appointed to head the EEOC since the agency was established in 1965.

Almost without exception, representatives of the civil rights and women's movements and the business community who are familiar with her work give her the highest marks for intellectual ability, dedication, toughness and fairness.

"Eleanor's appointment is superb," said Herbert Hill, national labor director of the NAACP. "She brings a unique combination of skills to her new post and there is every reason to believe she will rehabilitate the EEOC. The civil rights community is delighted with her appointment." These sentiments were echoed by Mary Jean Tully, president of the National Organization for Women's Legal Defense and Education Fund, and Harriet Rabb, assistant dean of Columbia Law School, who runs an employment discrimination project.

J. George Piccoli, vice president for human relations at the New York Chamber of Commerce and Industry, said he expects Norton to be "a very hard-nosed administrator. I found her to be fair, but she doesn't have any patience for a poorly prepared position. Business will have nothing to fear if it does its homework and comes with its cases well documented. She'll listen to reason."

A New York consultant on equal employment matters who works for large corporations said Norton commanded "a high degree of respect" in the business community. And an executive who handled job discrimination matters for one of the country's largest corporations in New York said the business community viewed her as bright, capable and a compelling spokesperson for minorities and women, but that some other executives considered her "too much of a zealot."

A few unflattering comments were expressed, however. There was some question about her administrative ability, about her willingness to pay attention to the daily drudgery of running the commission. She is said to have a temper, a low tolerance for stupidity and incompetence—which to others comes across as a refreshing frankness and an unwillingness to be told that something can't be done. And there was a suggestion that she pulled her punches with some influential employers to further an ambition for bigger and better things.

Norton takes over an agency that needs help badly. The EEOC has been afflicted with every imaginable bureaucratic disease: a high turnover rate in the top positions, internal dissension and inefficient procedures. The backlog of individual job discrimination complaints stood at about 123,000 at the end of April. It supposedly now takes about 15 months to process an average charge, and that is a considerable improvement over what it used to be. From July 1, 1975 through Sept. 30, 1976, there were about 35,000 administrative closures—meaning cases were closed because, for example, the charging parties could not be found. About 90 percent of the cases referred for litigation are found by the general counsel's office to be inadequately prepared. (*For background, see Vol. 9, No. 2, p. 66.*)

These are problems Norton faced and apparently solved in New York. A colleague who worked with her during her seven years at the commission said she "turned it around" by instituting management changes that led to the more expeditious resolution of charges. Every department was given goals, and instead of lengthy investigations, charging parties and employers were brought together as quickly as possible in an attempt to resolve the charges at the earliest stage.

In her confirmation hearing on May 24 before the Senate Human Resources Committee, Norton said that, under the procedures she instituted in New York, 60 percent of the cases now are completed within three months of filing, compared with 17 percent under the old system. Moreover, 80 percent of the cases are resolved within 10 months of filing and 45 percent are settled before a final hearing. Under the old system, 30 percent of the cases were closed for administrative reasons and now only 6 percent are closed for such reasons. For 1976, Norton said, the average settlement was $1,712.35, a "very high figure considering that these settlements were achieved very early in the process before all the evidence was adduced."

It does not automatically follow that what worked in New York will play at the EEOC. The New York commission has a staff of 110 members, while the EEOC has about 2,400 employees, 32 district offices, seven regional offices, five litigation centers and a much bigger case load. But Norton knows the territory and is determined to see whether the EEOC can be improved by adopting the changes she made in New York.

Her first priority, she said in her confirmation hearing, is to build public confidence in the agency and the best way to do that is reduce the backlog at the earliest possible time. She said her ultimate goal is "to free a greater measure of the agency's energies to do more work in pattern and practice cases (that concern systemic or institutional discrimination), which alone can have impact on discrimination against millions of minorities and women today." Norton pledged to stay on the job for the full four years remaining in the term she fills, which would seem to be good news for those who support an expanded role for the EEOC in the Administration's effort to reorganize civil rights agencies.

HIGH SCHOOL STUDENTS HONORED

HON. LESTER L. WOLFF

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 3, 1977

Mr. WOLFF. Mr. Speaker, in the midst of critical attacks on education and the teaching of writing in America today, I would like to take this opportunity to share with my colleagues the commendable achievements of six high school students in the Sixth Congressional District of New York.

These young adults have been acknowledged for their writing ability by the National Council of Teachers in English. The 1977 Achievement Awards in Writing are awarded each year to participants for fluency as well as correctness, invention, as well as thought, that abound in the written expression of these talented youths.

Competing against over 7,000 high school participants throughout the country, I praise these young people who exemplify to all of us that the profession of the teaching of writing thrives, and that students do excel.

Such programs not only give students an opportunity to creatively produce, but also suggest the continued need to support and invest in the leaders of the future through a commitment to fully endow a vital framework within our society, our system of education.

Let me commend the following students, Emily Robin Desser, Whitestone; Jessica H. Heimer, Port Washington; Martin Liss, Williston Park; Benjamin Barr McQuade, Great Neck; Eileen Marie Smith, Whitestone, and Linda Zolla, Bayside, who remind us that competition can be healthy and learning can be rewarding.

They, and the teachers who have helped and encouraged them, can take pride in their success.

HAZARDS OF ALUMINUM WIRING SYSTEMS

HON. BENJAMIN S. ROSENTHAL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 3, 1977

Mr. ROSENTHAL. Mr. Speaker, on October 27, 1977, the Consumer Product Safety Commission filed suit in district court in the District of Columbia to have "old technology" aluminum wiring systems declared an imminent hazard under the Consumer Product Safety Act.

Over 1½ million homes built from 1964–1971 are potential firetraps due to dangerous overheating from outlets with aluminum wiring connections. The Commission's evidence indicates that the hazard is especially great in areas such as Suffolk and Nassau County on Long Island; Orange and Ventura County, Calif.; Orange County, Tex.; Montgomery County, Md.; and elsewhere in the country where there has been considerable new construction in the past 15 years.

To assist Members in advising constituents who may be faced with an aluminum wiring hazard, I am inserting in the RECORD some guidelines for homeowners about what to look for and what may de done to minimize the risk of fire:

GUIDELINES FOR HOMEOWNERS

HAZARDS OF ALUMINUM WIRE SYSTEMS

A fire hazard may exist in your home if it is wired with 15–20 AMP. aluminum wire.

Dangerous overheating may occur where aluminum wire connects to outlets or switches. This can happen on normal household circuits of 15 and 20 amperes and may make switches or outlets glow or smoke. When this happens, fire is a possibility. House wiring to appliances such as dishwashers, room air conditioners, and refrigerators may also share the same problem.

Signs of trouble are:

Cover plates on switches and outlets which are warm or hot to the touch;

Smoke coming from outlets or switches;

Sparks or arcing at switches and outlets;

Strange odors, especially the smell of burning plastic, in the area of outlets or switches;

Lights which flicker periodically (in some cases, faulty appliances or other unrelated causes may result in lights flickering); and

Outlets, lights, or entire circuits which fail to work.

Train your family to recognize these signs

Although you may not find these trouble signals in your home or apartment, the danger of fire may still be present. It can even occur at an outlet which has nothing plugged into it. This happens because some electrical circuits can pass current through several outlets and junctions to an outlet at the far end of the circuit. When an appliance plugged into that outlet is turned on, the current passing through each of the outlets on the same line may cause one of those to overheat. In addition, even if you have lived in your house for several years and have had no trouble with your wiring, a fire hazard may later arise. This happens because the condition which causes aluminum wire to become dangerous can take a long time to develop.

WHAT HOMES ARE IN DANGER

If your home or apartment was built before 1965, there is little chance that aluminum wire is present.

Property built between 1965 and 1973 or any additions to homes made during that time may very well have aluminum wire. One estimate shows that up to two million homes may be involved.

If you added or replaced wiring in your home between 1965 and 1973, aluminum wire may have been used.

In 1972, manufacturers altered both aluminum wire and switches and outlets to make aluminum electrical systems safer. If your house was built after 1972, this does not mean that the system in your home has the newer equipment, since the sale of the old types of wire, outlets, and switches continued after 1972.

SIMPLE WAYS TO CHECK YOUR HOME FOR ALUMINUM WIRE

If you think that your home may have aluminum wire, you should follow these steps:

Do not remove cover plates on switches or outlets

Do not try to check the wiring in electrical panels or boxes

Do not try to check the wiring on your appliances

You may receive a dangerous or even fatal shock

If there are areas in the basement, attic or garage where the wiring is open to view, check to see if the letters AL or the word ALUMINUM is printed or stamped every few feet on the outside jacket of the wire insulation.

If neither of these is used, the wire is probably not aluminum.

Since some houses are partly wired with aluminum and partly with copper wire, be alert for signs of trouble described above, even if you do not find either marking.

If no wiring is visible, call the electrical contractor who wired your home, and ask him if the wiring is aluminum.

The builder of your home may be able to supply the name of the contractor.

You can also find out if you have aluminum wiring by having a qualified electrician come to your home to make a visual inspection.

If you live in an apartment, ask the resident manager or maintenance man if the unit has aluminum wire.

WHAT TO DO IF YOU HAVE ALUMINUM WIRING AND SEE ANY TROUBLE SIGNS

Call an electrician:

If your home has aluminum wire you should have a qualified electrician check and repair the wiring. This is especially important since skill and proper tools are needed to hook up aluminum wire correctly and to tighten terminal screws to the right torque. If these repairs are not done properly, the hazard of fire may still remain. Please give the electrician this booklet when he arrives. The last three pages contain step-by-step instructions for professional use showing how to repair an aluminum wire system.

Do not try to make repairs yourself:

Do not try to inspect or adjust the wiring in switches and outlets or to make any electrical repairs.

You could receive a serious or fatal electric shock.

You could void the fire insurance on your home.

Instead seek an electrician's help.

WHAT THE ELECTRICIAN CAN DO

The electrician may have to replace switches and outlets with new ones specially designed for use with aluminum wire. These are known as CO/ALR devices.

The electrician may have to "pigtail" or splice a piece of copper wire to the aluminum wire with a special connector, and then connect the copper wire to a switch, outlet, or appliance.

In all cases, the electrician should check and, where necessary, tighten all terminal screws in the service panel.

The electrician should also check all light fixtures, permanently wired appliances (such as dishwashers, garbage disposals, furnace blowers), and junctions on household circuits where 15 and 20 AMP aluminum wire is attached.

WHAT YOU CAN DO YOURSELF

If a circuit or outlet shows signs of a problem:

Turn off the power to that circuit at the circuit breaker or fuse box in your home. To do this, turn the circuit breaker switch to "off" as shown on the next page. If you have a fuse box instead of a circuit breaker, unscrewing the fuse turns off the electricity in the circuit controlled by the fuse.

Make sure that you have turned off the electricity in an outlet. To do this, plug in a lamp which you are sure is working properly and turn it on. If the lamp goes on, the wrong circuit breaker was probably shut off or the wrong fuse removed. Go back to the service box and switch on the circuit breaker that was turned off or replace the fuse that you removed. Turn off the power in another circuit by removing another fuse or switching off another circuit breaker. When the lamp goes off, the power in that circuit is also off.

All homes especially those with aluminum wire systems, should have smoke detectors and fire extinguishers. Make sure you have an extinguisher designed for use against electrical fires handy. Dry chemical or carbon dioxide extinguishers can be used for this purpose.

Move any furniture or fabric which might burn (beds, sofas, curtains) away from outlets. Never store any flammable products like gasoline, charcoal lighter, or cleaning fluids near these areas.

WHAT IS BEING DONE TO ELIMINATE THE FIRE HAZARD IN ALUMINUM WIRE SYSTEMS

The government is continuing to study the hazards of aluminum wire systems and ways for making such systems safe. One method under study employs a special connector used in aircraft wiring. Until the skill and tools needed for this method become available to residential electricians, the repair program suggested in this booklet should be followed.

DRIVE SAFELY

HON. JOHN G. FARY

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 3, 1977

Mr. FARY. Mr. Speaker, with the curtain slowly descending on the first session of the 95th Congress, and my colleagues making plans to depart to their homes in the North, South, East, and Western sections of our great country, I would like to leave with them a thought expressed by my close friend the late James J. Metcalfe, poet laureate, who over the years sent to me many of his "Poem Portraits." One in particular stands out in my mind, and is most appropriate at this time as we approach adjournment of this august body.

With your indulgence, I should like to quote it as follows:

DRIVE SAFELY

(On Adjournment—And Thereafter)

A minute may be valuable . . . In getting something done . . . But not to cut down driving time . . . On business or for fun . . . There is no place that we must reach . . . So quickly in our car . . . That one more minute will not serve . . . To get us just as far . . . Our lives are more important than . . . The keeping of a date . . . And we may never get there if . . . Our hurry is too great . . . So let us be more careful on . . . The highway and the street . . . And let us use good common sense . . . To guide our hands and feet . . . Let us be sober and alert . . . And patiently obey . . . The traffic laws that govern speed . . . And rule the right-of-way.

NATIONAL GUARDSMEN BECOME PRISON GUARDS: A HAPPY ENDING

HON. ROBERT W. KASTENMEIER

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 3, 1977

Mr. KASTENMEIER. Mr. Speaker, this morning's Washington Post carried a column by Neal R. Peirce which I would like to share with my colleagues.

About 3 months ago the unionized prison guard force in Wisconsin went on strike. Guards in corrections facilities throughout the State walked off the job, creating a potential disaster. That such a disaster was averted is due to the stunning performance of the Wisconsin National Guard which substituted for the professional guards during the 15-day period of the strike.

Certainly one must commend the Wisconsin Guard and its commander, Lt. Gen. Hugh Simonson. As Mr. Peirce notes, General Simonson not only prepared his men with ultimate care for such a potential experience, but also promoted in them a humane approach to dealing with the prison population.

There is a lesson here for those of us who have been involved with the issue of corrections practices. My Judiciary Subcommittee has jurisdiction over corrections and we have been exploring for the past 6 years how best to improve the corrections systems in this country. The key may, in fact, lie in the approach of the Wisconsin National Guard, and I hope that those interested and involved with prison practices will read Mr. Peirce's column with care and attention.

The article follows:

NATIONAL GUARDSMEN BECOME PRISON GUARDS: A HAPPY ENDING

(By Neal R. Peirce)

WAUPUN STATE PRISON, WIS.—At the stroke of midnight on a holiday weekend, without

warning, the unionized guard force walks off the job across an entire state prison system. Loaded weapons are left in the guard towers of this maximum-security prison. At a facility for juvenile delinquents, residents are awakened by guards who throw keys on the floor and tell them they're on their own.

The prescription ought to be one for disaster—and indeed, the guard force, organized by the Wisconsin State Employees Union—had every reason to believe that some institutions, particularly the Waupun prison, with its history of attacks on guards, the taking of hostages, and clandestinely held weapons, would "blow" in ugly violence.

But the potential holocaust failed to materialize—thanks to careful planning by prison officials and, more particularly, the prompt intervention of the Wisconsin National Guard.

Now, three months after the strike, it's clear that the illegal work stoppage triggered not just a proud moment in National Guard history, but a small revolution in penology as well.

During the 15-day period that the National Guard substituted for the professional guards, there were scarcely any incidents—far fewer than in any normal period. The habitual harassment of inmates, practiced by a few of the regular guards, stopped instantly.

Inmates at Waupun now tell a visitor that the guardsmen, by "treating us as men rather than animals," won their universal admiration. They even made the guardsmen "honorary screws" (prison slang for guards) and staged, through the prison chapter of the Jaycees, a banquet in the Guard's honor. One inmate said it was "wonderful to be in the care of custodians who relieved me of the illusion that I was nothing but a captive, garbage and a mile to our state and country."

But Wisconsin's "happy ending"—in such stark contrast to the bloody histories of Guard intervention at Attica State Prison and Kent State University—was no accident. The Wisconsin Guard has a highly professional, humanitarian commander in Lt. Gen. Hugh Simonson, selected by former Gov. Patrick Lucey (now U.S. Ambassador to Mexico). Lucey and his successor Martin Schreiber, refrained from provocative remarks like those attributed to Ohio Gov. James Rhodes preceding the tragedy at Kent State.

Guard preparedness was a first key to the Wisconsin success. "We didn't just walk into the institutions," Simonson explains. "We had operational plans all laid out; everything was rehearsed." For three years, specific Guard units had been assigned to all the prisons in the event of disturbances or work stoppages. Exact rules of engagement had been announced, including strict limits on carrying weapons.

Equally important was the approach Simonson spelled out to his units. "I know nothing of the penal system or psychiatry," he says. "But I do know the residents are human beings. They come out of the society; the justice system says they have erred and must serve a set period of time. It's not our mission to impose any more punishment."

The guardsmen, Simonson says, "didn't baby or mollycoddle the residents. No, we treated them like men."

No general lock-up was ordered. It wasn't the inmates' fault, Simonson notes, that their guards were on strike. The Guard refused to enforce petty rules. Military file was no longer required of prisoners marching to and from recreation or meals; voluntary seating was instituted in the cafeteria and movies; dress codes were relaxed. The men were allowed, for the first time in living memory, to talk along the cell ranges and after lights out and to pass cigarettes and newspapers between cells.

It took the outside intervention to make it clear, says state corrections administrator Allyn Sielaff, that "many of those old rules served no useful purpose." So the returning regular guards were told to enforce them no longer.

Sielaff notes one important caveat to the National Guard's positive experience: that the guardsmen were in the prisons for only a limited period of time. "There's a natural honeymoon," and no one can say "what would happen if the Guard were there for the long haul, as our people are," he says. Some 40 guardsmen have, in fact, applied for permanent prison-guard positions.

Waupun inmates Joe Davis and Jim Anderson—serving terms for armed robbery and domestic homicide respectively—told me the strike had seriously undercut the influence of a minority "hard core" of "old line" guards responsible for harassment of prisoners and their visitors and prejudice against black and Hispanic inmates.

That hard core, they said, dominated the guard union—an affiliate of the American Federation of State, County and Municipal Employees—and attempted to intimidate nonstriking supervisory personnel and guardsmen. Incidents included rock-throwing, splashing paint on nonstrikers' houses and life-threatening phone calls.

Davis and Anderson said they were contemptuous of guards who would lecture inmates about their deeds against society and then indulge in such illegal conduct themselves. And while guards have a right to strike for increased benefits, they said, those that laid down their weapons and deserted the guard towers should have been fired outright.

But state labor negotiators, in settling the strike for pennies more in pay than the guards had initially been offered, unconscionably agreed to limit disciplinary action to a week's suspension without pay for Waupun guards who deserted their guard towers. The same light slap on the wrist was accorded guards at the Ethan Allen School for Boys who threw their keys on the cottage floors and left, causing a riot in which two supervisors were seriously injured before the National Guard arrived. Wisconsin prison officials, who feel they run one of the most enlightened and progressive prison systems in the country, were infuriated by the limits placed on their right to discipline the offending guards.

Yet on balance, Wisconsin is clearly the winner for its strike experience and the National Guard's intervention. The general public, Acting Gov. Schreiber notes, has little exposure to the prison system: "There had never been a cross-section of our citizenry with first-hand exposure to the inner workings of the correction system—never, that is, until a large number of citizens-turned-guardsmen from all walks of life spent two weeks actually working around the clock in our correctional institutions."

THE AMERICAN STEEL INDUSTRY AND THE CRISIS IT FACES

HON. FLOYD J. FITHIAN

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 3, 1977

Mr. FITHIAN. Mr. Speaker, the American steel industry faces an enormous economic crisis, and today I have introduced three House Resolutions aimed at supporting the domestic steel producers.

The first resolution is designed to support the American steel industry against unfair competition and to promote fair trade by affirming the principles of Buy America for any governmentally financed steel purchases by encouraging Federal, State, and local governments to purchase only steel and steel products of domestic origin.

The second resolution is identical to S. 279, introduced by Senator JOHN HEINZ of Pennsylvania, which passed the Senate by voice vote on October 12. This resolution affirms its support for existing laws restricting unfair or subsidized competition from imports, gives full support to the Antidumping Act of 1924 and the Trade Act of 1974, and urges the President to direct the Federal agencies to enforce vigorously and aggressively existing laws to prevent cases of dumping, trade discrimination and other forms of unfair competition.

The third resolution is identical to S. 292, introduced by Senator RICHARD S. SCHWEIKER of Pennsylvania, and currently pending in the Senate Finance Committee. This resolution urges the President to direct the Special Representative for Trade Negotiations, Ambassador Robert Strauss, to negotiate orderly marketing agreements with Japan and with the European Economic Community (EEC) reducing "the level of steel imports significantly below those currently in effect."

I would hope that the United States could enter into negotiations with our European and Japanese trading partners to establish orderly marketing procedures which would restrict the foreign imports into the domestic market. Otherwise, tariff restrictions or import quotas might be needed.

I am particularly concerned about subsidies paid by overseas governments on steel that is exported to the United States. Japan and the EEC are special offenders. Belgium, France, England, Italy, Luxembourg, the Netherlands, and West Germany all subsidize their steel producers.

It is in the best interests of all nations to resolve this critical economic problem, and achieve an orderly marketing agreement on steel exports. In today's world, the last thing we should hope for would be actions which would drive us apart or return us to the tariff walls of the 1930s. We know what that led to.

It is my hope that these three resolutions establish priorities for a Buy American program extension, full enforcement of existing dumping and fair trade practices legislation, and encourage new orderly marketing agreement to restrict the present high levels of imported steel that are coming into the United States. I have included these resolutions for your consideration. They are as follows:

H. RES. —

Whereas, the American economy is being inundated by a mounting tide of imported steel, much of it being sold in this country below the cost of production,

Whereas, such unfair trade practices result in the export of foreign unemployment to America;

Whereas, a strong national defense depends on a strong domestic steel industry, as does the health of the American economy and the financial security of not only thousands of steel workers but of millions of Americans employed in related jobs; and

Whereas, the Comptroller General has reported to Congress that our international trading partners follow "buy national" practices which limit almost, if not all, of their governmental procurement to their own domestic sources, where such sources are available: Now therefore, be it

Resolved, That—

(1) Federal agencies should make greater efforts to ensure that, consistent with the Buy America Act, only steel and steel products of domestic origin are acquired by such agencies in the conduct of their operations;

(2) State and local governments conducting any operation more than half of the funds for which derive from Federal sources should be required to limit their acquisitions of steel and steel products to steel and steel products of domestic origin; and

(3) heads of Federal agencies should be required to enforce the requirements of paragraph (2) by supervision of the funds provided to State and local governments.

SEC. 2. Any program instituted in furtherance of the first section of this resolution should be conducted—

(1) by defining "steel and steel products of domestic origin" to include only steel articles, materials, and supplies which have been mined, produced, and manufactured in the United States or which contain not more than 25 percent (by value) materials of foreign origin; and

(2) by permitting the acquisition of steel or steel products not of domestic origin only in those cases where steel or steel products of the class or kind required are not mined, produced, or manufactured in sufficient and reasonably available commercial quantities of a satisfactory quality.

H. RES.—

Reaffirming support of the vigorous enforcement of laws designed to protect American industries from unfair competition by foreign industries.

Whereas the American steel industry is facing an unprecedented crisis, in the last several weeks having suffered layoffs of more than twelve thousand workers;

Whereas a contributing factor to the problems facing the American steel industry is the dumping of imports subsidized by foreign governments into this country;

Whereas such imports have adversely affected the United States balance of payments and have been a factor in reduced employment opportunities in the American steel industry;

Whereas the Department of the Treasury has failed to be sufficiently aggressive in pursuing dumping complaints filed by American industry to their conclusion, thus permitting the continued sale of imported products below cost; and

Whereas the Office of the Special Trade Representative has not resolved a complaint alleging a violation of section 301 of the Trade Act of 1974 by the European Coal and Steel Community and the Japanese Ministry of International Trade and Industry filed on October 6, 1976, by the American Iron and Steel Institute:

Resolved, That the House reaffirms its support for existing laws restricting unfair or subsidized competition from imports, particlarly the Antidumping Act of 1921 and the Trade Act of 1974, and urges the President to direct Federal agencies, particularly the Department of the Treasury and the Office of the Special Trade Representative to enforce vigorously and aggressively existing laws to prevent cases of dumping, trade discrimination, and other forms of unfair competition that have an adverse impact on the American steel industry.

H. RES. —

Expressing the sense of the House that the President direct the Special Representative for Trade Negotiations to negotiate orderly marketing agreements with Japan and with the European Community reducing the export of steel and steel products to the United States.

Whereas conditions within the American steel industry are becoming increasingly grave, as evidenced by the layoffs of thousands of steelworkers in the past months and weeks;

Whereas many of the problems of the steel industry can be directly traced to the high level of foreign imports;

Whereas a significant percentage of the foreign steel imported by the United States is priced below the cost of production in the exporting country, as recently affirmed by the Department of the Treasury in its finding that Japan is dumping steel in the American market; and

Whereas the American steel industry cannot modernize and expand as long as this situation exists; Now, therefore, be it

Resolved, That the President immediately instruct the Special Representative for Trade Negotiations to initiate negotiations with Japan and the European Community in order to achieve orderly marketing agreements providing for a level of steel imports significantly below those currently in effect.

TESTIMONIAL FOR LEO PUGLIESE

HON. WILLIAM R. COTTER

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 3, 1977

Mr. COTTER. Mr. Speaker, on Tuesday, November 1, I had the honor of attending a testimonial dinner for one of Hartford's most noted political figures, Leo Pugliese. For 50 years, Leo has been a leader and mainstay of the Democratic Party in Hartford. He is a man of great energy and political vision, who has made an immeasurable contribution to Hartford's political life over the past half century.

I am proud to have been a political associate and close personal friend of Leo's for these many years, and would like to share with my colleagues and the readers of the RECORD the following biography of Leo Pugliese:

A BIOGRAPHY OF LEO PUGLIESE

(By Douglas Kelley)

Leo Pugliese was born on September 1, 1905, in Saracena, Province of Cosenza, Italy. His father was a woodcutter, who provided firewood for the town. He had one brother. In 1921 Leo's father moved his family to the United States, where they settled in Hartford on Zion Street. At the age of 16 Leo began his formal education at the Lawrence Street Elementary School. (It is interesting to note that Congressman Bill Cotter's mother taught him English.) After school hours, Leo helped out in the meat market his father had opened at 95 Maple Avenue. Leo later opened his own store, the Pugliese Market, at 114 New Britain Avenue.

On September 1, 1930, Leo married Mary Gagliardi, a daughter of mutual friends of his parents, who came to the United States at the same time as the Pugliese family.

Also in 1930 he helped to found the St. Leo Mutual Benefit Society. He had deep feelings about his birthplace and a desire to preserve his Saracena roots here in the United States. That year also, Leo became a member of the Holy Name Society of St. Augustine's Church.

Leo first became interested in politics in 1928 when Al Smith, a Democrat, challenged Herbert Hoover for the Presidency of the United States. At that time, Leo decided to give his as yet untested political support to Al Smith. He placed a large Al Smith poster on his meat market window to advertise his commitment as a young Democrat to the Presidential candidate. Almost immediately, one of Leo's best customers approached him and demanded that he remove the sign. Leo refused, lost a good customer, and began the building of his reputation as a tough and loyal democrat.

Leo became a United States citizen and registered voter in 1935. At approximately the same time, Leo went into the tavern business on New Britain Avenue. He joined the predominantly Italian "Senator's Social Club" with a membership of 250. During the early 40's, Leo was introduced to the legendary Tony Zazzaro, the then legendary "boss" of the old 8th Ward. Tony "Z" envisioned Leo as a man of great political savvy and recruited him to do some political work in the predominently Republican 8th Ward.

During 1946, Leo was instrumental in establishing a Neighborhood Honor Roll which was to list men from the surrounding area who died in military service during World War II. The Roll was ultimately erected at the northwest corner of Broad Street and New Britain Avenue. As a local newspaper reported, "Leo worked indefatigably in carrying out the inumerable and necessary details which honored the neighborhood's 42 dead".

After Tony "Z" passed away in 1945, Leo invited Jack Kelly and Paul Zazzaro to the Senators' Social Club for some local political talk. Jack Kelly took an immediate liking to the rather short and already balding politician. He began confiding in Leo about the many challenges facing the Democratic Party. Just two years after Jack Kelly became Democratic Town Chairman, in 1950, Chairman Kelly backed Leo as 8th Ward Chairman. Although the idea of being Ward Chairman was enticing to the middle-aged Democratic Italian, Leo could not figure why he was being put forth in a Ward which was predominently Irish and Republican. Leo would soon overcome these obstacles. In 1950, when Chester Bowles ran for governor, Leo recognized the position he held as an ethnic minority and quietly worked well with his Irish brethren in the 8th Ward. As a result, Leo achieved victory by some 17 votes, but simultaneously began the building of an organization which would endure for decades. His headquarters was located at the Peterson Roofing Company at 1830 Broad Street.

After his first political victory, Leo's house located at 50 White Street became the Sunday political get-together for many of the city's politicians. People such as Town Chairman Jack Kelly, Bill Cotter, Dr. Mike Zazzaro, State Party Chairman John Bailey, and Mim Daddario used to thrive on the amicable atmosphere which pervaded Leo's home. Together, they charted successful political courses for the future years ahead.

As time passed in the early 1950's, the Democratic Party of Hartford and Connecticut began building their organizations under the leadership of Jack Kelly and John Bailey respectively. As the City and State parties grew in strength and maturity, Leo retired from his tavern business and became an employee of the Hartford County Jail on Seyms Street. While he actively pursued the duties of his new job, Leo continued to face the Hartford's South End. He recognized that the Party would continue to need new blood responsibilities of political leadership in to meet successfully the many challenges in the years ahead.

In 1953, Leo's hard word paid off as many new Democrats became attracted to the Party to engage in one of the most serious political battles the City had ever seen—the battle to break the Citizens Charter

Committee's domination of non-partisan balloting held since the council-manager form of government was adopted in 1947. This was the first year that Leo began calling signals from "behind the scenes". He backed two new personalities for the city council—Jimmy Kinsella and Bill Cotter. Parenthetically, during the summer preceding the 1953 election, Jimmy Kinsella came to see Leo on the front steps of Leo's White Street home. The aspiring candidate told Leo of his desire to run for the Council. With intuitive judgment which was Leo's trademark, Leo informed the young red-haired hopeful that he would support him. Ultimately, candidates Kinsella and Cotter won big, together with the new Mayor, Dominick DeLucco. As well, "Bud" Mahon defeated George H. Gabb, the venerable City Treasurer who had served for some 24 years. In substantial part due to Leo's efforts the Democrats won a 5–4 advantage on the city council, a margin which has never been overcome since.

In 1956, the largest full scale attack on the organization was mounted as dissident Democrats began to mobilize in the city. Under the leadership of former Mayor Cronin, George Ritter and Leo Parsky, the insurgent group sought to seize control of the Town Committee from Town Chairman Jack Kelley after some 8 years of Party rule. The primary was hotly contested all over the city, including a challenge to Leo's 8th Ward leadership. After a tough and vigorous campaign, Leo and his co-runner Doris Noonan defeated John J. Godfrey and Gloria Payich by a 6 to 1 vote. The Democratic organization, with victories in every city ward, had proved once again that is strength was deep.

Leo resigned his post as the 8th Ward Chairman in 1958 to permit a new face to run the well-organized Ward in the years ahead. This did not mean that he would retire from active political involvement, for he worked diligently on Julius Street to ensure the election of Abe Ribicoff as Governor of this State that year. Soon, Leo became the Superintendent of the Hartford area bridges where he was to work until his formal retirement in 1973.

In 1960, when Abe Ribicoff and John Bailey were crashing the big time nationally in the beginnings of the Kennedy era, Leo quietly enjoyed a position of relative importance in the South End of Hartford. His warm and vocal support of Jack Kennedy helped to ensure a big victory in Hartford.

During the 1960's, Leo continued as an integral part of the South End community, particularly after the passing of his close friend, Jack Kelley. His voice was heard behind the scenes, assuring continued party success under the new leadership of Town Chairman Bob Killian and Mike Kelly. He remained in close contact with the South End organization that he helped put together so meticulously. During the 1960's, he worked for the elections of Bill Glynn and "Pete" Kinsella to the Council and as Mayor, while striving to maintain ethnically balanced slates on the city council.

Leo's period of involvement in the current decade has also been filled with exceptional political involvement. He served actively under Town Chairman "Dr. Mike" (Zazzaro) and Nick Carbone. During this period, his experience and good judgment continued to be sought by many. Through this all, Leo continued to express his concern that the Party encourage the participation of the young in politics so that new blood could continue to fill the Party ranks.

The nomination and election of Governor Grasso in 1974, after a hard fought primary in Hartford, came as no surprise to Leo. In the primarily Irish 6th Voting District, Leo helped to secure a primary victory by just two votes over the popular challanger Bob Killian. He helped secure the victory by calling out the "commands" his people have heard and loved during the many years of his personal diplomacy in the South End.

Finally, during the 1975–1976 period, when the State and National Democratic Party were earnestly but uncertainly searching for a candidate for the Presidency of the United States, Leo had already looked over the field of aspirants, had completed the necessary homework, and, with characteristic prescience, had found the fresh new face to lead his beloved Party to victory in 1976.

In November of 1975, Leo backed an unknown—Jimmy Carter of Georgia—for the Presidency. Long before New Hampshire, Leo recognized that Jimmy Carter displayed renewed confidence, vigor and sincerity which would help the Democratic cause in America. In 1975, Leo began to discuss Jimmy Carter's candidacy openly with friends. Their initial reaction was one of surprise and disbelief. People asked him how an eastern Catholic Urban Ethnic could support a Southern Baptist farmer. Leo's answer was a recitation of a litany of what "Jimmy's" candidacy would mean to our nation. Slowly, with coaxing from Leo and Leo's new found friend, Stan Weinberg, Party leadership in Hartford began to understand his selection of the Southerner for high office. Once again, Leo joined forces with the Kelly's (Mike Kelly and Hartford's new Democratic Town Chairman Peter Kelly) and Council Majority Leader Nick Carbone to seek the support of Hartford's Democrats for a new face to lead America. The resultant critical win by Carter in the Connecticut Presidential Preference Primary (based heavily on the stupendous Carter effort in Hartford) and the 73% vote Carter achieved in the general election in Hartford (against a Statewide Democratic loss) are now a part of Leo's contribution to Hartford's political history. After numerous months of tedious political maneuvering and hard work, Leo realized his greatest and most savored victory. It goes without saying, it is most appropriate that Leo's nearly fifty years of dedication to his City and his Party should come to their full maturity in this fashion.

A Salute

The Democratic Party of Hartford is proud to honor the legendary Leo Pugliese for his tireless service and dedication to the Party. He has not sought prominent political titles over his nearly fifty years of service, even though he was one of the prime political mechanics who assured victory after victory here. Leo has contributed respectability, political wisdom, and sensitivity to our Party and our Community. He remains, at age 72, concerned as ever about good government and its response to the many who feel estranged from the political system. He will continue to fight in the political "trenches" together with "his" housewives, cabbies, and businessmen, in order to secure future Democratic victories. As Larry St. Pierre (Connecticut Carter aide) said in the Providence, Rhode Island newspaper on November 11, 1976, "The brass don't win elections, the *Puglieses*—the real people—do".

FORMER SALT NEGOTIATOR, PAUL NITZE, SAYS THAT SALT TERMS HAVE U.S. "LOCKED INTO" INFERIORITY

HON. JACK F. KEMP

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 3, 1977

Mr. KEMP. Mr. Speaker, yesterday, the Honorable Paul H. Nitze, a former Deputy Secretary of Defense and a member of the U.S. delegation to the Strategic Arms Limitation Talks held a press conference to review the recent agreement reached between President Carter and the Soviet Foreign Minister. The results of Mr. Nitze's analysis are devastating to the SALT accords.

Mr. Nitze pointed out that the advantage in strategic nuclear power, conferred on the Soviets as a temporary measure in 1972 to facilitate further negotiations, would grow substantially under the new agreements rather than diminish as the Congress was led to expect. By 1985, the proposed agreement would leave the Soviets with sufficient striking power in their land-based ICBM force to destroy 90 percent of the U.S. land-based force on a first strike while the terms of agreement would leave the United States with only 60 percent of the Soviet capability. Moreover, it is well-understood that the United States does not have a first strike doctrine, making all the more significant the overwhelming advantage conferred on the Soviet Union by the President and his negotiators. Mr. Nitze noted further the one-sided character of the agreement by observing that the agreement would continue to permit the Soviets to maintain a 2-to-1 advantage in submarine launched ballistic missiles as well.

A great national service has been performed by Mr. Nitze by performing his careful analysis of the terms of the SALT accords. It is clear that as presently constituted, the SALT agreements pose a fundamental danger to American security, and will surely be rejected by the Congress if they are not modified in the course of the negotiations now underway in Geneva. I commend Mr. Nitze for his impressive service to the Nation:

U.S. Is "Locked Into" Inferiority to Soviet Weapons, Nitze Says

(By Henry S. Bradsher)

A prominent critic of strategic arms agreements with the Soviet Union charges that the United States is "locked into a position of inherent inferiority" to Soviet weapons and "we don't know how to get out of it."

Paul H. Nitze says the Carter administration is "in deep trouble" in efforts to achieve its main goals of reducing the vulnerability of the American nuclear deterrent and achieving rough equivalence with Soviet power in the current strategic arms limitations talks, SALT II.

Nitze's attack yesterday was the strongest challenge to the administration's SALT II efforts made publicly since a tentative outline for a new treaty was agreed upon with the Soviet Union in late September. There has been a rising tide of criticism of the efforts in Congress and in the Pentagon but no detailed examination of the still officially secret details comparable to Nitze's.

His attack was launched from the most complete account yet made public of those details. The main points had already leaked out of the administration.

A former senior official at both the Pentagon and the State Department as well as a SALT I negotiator, Nitze has stayed well informed on strategic relations as a private citizen. Some administration sources have suggested that he is supplied with classified information by those inside the government who oppose SALTating positions.

Nitze spoke at a news conference arranged by the Committee on the Present Danger. Founded last year with Nitze as a key member, the private committee argues for a stronger U.S. military posture to counter

what it sees as a growing threat of Soviet military preponderance that might enable Moscow to dominate the world.

The United States lacks the negotiating leverage to seek strategic armaments equal to the Soviets in later negotiations, Nitze said. This is caused by restrictions now being accepted on future weapons' developments and a political reluctance here to push ahead with some weapons systems, he contended.

Nitze pointed out that what were supposed to be just interim arrangements in the 1972 SALT I treaty allowing the Soviet Union more and bigger intercontinental ballistic missiles than the United States would become permanent if the present tentative agreement on SALT II finally becomes a treaty. But the supposed American advantage in technology which made that imbalance justifiable in 1972 is disappearing.

By 1985 or possibly earlier Soviet missile warheads could have enough accuracy to destroy 90 percent of U.S. land-based missiles in a first strike by less than half their missiles, Nitze contended. But, he said, the entire U.S. land-based missile force would be able to destroy only 60 percent of the Soviet force.

U.S. strategists have argued that the large force of American submarine-launched missiles provides more nearly equal balance, although those missiles cannot be targeted with as great accuracy as land-based ones. Nitze said the tentative agreement would leave the Soviets with an advantage in naval missiles also.

Most of his argument dealt with numbers and nuclear destructive power of land-based missiles, in which the Soviets have long had a lead. Nitze and other leaders of his committee reject the contention by some administration spokesmen that all this country needs is sufficient power to inflict unacceptable damage to the Soviet Union, which requires smaller numbers of power than equivalency.

The negotiations now under way in Geneva to try to work out details of the tentative agreement are reportedly having trouble with definitions of terms that are critical to the value of a treaty. There are also troubles in agreeing on ways to verify adherence to a new treaty.

Nitze was one of those who tried to make a public issue of contentions that the Soviets cheated on SALT I. With Secretary of State Henry A. Kissinger playing the key role, however, the Ford administration bottled up that controversy.

Nitze said yesterday some of the current problems are defining how heavy a bomber has to be before it comes under strategic limitations, how the range of cruise missiles is calculated for treaty purposes, how big is a "small" missile, and similar point.

"Even were the limitations clearly defined," Nitze said, "compliance is in many cases difficult to verify." Cruise missile ranges, similarities in strategic and medium-range missiles, and other points could provide room for uncertainties.

TAX REBATES

HON. WILLIAM S. MOORHEAD

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 3, 1977

Mr. MOORHEAD of Pennsylvania. Mr. Speaker, as the energy legislation moves toward its climax, I would like to make this brief comment to suggest that we have at hand a moment of opportunity and that there does not have to be a bitter clash between the House and Senate on the tax aspects of the bill. I cannot, of course, purport to speak for all segments of opinion in the House, but I believe that the approach I suggest would command wide support.

In brief, our House conferees can rightly insist on retaining the oil equalization tax and a carefully limited industrial and utility user tax on oil and gas, both of which we approved and which are central to the President's program. But our conferees can also accept the Senate principle that the revenues should go toward incentives for energy conservation, conversion away from oil and gas, and domestic production, rather than the tiny universal rebate through the income tax contained in the House bill.

I grant that how the prospective new revenues are distributed is a contentious matter. It is probable that no two of us would favor precisely the same package. I can see merit, for example, in a combination of tax incentives for production of nonconventional sources of energy and outlays for mass transit and railroad improvement. But the precise contents of the package should not divide us on what often seem emotional grounds. I would not place priority on tax changes whose effect would be to improve oil industry earnings, but I could accept modest changes along those lines as part of a total package directed at the energy problem.

The important point is that we should not regard the small universal rebate which amounts to only $22 a person next year under the House bill, as a sacrosanct matter of principle. This would be less than the abortive $50 rebate proposed earlier this year. In this connection there has been an important development in recent days. The President, in what I applaud as a wise decision, has said he will delay presentation of his tax reform and reduction proposal until he knows the outcome of social security and energy tax legislation. If we drop the small universal rebate of the new energy taxes, we open the way to more significant general income tax reduction as a means of keeping the economy expanding in 1978 and later.

The Senate is divided on many aspects of the energy plan, but both the Finance Committee and the Senate itself seem to be all but unanimous in opposing the rebate plan. I have never liked it much myself, and I am sure that it is true of many of my colleagues in the House. If we use the new energy revenues to tackle energy problems, the public will better understand what we are trying to do.

Dropping the rebate will make possible a more meaningful general tax reduction next year, depending in part on the precise contents of the package for use of the energy revenues. It is an opportunity that I hope our House conferees will grasp.

METAL FASTENER INDUSTRY NEEDS IMPORT RELIEF

HON. MARY ROSE OAKAR

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 3, 1977

Ms. OAKAR. Mr. Speaker, as a Representative of Cleveland, Ohio, which is known as the Fastener Capital of the World, I have been very concerned about the serious problem that imports are causing to domestic manufacturers of nuts, bolts, and screws. The rate at which imports have increased over the past several years have been astounding—much worse than that suffered by any other industry.

In an effort to deal with the problem, the metal fastener industry filed a petition for import relief with the International Trade Commission, and on September 29, I appeared before the Commission to testify in behalf of the petition.

In addition, when the Northeast Ohio Congressional Caucus, which I have the privilege of cochairing, met on October 7, we received testimony on the unemployment and idled capacity in the metal fastener industry that have been caused by increased imports. One of the witnesses was John J. Lohrman, president of the RB & W Co., and I believe his statement sums up the problem well.

For the information of my colleagues, I would now like to insert into the RECORD a copy of my statement, and that of Mr. Lohrman.

IMPORTS OF STEEL NUTS, BOLTS AND LARGE SCREWS

Statement of Congresswoman MARY ROSE OAKAR OF Ohio before the International Trade Commission September 29, 1977

Mr. Chairman, distinguished members of the International Trade Commission, I appreciate this opportunity to appear before you in support of the petition for import relief filed by the United States Manufacturers of nuts, bolts and large screws.

Ohio is one of this Country's major fastener manufacturing states. There are some 73 fastener plants throughout the State, and my home area of Cleveland is known as the "Fastener Capital of the World." The health o fthe fastener industry is critical to the economyof Ohio and to the well-being of its people. That is precisely why I am here today. The days of this very important industry are numbered unless this Commission acts to restrict the growth of imported fasteners. Already, Ohio has lost 4 to 5 fastener factories since 1971. If imports continue unabated, more losses are sure to follow.

This Commission has itself gathered statistics showing the increasing level of fastener imports and their ever-growing dominance of the domestic market. I will not take the Commission's time to discuss these numbers other than to say that they make the steadily declining position of domestic fastener manufacturers painfully evident.

However, I do want to discuss the human side of this situation—the lost jobs. I understand that the Commission has also gathered statistics showing the declining numbers of United States workers employed in manufacturing nuts, bolts and screws. In Ohio alone, since 1969, over 1,000 people have lost their jobs in the fastener industry, and there is universal agreement that this unhappy situation is due to capture of the United States' market by imported fasteners.

These statistics come to life when specific instances of job losses are considered. Consider the demise of two large Ohio manufacturers:

In October 1976, Lamson & Sessions announced the closing of its huge fastener manufacturing plant in Brooklyn, Ohio. Although some of this facility's functions were relocated elsewhere, the closing resulted in the loss of about 200 jobs. The Company attributed the plant's closing, in part, to inroads on sales from "foreign-made, cheap imports."

In 1973, Republic Steel closed its bolt & nut division in Cleveland. In the four years

preceding the closing, 400 workers had lost their jobs; with the closing of this modern plant an additional 600 jobs were lost. Here again, the company blamed a "loss of business due to fastener imports" for this division's demise.

Moreover, although they dramatize the position of the metal fastener industry, the plant closings are not the only instances in which the individual trauma of the loss of one's job occurs. Every one of the remaining metal fastener plants in Cleveland is now operating at far below their capacity, and this too means cutbacks in jobs. You can visit any one of these plants today and see the massive equipment used in nut and bolt manufacturing lying idle. Machinery which several years ago would be worked by two or three shifts of workers today only gathers dust.

Why has a substantial part of the metal fastener industry been put in mothballs? Again, there is no doubt as to the cause: increased imports. In this regard, I would also direct your attention to the findings of the Department of Labor on two recent applications for trade adjustment assistance filed in the Northern Ohio area, those of the 175 employees of the Russell, Bursdall and Ward plant in Mentor, and of the 348 employees of the Lamson and Sessions factory in Kent. The Department approved both of these petitions, stating that "increased imports contributed importantly to . . . unemployment."

I am concerned about these Ohioans who have in the past lost their jobs, and I am resolved to use the available legislative and administrative tools to insure that more people do not join the ranks of the unemployed. I hope that this Commission shares my concern and my resolve to save the domestic industry through the tool that Congress has made available for precisely this purpose, the escape clause in the Trade Act of 1974.

The provision reflects the determination of Congress that, in pursuing the goal of expanded trade, we must not permit substantial portions of American industry to be swallowed by foreign competition.

It provides a remedy for American industries, such as the industrial fastener industry, suffering serious injury as a result of heavy import penetration. It appears to me that unless reasonable, temporary controls are placed on these imports, domestic production of these fasteners will be largely displaced abroad.

I commend this case to you on the merits and hope that you will agree with me that import relief is called for and that the President will ultimately be given the chance to take appropriate regulatory action.

COMMENTS GIVEN BY JOHN J. LOHRMAN TO NORTHEASTERN OHIO CONGRESSIONAL DELEGATION

Madam Chairlady and distinguished members of Congress: In behalf of the fastener manufacturing industry, I appreciate this opportunity to comment on some of our concerns regarding the future of this industry in this country and especially in this area. While we have always been considered a cyclical industry, today we are better known as one with serious complications.

The fastener manufacturing industry in this country is in serious trouble primarily due to the flood of imports from Japan.

Northeastern Ohio has one of the largest concentrations of fastener manufacturing companies of anywhere in the country. Three of the largest fastener companies in the industry are located here: Lamson & Sessions, Cleveland Cap Screw and ourselves.

All fastener companies in this area have been adversely affected because of the impact of imported product. For instance, the employment at our plant located in Mentor has decreased from over 700 in 1974 to under 550 now.

Cleveland Cap Screw has reduced their employment from 675 in 1974 to under 400 at the present.

Lamson & Sessions announced earlier this year the shutdown of their large Tiedeman Road operation which would be replaced with a smaller facility but also with a significant reduction of employment.

In just these three plants alone upwards of 1,000 jobs in this area have been lost to imports in the last few years.

This tremendous increase in bolts, nuts and screw imports has resulted because they are unfairly priced by reason of foreign government assistance and also our off-shore competition is not faced with government regulated programs; such as EPA,, OSHA, ERISA and EEO. While we agree in principle with these programs, they do add to the costs of our products which makes us even more non-competitive with imports.

The impact of this competition raises the question whether we will have an adequate or dependable long-term fastener manufacturing base in this country to provide for both our defense needs as well as our peacetime economic requirements.

Unfortunately, the damage from this deluge of foreign products has been quite dramatic.

(1) Imports have increased their share of our domestic markets in bolts, nuts, and large screws from 21 percent in 1968 up to 46 percent in 1976. It now appears that in 1977, import of fasteners will increase approximately 40 percent over the previous year.

(2) Many companies have gone out of business. In 1972, a number of major fastener companies shut down operations including the Republic Steel Bolt Division here in Cleveland. In fact, three fastener companies have announced either a complete or partial shutdown of their plants in this current year. There are other companies who currently have studies under review to determine whether to close all or part of their operations.

(3) Thousands of employees have lost their jobs in this industry in recent years. Employment is some 30% lower today than it was in 1969. We estimate that for every employee who loses his job in our industry there are four more in the American industry who will lose their jobs because of our reduced requirements for steel, tools, machinery and so on. So, while there are approximately 7,000 fewer people working today in our industry than in 1969, the impact on our total economy is closer to 35,000 lost jobs.

(4) Of the approximately 600 manufacturing plants in our industry, it is estimated that they are operating at approximately 50% of their practical capacity because of the tremendous loss of business to the foreign producers.

(5) In 1974, our domestic companies shipped 1.5 billion pounds of products. In 1976, that figure was down to 1.1 billion pounds although imports have remained at approximately the same level for both years.

In summary, our industry sought relief from the government by filing an escape clause petition with the International Trade Commission in 1975. Unfortunately, we lost on a 3–2 split decision. Just last week we appeared before the ITC again on a similar petition and are now awaiting their decision which is due December 12.

We filed a countervailing duty petition with the Treasury Department last year against Japan and received a favorable decision, but the relief was so small that it was practically meaningless.

Because we are really competing with the Japanese Government instead of the Japanese fastener industry, we need the support and recognition of our government for relief as allowed under the Trade Act of 1974. We are seeking an orderly marketing arrangement with our foreign competition similar to what has been negotiated in other industries; such as colored TV, shoes and specialty steels. However, to accomplish that we need the full support of yourselves and other members of our Congress.

LET'S BE CONSISTENT ON HUMAN RIGHTS

HON. FLOYD SPENCE

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 3, 1977

Mr. SPENCE. Mr. Speaker, as human rights increasingly becomes a key issue in U.S. foreign policy, the inconsistent application of its becomes more and more obvious. Such is the case of the current trend to establish diplomatic ties with the People's Republic of China at the expense of our longstanding alliance with the Republic of China.

Human rights are virtually nonexistent in mainland China, according to Ross H. Munro in a Washington Post article on October 9, 1977, entitled "Peking's Controls Are Subtle But Real." Many of the simple freedoms such as choosing one's occupation, starting a business, and choosing where one wants to live are rigidly limited and controlled by the ruling party. The expression of contrary political beliefs can mean years in prison, if not the death penalty.

Practically everyone is assigned to a unit which is affiliated with one's workplace. The compound is the most highly developed form of the unit. The compound is an all-inclusive work and home-life combined. This way the "Party" can keep an eye on the workers 24 hours a day.

The compounds are literally behind high walls, with a single guard gate. Residents send their children to its nurseries and schools. They send their sick to its clinics. And they do their shopping in its stores. Individuals must get approval from his unit for just about anything they want to do, from owning a bicycle to having a baby.

Mainland China is, in many ways, the most tightly controlled nation on Earth. This situation is not likely to change in the forseeable future. The top leadership in China do not worry much about residents of compounds whose horizons do not extend further than the wall surrounding them. I am afraid we have a tendency to take such an atmosphere for granted in a nation where it has been an established custom for a long period of time as it has in mainland China; and, therefore, to establish or accept a double standard in dealing with such situations, as compared with human rights violations of a more current or specific nature in other countries. A double standard for dealing with human rights violations is almost worse than ignoring them completely. Let us be consistent.

Mr. Speaker, I insert the text of Mr. Munro's article at the conclusion of my remarks:

PEKING'S CONTROLS ARE SUBTLE BUT REAL

[From the Washington Post, Oct. 9, 1977]

By Ross H. Munro

PEKING.—About two or three times a year, a middle-aged Chinese man walks into a post office in China carrying a letter he has written to relatives who live in Japan.

Nervously he hands the letter to the postal clerks and urges them to inspect it before the envelope is sealed. "Read it," he says, "please read it." Once the postal clerks have obliged and given him a nod of approval, he pastes the stamps on the envelope, mails it and departs.

No law or regulation in China requires this man to share his personal communications with the authorities. No one has ordered him to do this. But for the past few years this man's life has been peaceful, he has been working in a decent office job and he wants to keep it that way.

In the 1950s and again in the 1960s, he lost his job during political campaigns when he was accused of being insufficiently devoted to the revolutionary cause. Relatives of his who still live in China tell this story and say he is determined that it will not happen a third time. He weighs every action now and, among other things, no one is ever going to be able to accuse him of sending counter-revolutionary letters abroad.

For the most part, the day-to-day controls over people's lives in China are not visibly heavy-handed. On the streets, the Chinese people often treat policemen with disdain. Prisons, concentration camps and secret police exist but their role is a comparatively modest one.

Yet China in many ways is the most tightly controlled nation on earth. Part of the explanation resides in history. The concept of individual freedom is weak in Chinese tradition. The concept of social and political conformity has always been strong. Parliamentary democracy, an objective code of law, an independent judiciary, the idea that there are certain unalienable human rights—these originated in the West.

But history is history. Today, communism has combined the conformist and anti-individualist tradition of the Chinese past with the techniques and organization of modern totalitarianism to create a unique system for controlling people's lives.

Chinese society itself is organized as a security system as much as it is organized as an economic or social system and control. The slogan is "politics in command" and command is supposed to extend over all of one's actions and words.

Despite the often subtle nature of the control system, the candid expression of one's true political beliefs can still mean the death sentence, as Chinese court verdicts in recent months show.

This is so in a number of other countries, Communist and non-Communist. But China has also imposed controls over areas of life that are matters of free individual choice even in many police states; the freedom to choose—or quit one's job; the freedom to start even the smallest business; the freedom to choose where one wants to live; the freedom to travel. All these freedoms—which classical Marxism dismisses as "illusory" or "bourgeois"—are rigidly limited and largely non-existent in China.

A Communist Party functionary was recently telling a foreigner how Chinese society ideally should be organized. Everyone, he said, should live in the compound where he works. If for some reason the workplace and the home must be in different locations, he said then people should still live in the same place as their workmates.

The worker who commutes between home and job poses a problem, the party member said. He can be two different men. At the factory, his political attitudes and work habits are known, but the party would not know how he acts around home. The party functionary said it would be a healthier political situation for the man to be among his fellow-workers 24 hours a day.

Many of the urban Chinese already live in such settings—all-inclusive units that are concerned with every aspect of the welfare and behavior of the compound's residents.

It is this level of Chinese society that foreigners find extremely difficult to penetrate and understand. For one thing, the compounds are literally behind high walls, with a single guarded gate. But because they are the preferred form of organization in China, compounds where people both live and work are often visited by foreigners on guided tours who can get at least a flavor of what compound life is like.

In a clothing factory compound in Hopei Province, a notice posted on a workshop wall declares that people going in and out of the compound must get off their bicycles at the gate and surrender all bags and packages to security workers for inspection. Except in special circumstances, the notice continues, people must be back inside the compound by 11 p.m.

The compound is the most highly developed form of the "unit" that is the basic building block of Chinese society. Except vagabonds, everybody in China is affiliated with a unit. The unit is based on the workplace; it can be a production team or brigade in a rural commune, a factory or an office. Those too young or old or sick to work are affiliated with a unit through those in their family who support them.

Unit membership in China is almost a second citizenship; when a Chinese citizen is away from his home and workplace, he is more likely to be asked "What is your unit?" than "What is your name?" It is the unit that decides whether he can have a bicycle and, in many cases, whether she can have a baby.

Officials in the No. 1 Cotton Factory in Shihchiachuang, south of Peking, were recently trying to explain to a foreign visitor how workers there buy bicycles. Each year, they said, the state allots about 250 bicycles to be distributed among the 4,000 workers and their families.

"The workers in the workshops are living together and they know everything about everybody," the foreigner was assured. "They know which families need a bicycle."

The compounds are almost self-contained communities. Residents send their babies to the compound's nursery, their children to its schools, their sick to its clinic and their shopping lists to its stores.

All units and residential committees have a security function. The units and residential committees are a modern variation on the traditional Chinese system known as *poachia*—an extension of the local police force. Households were grouped together and a representative acted as a go-between with the local authorities. The representative—and through him the entire group—was responsible for maintaining security and order within the group and its neighborhood.

This is remarkably similar to how Chinese society is controlled today. The difference is that local Communist Party members usually housewives, have the central role.

Views on how this works vary tremendously.

Some sympathetic foreign writers have described party workers at the unit level as social workers, solving minor problems, straightening out potential juvenile delinquents and patching up disputes between neighbors or spouses. Chinese refugees often describe them as nasty busybodies who relish using their power to harass, spy and inform on their neighbors.

One person with direct knowledge of how units and residential committees operate—describes the security system as inextricably woven together with the web of personal relationships, both friendly and unfriendly.

"According to Mao's philosophy," he says, "you report on your friend or neighbor when he's done something wrong because it's good for him to be criticized and reformed. But usually in practice you do it because you don't like him and you want to get at him."

Many foreign observers have tried to explain the pervasive control exerted by the unit by pointing out that the concepts of privacy and individuality have never been strong in China while the urge to social conformity has always been strong. As an explanation for the current level of control in China, this is far from adequate.

Some Chinese living in Peking today, for instance, say they prefer living in apartment buildings rather than in traditional housing clustered around a courtyard because there is more privacy in apartment blocks. Party officials evidently believe the desire for privacy must be combatted because they constantly urge local party functionaries to devote more time to home visits to families in their area.

In one neighborhood in Peking last summer, in one example of mild political monitoring, party functionaries put up a huge chart listing each household and what its members had done to help clean up after the earthquake. The chart wasn't so much an honor roll of those who had done a great deal as it was a report card for adults with blank spaces for those judged not to have done enough.

The most relaxed and independent citizens of China seem to be those whose work gives them the opportunity to escape the constant controls of their units. Cart drivers on the road all day alone with their horsedrawn wagons seem to be among the most individualistic people in China, cussing and joking as the mood moves them and apparently quite unconcerned about what anyone thinks of them.

The cantankerous and rebellious attitude of railway workers has been a problem for Chinese authorities for years. Long-distance truckdrivers often make much of their income by filling their cabs with goods that are surplus in one area and selling them on the black market where they are scarce.

What the unit in modern-day China lacks but what tightly knit Chinese communities in the past or elsewhere in Asia today possess is a way out.

People are normally assigned to a work unit for life. Transfers are extremely difficult to obtain but are sometimes granted on the condition that the departing worker find someone with comparable skills and experience who's willing to switch jobs with him.

The nature of the unit and the compound in today's China worries even some sympathetic and Marxist-oriented foreigners who have come to know this country.

One such person says he fears that the compounding of Chinese society could strengthen elitist tendencies in the country at large. He suggests that the top leadership won't have to worry very much about the residents of compounds whose horizons don't extend much further than the compound walls.

THE EEL AS A POTENTIAL FOOD SOURCE

HON. STEWART B. McKINNEY

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 3, 1977

Mr. McKINNEY. Mr. Speaker, we have just experienced a decade of declining worldwide seafood production. It is therefore timely to consider the National Aquaculture Organic Act (H.R.

9370), introduced by Mr. LEGGETT in the Committee on Merchant Marine and Fisheries. The purpose of this act is to provide for development of aquaculture, which is the propagation and rearing of aquatic species in controlled environments. According to the act, Congress acknowledges a situation that includes rising population, adverse climatic conditions, declining world seafood production, domestic seafood trade deficit, and demands for increasing food production. These plus fish losses due to water pollution and mercury contamination are leading to increased severity of food shortages and nutritional deficiencies. Meanwhile, potential aquaculture producers have low outputs due to high risk, inadequate capital, and unreliable sources of seed stock.

The National Aquaculture Organic Act can provide the means to rebuild and augument domestic fish populations through efficient application of aquaculture technology. First, it would declare a national aquaculture policy to initiate Government support. Second, a nationwide aquaculture plan will be established and implemented, using the already available knowledge of various species. And third, programs and activities will be developed and encouraged. This will result in the coordination of domestic aquaculture efforts, the conservation and increased availability of fisheries resources, and the creation of new industries and job opportunities.

Currently, aquacultural production supplements supplies of the world by 10 percent, and the United States by only 3 percent. According to the act, a strong Federal commitment can make it a competitive industry by reducing risks, and providing capital through increased public and private investment and development. This policy would effectively combat food supply problems and could lead to a five-fold domestic increase in aquacultural production by the turn of the century.

The act will provide for investment in species whose potential has been thoroughly researched. This important work is being advanced locally by the eel research of Dr. John Poluhowich of the University of Bridgeport Biology Department. Poluhowich feels that his 15 years of research should provide sufficient background as testimony that eels will contribute significantly to a national aquaculture plan. He feels that while prices are skyrocketing for tuna and other domestic seafood staples the eel remains an underutilized resource. It is hardy, adaptable, and has a viable export market in Japan, where large shortages in fresh eel are anticipated.

Dr. Poluhowich explained the current status of eel farming in terms of chicken farming in the early part of this century. There used to be dozens of obstacles to chicken farming, which is a multi-million-dollar industry today. The eel is currently in that early critical stage and once given proper attention it could blossom into a comparable industry. As an added bonus, eels are easily fed: Poluhowich provides a diet of trout pellets with earthworms which are bred in a bed of composted sludge. He is currently working on a project to discover the most cost-effective food for eel farming. It is anticipated that the end result will be an energy-efficient cost-effective system with possibilities for food supplementation and commercial exportation.

Advances in technology have already given us improved capabilities for eel commerce. Processing plants can rapidly prepare large amounts of eel for domestic consumption while developments in shipping techniques allow for live deliveries abroad.

Before eel resources can be fully utilized, several obstacles must be overcome. Traditional Japanese eel farming methods require babies to be fed for 1½ to 2 years in outdoor ponds, which must be connected to running streams. There are two problems inherent in this technique: First, the output cannot be accurately estimated until the actual harvest. If large investments are to be considered over a 2-year period, it is paramount that the end results can in some way be predictable. Second is the problem of inefficiency. There are no controls to maximize population density, and the ideal conditions for the ponds can be duplicated only in very few locations in the country.

To solve these problems, Dr. Poluhowich has developed a closed recycling system which is energy self-sufficient and can function almost anywhere in the country. It consists of a solar-heated, windmill-powered geodesic dome that can use tap water rather than a nearby stream. Poluhowich claims that experiments are only in the small prototype stage but their potential for the future is virtually unlimited.

The biologist is working on two biological obstacles, which once eliminated, could open the door to full scale commercial cultivation of the eel. First is the "factor" problem which naturally limits eel population in crowded conditions. A certain "factor" is emitted by the fish as the population becomes dense. This in turn decreases their resistance to disease and causes the population to be reduced. Poluhowich is currently experimenting with what is called "Cornell methodology" to filter the water. This will cause the oxygen level to rise and hopefully a high population density can be maintained.

Second is the question of breeding habits. We lack data necessary for understanding about fertilization, and the conditions in which they metamorphasize into full-grown eels. To deal with this problem a comprehensive eel library is being compiled in which data can be analyzed to discover the secrets of how and why it is true that most eels migrate to Bermuda to breed.

Once scientific barriers to eel production are overcome, there remains a social issue to be dealt with. The eel must undergo an image change in the United States before it can effectively replace existing domestic seafood products. For centuries smoked eel has been a delicacy in Europe, while it has long been eaten fresh in Asia. To stimulate American interests, Bridgeport researchers have assembled eel cookbooks and implemented university seminar programs.

There are three prime goals that, once reached, can transform eel farming from the experimental stage to the practical stage. First, we need to attain the capability to effectively breed dense laboratory populations of eels to maturity. Second, reeducation must change the American public's distaste for eel. Third, money is needed on a scale to allow prototype experiments to be expanded into pilot-type experiments. Poluhowich indicated that by the time Federal funds are available to aid his research, he will be more than ready to put them to good use.

OLDER AMERICANS PROPERTY TAX RELIEF ACT OF 1977

HON. THOMAS B. EVANS, JR.

OF DELAWARE

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 3, 1977

Mr. EVANS of Delaware. Mr. Speaker, I am today introducing the "Older Americans Property Tax Relief Act of 1977." If enacted, this legislation would provide long-needed property tax relief for low and middle-income senior citizens through Federal tax credits.

In recent years, property tax burdens of all Americans across the country have increased tremendously. However, this burden has fallen most heavily on our Nation's older Americans. Senior citizens are the people least able to pay these substantial increases in property taxes. Most of our Nation's older Americans sacrificed, throughout their working lives, to pay for their homes. In fact, approximately two-thirds of our older Americans now own their homes. That home was the single biggest investment of their working lives, and they saw it as a way of guaranteeing their security during their retirement years.

Unfortunately, this has not been the case. Forced to retire on fixed incomes, senior citizens have been squeezed in an ever-tightening circle because of inflation. They sit helplessly and watch their homes increase in value, and thus, their property taxes go up, yet they are in no position to take advantage of that increase in value by moving. The uprooting process is particularly difficult on senior citizens and it complicates their lives when they deserve to be free of unecessary hassles.

Senior citizen income is relatively static. Yet the costs of living are not. Senior citizens can cut back on other expenditures, such as home maintenance, medical care and even food. But they cannot fail to meet their property tax payments.

In 1970, the Advisory Commission on Intergovernmental Relations estimated that the average homeowner pays about 3.4 percent of his household income in property taxes, while the average homeowner age 65 or older paid about 8.1 percent. Elderly homeowners with less than $2,000 income paid an average of 16.6 percent of their family income. Finally, in the highly taxed Northeast region of our country, elderly homeowners paid more than 30 percent of their meager income in property taxes.

Elderly renters are also affected. A portion of their ever-increasing rent goes to pay property taxes on their units, yet

they cannot deduct these payments from their Federal taxes.

The imposition of excessive property taxes on the elderly undercuts social security and other Federal programs designed to provide for retirement benefits and financial security for the aged. These persons have done much for our country, and the least this Congress can do is to provide them with some measure of economic protection against the burdens of property taxes during their older years.

The legislation I am introducing today would provide property tax relief for low and moderate income persons age 65 and over through a refundable credit against their Federal income tax. The tax could not exceed $500 in any given year and it would only apply if the real property tax constituted more than 5 percent of the senior taxpayers' adjusted gross income. The tax credit would be refundable so that it would offer real assistance even to individuals who do not pay Federal income tax. The credit would begin to phaseout when the household's adjusted gross income exceeded $10,000, and would be reduced by 5 percent of the additional income over that figure. Thus, the phaseout would be complete when the household's adjusted gross income exceeded $20,000 per year.

Senior citizen renters would also receive relief under my proposal. They would be allowed to treat 15 percent of their base rent as though it were property tax payments. This figure was selected because the best data available would indicate that, on a national average, 15 percent of the rental payments on apartments and homes represented real property taxes. Thus, my proposal allows the elderly renter to claim a tax credit on this "pass through" of real property taxes.

Mr. Speaker, I believe that all Federal programs, including tax expenditure programs, such as the one I am proposing today, should be reviewed on a regular basis to see if they are accomplishing the purposes for which they were originally intended. Consequently, my bill expires at the end of 5 taxable years. At that point, the Congress would review the operations of the "Older Americans Property Tax Relief Act," and determine whether and for how long it should be extended, and if changes need to be made in its basic provisions.

Mr. Speaker, as I talk to the senior citizens in the State of Delaware, I have come to the conclusion that the property tax burden is one of the most pressing problems facing our elderly. This legislation will provide some long-awaited and much-needed relief to senior citizens who have been hit the hardest by the ravages of inflation.

CONTRACT DISPUTES ACT OF 1977

HON. JOSEPH L. FISHER

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 3, 1977

Mr. FISHER. Mr. Speaker, today I am introducing the Contract Disputes Act of 1977, a bill to provide for the resolution of claims and disputes relating to Government contracts awarded by executive agencies. The companion bill is being introduced in the Senate by Senator BOB PACKWOOD, of Oregon.

In order to settle disputes between procuring agencies of the Federal Government and their contractors a system of administrative adjudication by agency boards of contract appeals has developed. It is to these boards that the contractors must go before carrying their claims to the courts. In theory at least, this provides for quicker and less expensive resolution of most disputes. However, there has been concern for some time that, in fact, the present system has become too time consuming and expensive to the contractor and the Government. It is often inefficient and as a consequence unfair. The procedural protections for the contractor are inadequate and the desired goals of flexibility and informality are being lost. Consequently, there is wide agreement that present law needs change. In December 1972, the Commission on Government Procurement recommended to Congress that legislation be enacted to change the law affecting the resolution on contract disputes.

Earlier this year I sponsored a bill, H.R. 4713, which is quite similar to the legislation I am introducing today. H.R. 4713 sought to strengthen and improve the boards by upgrading the judges who serve on them and making them more independent of the agency they serve. The bill would also require the individual boards to adopt simpler and faster procedures for handling small claims. Before introducing H.R. 4713, which had been brought to my attention by the board of contract appeals committee of the District of Columbia Bar my office sought the opinion of many persons involved in government work in the Washington metropolitan area.

My district in northern Virginia has one of the highest concentrations of private businesses doing Government contract work of any district in the country. In our conversations and correspondence with contractors and their attorneys we found disagreement over the particular means of solving some of these problems but urgent agreement that a solution must be found and soon.

The disagreement over the particulars of how to improve the contract disputes procedures is reflected in the fact that several other legislative proposals have been put forth on the subject, including the bill endorsed by the American Bar Association and introduced by my friend and colleague from northern Virginia, Mr. HARRIS, a member of the Judiciary Committee. The Harris bill and H.R. 4713, although similar in purpose, differ in several particulars. In order to develop a consensus bill which could serve as a basis for subcommittee hearings, the Government Contract and Litigation Division of the D.C. Bar and the public contracts section of the American Bar Association agreed on a compromise between Mr. Harris's bill and my own. The bill I am introducing today is that compromise—endorsed by these two groups and containing four major provisions not included originally in H.R. 4713. These are: First, a statement of congressional policy to have settlement conferences at various administrative levels in accordance with regulations to be established by the Office of Federal Procurement Policy; Two, permission for contractors to proceed to court directly following an adverse ruling by an officer with the Administrative Contract Appeals Board; Three, expansion of the jurisdiction of the Court of Claims; and Four, liberalization of the provision which grants contractors payment of interest on claims eventually allowed by board of contract appeals.

I believe this bill will be a good basis for discussion of contract disputes legislation in the Subcommittee on Administrative Law and Governmental Relations. I am not tied to the particulars of this bill but believe the general problem must be addressed. I hope that subcommittee will conduct hearings as soon as possible.

1977 QUESTIONNAIRE

HON. JOHN G. FARY

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 3, 1977

Mr. FARY. Mr. Speaker, each year the response to an annual news letter to my constituency grows larger and larger. This year is no exception with a record number of responses pouring in over the past several weeks. The results of these responses have been tabulated, and I would like to take this opportunity to share them with my colleagues as I believe they are indicative of many nationwide concerns.

Over 90 percent of my constituents feel that the Federal Government has not been effective in curbing unemployment. In a special writein section at the end of the questionnaire, many people indicated an overall skepticism about the effectiveness of the Federal Government in all areas. This includes Federal regulation of businesses and professions, as well as the tremendous growth of the Federal bureaucracy in recent years.

An incredible 98 percent were in favor of strict mandatory sentencing of persons who commit crimes against the helpless elderly. Again, the write-in area strongly reflected this concern with many people pointing to the numerous inequities in the present justice system, and the ease with which convicts who have committed serious violent crimes are released to commit repeated offenses.

Two other nationwide issues were of particular concern, the relinquishing of the Panama Canal and the efforts to allow voting without prior registration—86 percent were against relinquishing control of the Panama Canal, with 74 percent supporting the idea of a congressional resolution to change the name to the "American Canal"—83 percent were in opposition to the "instant voting" proposal.

The other major concern was a local one, although it will also affect much of the Midwest directly, and the entire country indirectly. That concern was the revitalization of Midway Airport in Chi-

cago in which a strong 92 percent were in support, with 3 percent undecided.

The specific results were as follows:

RESULTS OF 1977 QUESTIONNAIRE—FIFTH DISTRICT

1. Do you think the recent federal jobs program has been effective in curbing unemployment?

Answers: Yes, 2 percent; no, 91 percent; undecided, 7 percent.

To create jobs, should the Federal Government appropriate more money for public works and public service jobs?

Answers: Yes, 36 percent; no, 49 percent; undecided, 15 percent.

2. Should Congress create a new Federal Agency for Consumer Protection?

Answers: Yes, 57 percent; no, 39 percent; undecided, 4 percent.

Should the Government use taxpayer funds to pay the campaign expenses of congressional condidates?

Answers: Yes, 17 percent; no, 69 percent; undecided, 14 percent.

Should Congress pass legislation allowing "instant voting" without prior registration?

Answers: Yes, 8 percent; No, 83 percent; undecided, 9 percent.

Do you favor cutting back or eliminating some strongly supported federal programs in order to achieve a balanced federal budget?

Answers: Yes, 58 percent; no, 38 percent; undecided, 4 percent.

3. Do you feel the present emphasis on human rights has been effective and should be continued?

Answers: Yes, 53 percent; no, 34 percent; undecided 13 percent.

Do you favor a new Panama Canal Treaty which would "phase-out" any American control of the Canal?

Answers: Yes, 10 percent; no, 86 percent; undecided 4 percent.

Would you be in favor of a Congressional Resolution to change the name of the Panama Canal to the "American Canal"?

Answers: Yes, 76 percent; no, 23 percent; undecided 1 percent.

4. Do you believe the United States should move ahead with a National Health Insurnance Program?

Answers: Yes, 48 percent; No, 43 percent; undecided, 9 percent.

5. Do you favor Legislation prohibiting mandatory retirement because of age, when a person wishes to work and is able to do a good job?

Answers: Yes, 77 percent; no, 21 percent; undecided, 2 percent.

Do you favor strict mandatory sentencing of persons who commit crimes against the helpless elderly?

Answers: Yes, 98 percent; no, 3 percent; undecided, 7 percent.

Do you favor elimination of the earnings limitations for Social Security recipients to enable older citizens to continue working after 65 without losing a portion of their benefits?

Answers: Yes, 79 percent; no, 17 percent; undecided, 4 percent.

6. Do you agree with the President's view that the United States will experience an energy shortage in the near future?

Answers: Yes, 58 percent; no, 37 percent; undecided, 5 percent.

(Here, given a choice of 12 steps to meet current and future energy needs, a surprising number responded favorably to developing alternative fuel sources such as solar energy. Also a majority felt that requiring full insulation of new homes and existing homes would be helpful. They also came out strongly in favor of improving mass transit).

7. Do you favor revitalization of Chicago's Midway Airport?

Answers: Yes, 92 percent; no, 5 percent, undecided, 3 percent.

8. Priorities.—If you were a member of Congress and could make one change, what would it be? Many of the comments in this write-in area reflected major nation-wide concerns as well as local interests such as the revitalization of the Midway Airport.

WASHINGTON STATE FISHING AND HUNTING EQUAL RIGHTS ACT OF 1977—H.R. 9175

Hon. John E. "Jack" Cunningham

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 3, 1977

Mr. CUNNINGHAM. Mr. Speaker, recently I introduced H.R. 9175, the Washington State Fishing and Hunting Equal Rights Act of 1977. This bill will legislatively reverse Federal District Court Judge Boldt's decision in United States against Washington granting Indians exclusive rights to 50 percent of the salmon and steelhead trout caught in and around Washington State.

When Judge Boldt made his decision to give 50 percent of the fish to 2 percent of the commercial fishing population, he cited several treaties signed in the 1850's. All of the treaties cited, including the now famous Medicine Creek Treaty of December 26, 1854, guaranteed to Indians, "The right of taking fish, in common with all citizens of the Territory." It is this "in common" clause on which Judge Boldt rested his decision.

I disagree with Judge Boldt's interpretation of this "in common" clause. The absurd nature of his rationale becomes apparent when one examines a similar clause in a treaty made at about the same time with the Yakima Indian Tribe. The treaty guarantees to Indians the right to use public highways "in common" with other citizens of the territory. I do not believe that it was the intent of the Yakima Treaty to grant the Indians exclusive use of 50 percent of the highway, and that non-Indians use only the other half of the highway. However, if one applies the "Boldt logic," this is the conclusion reached.

The Washington State Supreme Court held that Judge Boldt's decision misconstrued the Indian treaties. The U.S. Supreme Court decided not to hear the appeal of the United States against Washington case.

In the aftermath of the Boldt decision, many commercial fishermen have been ruined financially and sport fishing has all but been eliminated in some rivers, Fishermen in the Northwest have protested this decision both in and out of the courts, with many commercial fishermen fishing in defiance of court orders. The dispute reached a tragic climax when a fisheries patrol officer shot a commercial fisherman, leaving the fisherman paralyzed. And, the situation will not be eased until Congress acts.

I have introduced H.R. 9175 the "Washington State Fishing and Hunting Equal Rights Act of 1977" which will return the status of fishing in the State of Washington to its "pre-Boldt-decision" days.

This bill will allow all fishermen an equal opportunity to fish in Washington State.

It provides that all laws and regulations of the State of Washington pertaining to fishing and hunting will apply to Indians to the same extent that such laws apply to other persons. Indians fishing on the reservation or fishing for ceremonial purposes are not subject to State fishing and hunting laws under H.R. 9175.

I offer the following bill for my colleagues' consideration:

A bill making laws and regulations of the State of Washington pertaining to fishing and hunting applicable to Indians and Indian tribes fishing and hunting at places (other than on Indian reservations) within such State for purposes other than ceremonial 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 "Washington State Fishing and Hunting Equal Rights Act of 1977".

SEC. 2. Notwithstanding any Indian treaty, laws, and regulations of the State of Washington pertaining to fishing and hunting within such State (including laws and regulations which control fishing or hunting, require a license or permit to fish or hunt, or impose a tax or fee with respect to fishing or hunting) shall apply to Indians and Indian tribes fishing or hunting at places (other than on Indian reservations) within such State for purposes other than ceremonial purposes in the same manner and to the same extent as such laws and regulations apply to other persons.

ESTABLISHING A SEPARATE DEPARTMENT OF EDUCATION

HON. BENJAMIN A. GILMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 3, 1977

Mr. GILMAN. Mr. Speaker, I rise to take this opportunity to express my thoughts and support for the establishment of a separate department of education. Legislation creating this department was introduced by the gentleman from Hawaii, Mr. HEFTEL, in March of this year, and at that time, I was pleased to be among the bill's cosponsors.

I am certain that my colleagues have experienced contact with educators in their districts who are distressed at the ever-increasing myriad of Federal bureaucracy which is evident in the Department of Health, Education, and Welfare. This Department has grown so large so as to confuse and discourage administrators and educators alike in their search for Federal assistance and guidance. Education appears to have been relegated to a position of lessened importance in the last several years, and the growth of educational programs has been lateral rather than vertical.

We are all aware of the crisis that is presently taking place in education. It is quite different than the crisis evident during the decade of the sixties, where teachers and students were willing to experiment with learning and to create new and exciting environments in which to teach and learn. Today we are faced with the Stark reality that many of our graduates labor over reading and writing, that they are confused as to which

career to enter, that teachers are oftentimes unable to handle the large demands that are placed upon them by the States and Federal Governments. And we have seen within the last few years the clear role that education plays in every facet of American life.

We are all aware of the significance of our Nation's energy crisis. And as an admirable response to the demands that the energy crisis imposed upon our Nation, a Department of Energy was created to consolidate and oversee all of the programs influencing the use and allocation of our natural resources. I suggest that we do the same for education and that the Congress elevate the role of education in American lives by creating a Cabinet level post for a Secretary of Education.

The role of the Federal Government is becoming increasingly evident in education, and while we do not wish to discourage States and localities from having a majority of jurisdiction over educational matters, Federal involvement is a fact of life. With the advent of the new handicapped education programs which the Congress endorsed several years ago, with the increase in Federal assistance to school districts and to institutes of higher education, it is imperative that our educational programs be lifted from the maze of a confusing, bewildering HEW bureaucracy and placed in a conspicuous, responsible Cabinet level position. The benefits of such a reorganization are incalculable: Education needs would be considered as primary needs, and the policy decisions arrived at by the President's Cabinet would reflect a deep concern and dedication to the principles of American education, would encourage coordination and consideration of the direction of education in the United States today and would allow the perspective of education to have a bearing upon other policies which were designed at the Cabinet level.

I urge my colleagues to join with me in supporting this legislation, and to urge the Government Operations Committee schedule hearings on this matter when the Congress reconvenes next January.

EDUCATION AND UTILIZATION OF MEDICAL MANPOWER IN CARE FOR THE ELDERLY—THE ROLE OF THE NURSE

HON. CLAUDE PEPPER

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 3, 1977

Mr. PEPPER. Mr. Speaker, I wish to share with my colleagues an additional portion of the paper which was prepared by Ms. Beth Schermer, a summer employee of the Subcommittee on Health and Long-Term Care, entitled, "The Education and Utilization of Medical Manpower in Care for the Elderly."

This portion of Ms. Schermer's paper deals with the important role of professional registered nurses in all aspects of long-term care for the elderly. As with other health professionals, the training and utilization of nurses for geriatric care has been observed to be inefficient and inconsistent. I believe that my colleagues will benefit from these observations and suggestions, and I therefore ask unanimous consent that this additional portion of Ms. Schermer's paper be inserted at this point in the RECORD:

THE EDUCATION AND UTILIZATION OF MEDICAL MANPOWER IN CARE FOR THE ELDERLY

(By Ms. Beth Schermer)

PART II

Nursing schools provide no more consistent exposure to geriatric care than do medical schools. Like their medical counterparts, nursing schools exercise autonomy in designing their curriculum; existing geriatric programs vary greatly in form and content. Nursing plays a pivotal role in geriatric care, for the nurse is, in many situations, best suited of all medical personnel to provide long-term care in either home or institution:

"In perhaps no other area of health care delivery has the charge nurse more responsibility for patient care unassisted by a physician that in long-term care. In the nursing home where a physician may visit a patient approximately once a month, the nurse must monitor patient progress, detecting signs of abnormality and establishing the treatment regimen . . . In the home care setting the visiting nurse may be the only frequent contact with a professional that a patient has. As such the nurse is required to monitor and correctly identify clinical symptoms, and often act as social worker, guidance counselor, and advocate of patient and family." [12]

The role and responsibility accepted by the nurse will be a major factor influencing the shape of geriatric care in America. Registered professional nurses comprised nearly two thirds of the total employees in home health agencies participating in Medicare programs in 1969,[13] while registered nursing, representing 7.3 percent of the nursing home industry employment in 1973, made up the largest number of professional medical workers in the industry.[14] The value of the nurse in caring for the elderly has already been recognized and as the number of elderly in the population—and hence the need for geriatric care—increases, it can be projected that current utilization patterns favoring nursing care will continue.

High rates of usage, however, do not imply that either training or utilization of nurses is efficient or consistent. While the Division of Gerontological Nursing of the American Nurses Association has over 25,000 members, a plethora of difficulties, ranging from poor pay and conditions to the more ambiguous questions of role and status, hampers the inception of a united nursing corps skilled in meeting the needs of the elderly.

The registered nurse delivering care to the elderly often fills a poorly defined role. Many nursing homes, prompted by economy or a lack of properly trained candidates, only staff a single registered nurse per shift. Inundated with administrative work, the nurse must delegate many of her duties to aides or orderlies. It has been estimated that up to 80–90% of care delivered to residents is given by nonprofessional staff. This work pattern is both potentially dangerous for the patient and frustrating for the nurse desiring to excercise her nursing skills. Constrained by administrative detail and paperwork, the registered nurse in a geriatric care facility is often understimulated and underused. This problem, coupled with low pay, poor fringe benefits, and the poor image of working with the elderly and in a nursing home, has made recruitment for geriatric nurses a difficult task.

Registered nurses, as physicians, are not distributed evenly throughout the nation; the ratio of nurses to population is approximately half as large in the South as it is in the Northeast.[15] As with other medical situations, the aged's need for nursing care knows no geographic boundaries; maldistribution of nursing care has direct effect upon the health of the elderly.

Pay and fringe benefits in nursing homes are frequently lower than they are in hospitals. Because the majority of nurses are female, benefits such as day care are necessary in recruiting and keeping staff. Both wages and benefits must increase if geriatric facilities are to become competitive in the labor market. Direct reimbursement through Medicare for the home health nurse would further the development of geriatric care in the home.

Perhaps more than any other nursing service, nursing for the elderly exists in a cooperative rather than delegative position to medicine:

"Nursing . . . is a distinct art and science dealing primarily with the caring aspects more than the curing aspects of health care . . . Nurses deal with things like immobility, confusion, discomfort, and isolation problems so prevalent in the care of the sick elderly . . . Nurses are needed not just to extend the role of the physicians but to complement medical services by providing equally important nursing services to the end that the health needs of the elderly are served." [16]

The geriatric nurse must overcome the traditional label of "doctor's handmaiden" in order to exercise her full potential in care for the elderly. The advent of geriatric nurse practitioners is a significant advance in the struggle to establish the geriatric nurse as a professional in the eyes of members of the health field and consumers.

Expanded geriatric training programs will further the professional standing of the geriatric nurse as well as increase the quality of care delivered to patients:

"The problems of long term care are serious . . . in part they can be resolved by forth right action on the part of health professionals. Nurses have major contributions to make to the resolution of those problems. Nursing education will responsibly address its part in the resolution of those problems by developing appropriate inter-institutional arrangements, by encouraging collaborative planning with other health professionals, by making appropriate changes in pre-service and advanced programs of nursing education and by promotion of research relevant for advancing nursing science and improving the care of aged and chronically ill people." [17]

Exposure and training in geriatric needs should be available at all levels of nursing, ranging from an introduction of concepts through basic curriculum to graduate certificate programs and full master's degree programs. In 1975 the American Nurses' Association accepted a recommendation endorsing this philosophy of a full spectrum of educational opportunities:

"Because quality health care will depend primarily upon the competency of the persons providing direct care, all professional persons and workers involved in long term health care in any setting should have a background in basic care of the aging. These gerontological concepts should be taught at the educational levels of the individuals in the depth and detail each can understand and use. Preparation in gerontological nursing should be within an open educational system which promotes career mobility." [18]

Gerontological principles should be included in the basic nurse training curriculum to ensure that all nurses are aware of the skills of geriatric care as well as the depth of the field as a possibility for specialization. The educational orientation of nursing schools should shift somewhat from the acute hospital into the long-term care setting, both within nursing homes and

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Footnotes at end of article.

in home care, in order to attain a balanced curriculum. Clinical experience should exist side-by-side with the academic, and the skills of teaching, supervision, and management vital to the nurse's role in a long-term care institution should receive special emphasis.

On the graduate level, practice and research are primary goals. It has been noted: "Nursing leaders have agreed that the major purposes of graduate study in nursing are to prepare nurse clinicians (clinical specialist) whose goal is to improve nursing care through judicious use of knowledge in skillful practice and to prepare investigators whose goal is to advance nursing knowledge through research." [19] Nurse practitioners and researchers can make valuable contributions to the field of geriatric care; as role models, they stimulate further interest and involvement in the field, while offering tangible service and improvement.

A network of in-service education will introduce graduate nurses to the field of geriatric care, as well as allow nurses already involved in a long-term care institution to expand their knowledge. Approximately 26,000 registered nurses have participated in courses sponsored since 1973 by the ANA on the fundamentals of gerontological care.[20] Individual institutions and organizations should pool their resources in order to offer continuing education programs. Larger organizations owning several nursing homes or agencies should consider a full-time nurse training director to provide coordinated, formalized orientation and training.

Funding should be made available for the assistance of nurses involved in training at all levels. At present, the Nurses Training Act of 1975 sponsors contracts for training nurse practioners in geriatric nursing. Several bills endorsing assistance in training nurses for the purposes of geriatric care have been recently introduced, including Representative Pepper's H.R. 1114. Stipends and scholarships are necessary for those nurses whose familial obligations may prevent further training. In addition, in-service programs meeting specific federal guidelines for content and form should be a reimburseable item.

Improved education systems leading to greater competency in the area of geriatric nursing and the increasing support of medical colleagues will allow the geriatric nurse to expand his/her realm of responsibility in patient care. On the administrative level, nurses could continue to move into managerial roles in nursing homes and home health services. In clinical areas, properly trained nurses could take on new duties such as assessment of needs, screening, consultation, initiation of certain tests, surveillance, and assumption of primary responsibility for determining alternative modes of care. Expanded nursing responsibility would call for new systems of physician-nurse protocol and a high degree of collaboration. Increased effort, however, would be of immense benefit to the patient. Properly utilized, additional manpower able to provide primary service means greater accessibility to medical care for the patient. As more nurses enter the field of geriatric care, facilities covering the range of alternative forms of care would increase, allowing greater flexibility and choice for the elderly patient.

Restructing the role of the nurse in geriatric care is no longer a hypothetical choice; it is a necessity. The demand for geriatric care and the skills involved in delivering this care require that new systems of care involving expanded nursing roles be instituted. The Secretary of HEW Committee to Study Extended Roles for Nurses recognized this need in its report:

"The increasing number of people affected by long term illness make it imperative to reshape and extend the roles of physicians and nurses in providing for their care. Nurses involved in long term care often function at less than the level for which they are prepared and less effectively than society has a right to expect. As nurses assume broadened responsibility for continuing care of the chronically ill in all age groups we can expect positive changes in this increasingly important area of health care." [21]

FOOTNOTES

[12] C. Patrick Babcock, Director, Michigan Office of Services to the Aging, as quoted in "Nursing and Long-Term Care: Toward Quality Care for the Aging," American Nurses' Association, 1975, p. 37.

[13] United States Senate Special Committee on Aging, *Home Health Services in the United States*, Report, (Washington, D.C., 1972), p. 32.

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[15] ———, "Doctors and Nurses: A Study in Professional Manpower Shortages," p. 5.

[16] *Medicine and Aging*, p. 29.

[17] United States Department of Health, Education, and Welfare, Office of Nursing Home Affairs, Long Term Care Facility Improvement Campaign Monograph No. 1, *Assessing Health Care Needs in Skilled Nursing Facilities: Health Professional Perspective*, (Washington, D.C., March, 1976), p. 29.

[18] American Nurses' Association, *Nursing and Long-Term Care: Toward Quality Care for the Aging*, (Kansas City, Missouri, 1975), p. XX.

[19] *Assessing Health Care Needs in Skilled Nursing Facilities*, p. 28.

[20] United States Department of Labor, *Occupational Outlook Quarterly*, "Special Issue: Working with Older People," Fall, 1976, p. 57.

[21] "Special Issue: Working with Older People," *Occupational Outlook Quarterly*, Fall, 1976, p. 8.

TRIBUTE TO HERBERT HOOVER

HON. JIM LEACH

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 3, 1977

Mr. LEACH. Mr. Speaker, I am pleased today to share with the Members of the House, remarks delivered recently by the Honorable Roman L. Hruska, former U.S. Senator from Nebraska, on the 103d anniversary of the birth of Herbert Hoover, our country's 31st President. Senator Hruska made his comments at an annual ceremony in West Branch, Iowa, the birthplace and burial site of President Hoover, and I feel that his thoughtful tribute has meaning for all of us in this room. I thank Senator Hruska for his perspective and insight and I commend his words to my colleagues:

REMARKS OF ROMAN L. HRUSKA

It is a very brave man—or more likely a foolhardy one—who would undertake to speak in this setting about the 31st President of the United States.

There are unquestionably in this audience men and women far more familiar than I with the life and times of Herbert Clark Hoover. Therefore, I seek your indulgence for one who comes to you with no special qualifications to stand at this podium beyond an unbounded admiration and respect for the man whose memory we honor.

You have flattered me with your generous invitation to share with you my own perceptions on this, the 103rd anniversary of Herbert Hoover's birth in this village, a birth which virtually every Hoover biographer has remarked with the blacksmith Jesse Hoover's proud assertion that "We have another Grant at our house."

It is not my purpose this morning to "justify" Herbert Hoover's presidency. History has already restored this great humanitarian to the lofty position of respect and admiration he deserves. Indeed, Eugene Lyons, in his magnificent biography, fixes the year in which the tide of public sentiment began to turn as 1947—30 years ago.

Nor is it my intention to be overly partisan in these remarks since that would ill serve the memory of Herbert Hoover. He himself refused to engage in blind partisanship and there are many politicians who will assert that was to his disadvantage. As Hoover himself put it in his Inaugural Address: "The animosities of elections should have no place in our government, for government must concern itself alone with the common weal."

He enjoyed the respect and the admiration of many men and women not of his political faith. Harry S. Truman once told Admiral Lewis Strauss, "As for Mr. Hoover—you may not know it but I hold him in very high regard. I think he is a great American and will someday be so recognized even by the people who have defamed him."

That day came sooner than anyone who witnessed the vicious attacks of the early 1930's could have imagined.

My purpose this morning is to pay tribute to Herbert Hoover and to explore the life of this extraordinary man to see what meaning we can find for today.

Hoover's ideals and principles were basic and timeless. They are enshrined in the gleaming library in this village of his birth. Can we do better than to examine them for their application in 1977?

Upon accepting the invitation to appear on the program of this day, I reviewed some of the tributes which were paid to Mr. Hoover in the Senate of the United States in several of its sessions specially set aside for such occasions, during my tenure in that body.

One of the most moving of these was on this day—August 10—in 1960, when Mr. Hoover was 86 years old.

My closest friend in the Senate, the late Everett McKinley Dirksen, said:

"He met the severe changes of his generation and probably they were greater than those of any time in two generations. But it was thereafter that he rose to even greater heights, because of the work he did in the relief field, and also in the field of helping to reorganize the government over which he once presided.

Lyndon Baines Johnson, then the Majority Leader of the Senate, said this about Hoover:

"He is a great man who has a great heart and a great mind, who has served all of America so unselfishly through so many years and stands ready at any time, even now, to go wherever he believes he can be of service to this country. I take pride in calling him my friend. I have had the benefit of his counsel. I have profited from it, as has our country."

The late great Democratic Senator from Florida, Spessard Holland, gave his voice to the tributes, adding:

"On an occasion of this kind, the Senate, the Congress and the people have no political considerations. We all join in paying deserved honor and tribute to a very humanitarian on his birthday."

And Leverett Saltonstall, the patrician New England Republican, added:

"As one who knew him and had the opportunity to talk with him while he was President, and as one who knew him in afteryears and had the opportunity of having several long discussions with him on matters of government, economics and social welfare, I have always had the greatest respect and regard for Herbert Hoover."

There were many others of us who rose in the Senate to acknowledge our gratitude for the great service of this uncommon man.

One member of the Senate who knew Mr. Hoover especially well is Arkansas's John McClellan who was one of only three or four men who served on both Hoover Commissions. Now 81 years old, he has served in the Senate since 1943 and is junior only to James O. Eastland, the President Pro Tem.

John McClellan bears a heavy burden as chairman of the Appropriations Committee and as a senior member of the Judiciary Committee. It was my privilege to serve alongside him on both those committees. He is ill now and his doctors have ordered that he rest for two months. I ask that you join with me today in private prayer for his speedy recovery.

It is now 13 years since I came to this very place for the final services for Herbert Clark Hoover. I well recall that sad November day and the reverental hush that held the 40,000 mourners as the flag-draped coffin was borne to the open grave under pleasant Indian Summer skies.

The Reverend David Elton Trueblood's words of eulogy on that day are worth recalling now:

"This man endured," he said. "He did not speak too much, but he wrote unceasingly with care and precision that the record should be left correct . . . Now, at last, these facts have crystallized in the public mind, letting us say farewell with universal gratitude for all he did for his country and for the world."

I had a word that day with Herbert Hoover, Jr., to whom a military aide had handed the triangular folded flag.

My mind went back to a summer in 1932 when, as a young man, I attended the Republican National Convention in Chicago which nominated Herbert Clark Hoover for a second term. I was a temporary—and slightly unofficial—alternate delegate to that convention.

In 1928, my state had given the Hoover-Curtis ticket a margin of nearly 2 to 1 over Al Smith in the biggest vote ever cast by Nebraskans in a presidential election.

What can we draw upon from Mr. Hoover's 90 years of his full, rich, experience, attainments and wisdom for our use and benefit today.

May I suggest this approach: that we recall the deep, extensive sense of history which he had. He was appreciative of its essence. He was deeply committed to personal effort and action on his part to carry on and to fulfill as he best could in the traditions of that history.

He also had the conviction that each citizen's knowledge of history dictated dedication to personal action to the best of the capabilities of each one of us, to the same goal of the strengthening and improving our government.

This was clearly demonstrated in a speech at Valley Forge, on February 22, 1958, when he accepted Freedmon Foundation's Highest Award.

With his quiet eloquence, he spoke of the hardships of Washington and his troops during that dreadful winter in Pennsylvania.

"We, too, are writing a new chapter in American history," he said. "If we weaken, as Washington did not, we shall be writing the introduction to the decline of the American character and the fall of American institutions. If we are firm and farsighted, as were Washington and his men, we shall progress. If, by the grace of God, we stand steadfast in our great traditions through this time of stress, we shall insure that we and our sons and daughters shall see these fruits increased many fold."

The words were Hoover's but the remarkable thing is that he had delivered the identical speech at the same place 27 years earlier on Memorial Day, 1931. He believed with the tenacity of his Quaker faith what he had said in 1931 was equally meaningful in 1958. And it still applies on this day in August, 1977.

Last year America celebrated the 200th anniversary of its Declaration to engage in a vast, meaningful experiment in self-government.

Twenty decades is a long time in the life of any single, individual person. It is a long time for continuous functioning of a nation under one written Constitution and form of government.

It is not a long time, of course, in the history of people and government since the advent of higher civilization on this earth.

The Declaration of 200 years ago is *still* an experiment. In the light of hundreds and even thousands of years of governments coming and going, there is no assurance nor any certainty of indefinite survival under the present form of governing our nation's affairs.

Can it come about that this nation, possessed of so much strength, so many resources, and such a proud, successful tradition, can be confronted or even contemplate failure in its mission if attaining its declared goals?

If so, how will it come about? And why?

Carl Sandburg—author, citizen and philosopher of universal note, made this observation in one of his later books:

. . . For we know that when a nation goes down and never comes back, when a society or civilization perishes, one condition may always be found. They forgot where they came from. They lost sight of what brought them along. . . .

He went on in his thinking in this wise: The hard beginnings were forgotten, as there were the struggles further along. The people became satisfied with themselves. There had been enough unity and common understanding to overcome rot and dissolution; and enough to overcome their obstacles.

But the mockers came. Deniers were heard. Vision and hope faded.

The custom of greeting became: "Oh, what's the use?"

Later men whose forefathers would go anywhere, holding nothing impossible in the genius of man, joined the mockers and the deniers.

They forgot where they came from. They lost sight of what had brought them along.

If there should ever come such a time—or even the threat thereof—both of which God Forbid!—that indeed would be a time to repair to the history, the life, and the teachings of the man whose career we commemorate today.

He was ever mindful of whence he had come.

He even had in mind what had brought him and his people along.

We know these things to be true, not only because he taught them, but also because of the many actions in which he engaged to perpetuate such thinking.

For we know that he clearly perceived the role of governmental jurisdiction, yet always clearly and firmly reserving on the other hand the undeniable and indispensable role of the non-governmental province in our nation's pattern of existence and progress.

Both Lincoln and Hoover believed in a limited role for the federal government. Every schoolboy knows Lincoln's assertion that government should do only what the people cannot do for themselves or do so well. Hoover put it this way: "Mastery of government cannot be extended over the daily life of a people without making it the master of their souls and thoughts.

Sophocles—"One must wait until evening to see how splendid the day has been."

REFORMING THE GRAND JURY

HON. JOHN CONYERS, JR.

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 3, 1977

Mr. CONYERS. Mr. Speaker, it has frequently been observed that the grand jury is one of the most powerful yet least accountable institutions in the criminal justice system. A witness may be ordered to appear anywhere at a moment's notice without being told the nature of the inquiry. Any and all questions may be asked, pertinent or not to the investigation at hand. Witnesses whom prosecutors consider uncooperative may be jailed for contempt without recourse to a jury trial. Rarely is the record of grand jury proceedings available to witnesses. Though proceedings in theory are secret, testimony is frequently leaked. Prosecutors enjoy virtually unchecked powers. Mr. Justice Black's observation more than 20 years ago that grand juries "are the breeding place for arbitrary misuse of official power" has been confirmed time and again by its practice in recent years.

The systematic abuse of the grand jury and the means to reform it are the subject of an extraordinarily lucid and intelligent book, "The Grand Jury: An Institution on Trial," written by Federal Judge Marvin E. Frankel and Gary P. Naftalis, former U.S. Attorney for the Southern District of New York. As the House Subcommittee on Immigration, Citizenship and International Law, chaired by Representative JOSHUA EILBERG, considers the first comprehensive reform of the grand jury system, the Frankel/Naftalis study should play an important role in our efforts at reform. For this reason I commend to my colleagues two excellent reviews of the book, one by Sidney L. Willens, appearing in the Kansas City Times, the other by Victor Navasky, appearing in the New York Times.

The articles follow:

REFORMING GRAND JURIES AN URGENT NEED

(By Sidney L. Willens)

Did you visit a cocktail lounge or country club recently? Do you travel? Do you play tennis or golf? With whom? By the way, who are your friends? What kind of people are they?

Imagine yourself being asked these questions under oath in a closed room. A federal prosecutor is quizzing you. Your audience is composed of 23 average citizens who don't know why the questions are being asked. Neither do you.

It's nobody's business who your friends are, you say. After all, you committed no crime. You want a lawyer. Sorry, you can't have one. Either you answer the prosecutor's questions or risk going to jail.

You finally answer the questions. But you are careful. You are nervous. Nobody told you what the grand jury is investigating. After all, there are thousands of federal crimes and regulations. You may innocently say something untrue. The prosecutor may believe you lied when you didn't intend to. You remind yourself perjury is a crime all by itself. You tell the prosecutor everything he wants to know the best way you know how. You leave the room, relieved that the ordeal is over.

Next morning a newspaper quotes the prosecutor as saying you are a part of an investigation into "criminal activity." You are hopping mad. You want to sue somebody. Your lawyer says a lawsuit is futile.

"But the prosecutor ruined my reputation," you say. "Don't I have any rights?"

"Not before a grand jury," your lawyer replies. "A grand jury is the only federal accusatory body recognized by the Constitution."

Your lawyer patiently explains that prosecutors tell a grand jury what they want it to hear. A grand jury witness appears without a lawyer to answer questions prescutors want to ask. Everything is secret. At least it's supposed to be. But frequently prosecutors leak grand jury testimony inside courthouses and to the news media. The law permits a grand jury to hear everything, including gossip. Even hearsay evidence can trigger an indictment.

You've heard enough from your lawyer. But you still can't understand why American citizens are sitting ducks for hundreds of United States attorneys and their assistants across the nation. A grand jury, you learned from English history, is supposed to shield citizens against nasty prosecutors.

You are right. So say federal Judge Marvin E. Frankel and Gary P. Naftalis, a former assistant United States attorney. They are authors of "The Grand Jury," with a subtitle, "An American on Trial." Frankel is the judge who stirred law enforcement officials last year with another book, "Criminal Sentences: Law Without Order."

Judge Frankel and Naftalis concede that the 800-year-old grand jury system, abolished in England 44 years ago, is a "terrifying weapon" that "badgers, traps, scars and defames grand jury witnesses."

What can be done about it? The authors say those who want to do away with the grand jury system are wrong. To abolish the system requires changing the "indicting function" of the Fifth Amendment. Nobody has tinkered with the Bill of Rights ever. The authors don't want to start now. It's too dangerous a precedent.

Their book calls for an overhaul of the federal grand jury system. The authors remind us that a grand jury is really an arm of the court. So federal judges should tell grand jurors of their power over witnesses, documents and subjects to be investigated.

"The Grand Jury" calls for a lawyer for every grand jury witness who wants one inside the grand jury room. But regulate the lawyer's role, the authors say. Don't let a defense lawyer turn a grand jury proceeding into a slugging match. Provide a lawyer at public cost to any grand jury witness who can't afford one.

What galls the authors of "The Grand Jury" is the way some federal prosecutors misuse a grand jury's subpoena power. A grand jury can yank you and me from one end of the nation to the other at a moment's notice. That's not fair, the authors say. Give a witness at least seven days' notice. And don't command a witness to walk into a grand jury room in ignorance. Tell witnesses the "subject matter" of a grand jury investigation.

Every witness deserves a transcript of his or her remarks inside the grand jury room. Recorded testimony might put a stop to the way some prosecutors manipulate jurors. "Supposed interest in secrecy is no argument against giving a witness a transcript," the authors write. "The embattled witness should have an opportunity to correct innocent errors in testimony."

When all is said and done, the authors add, there is too much secrecy and too little secrecy in grand jury proceedings. Prosecutors leak testimony often. The authors call for a law to permit a grand jury witness to sue prosecutors without proof of "actual damages" if it can be shown a prosecutor maliciously leaked testimony.

In Congress and across the nation movements are afloat to abolish or reform the grand jury system. After reading "The Grand Jury" you will probably be persuaded to keep the grand jury system, but only if Congress follows the recommendations of Judge Frankel and Gary Naftalis. Meanwhile you can hope no federal marshal with a grand jury subpoena knocks on your door.

NOT SO GRAND

(By Victor S. Navasky)

Back when New York City was believed to be on the brink or bankruptcy, I heard only one persuasive argument for default: That Marvin E. Frankel, United States District Court Judge, would be virtue of presiding over the proceedings replace Abe Beame as our *de factor* Mayor.

The last time out Frankel, one of our nation's most thoughtful jurists, gave us "Criminal Sentences: Law Without Order," a brief but compelling call for sentencing reform which quickly became the conventional wisdom. (He then outraged those who had praised his guidelines by following them—his sentence of Bernard Bergman, the nursing home miscreant, was informed by the evidence as presented in the court of the Southern District of New York rather than the court of public opinion.)

Now he has teamed up with Gary P. Naftalis, formerly an Assistant United States Attorney for the Southern District, to update an analysis of the grand jury which originally appeared as a special issue of The New Leader magazine. Written *for* rather than down to, what lawyers like to call The Layman, it is a model of its kind, i.e. concise, clear, fair and as logical as the life of the law permits.

First, there is a brief section tracing the origins and development of the grand jury, including some significant if unfamiliar information. Contrary to the cliche, it was originally conceived 800 years ago not as a shield to protect the innocent against arbitrary prosecution. Rather, the first grand juries were drawn from the neighborhoods in which they sat and the grand jurors themselves supplied their own "evidence." Frequently acting on rumors and gossip—a sort of trial by *yenteh*—the grand jurors would decide whose arm to dip in the scalding water under the prevailing "trial by ordeal." Not until 1681, when a grand jury refused to obey King Charles II's wish that they indict the Earl of Shaftesbury (a Protestant who opposed the King's attempt to re-establish the Catholic Church in England), did it establish its theoretical role as a shield against oppression.

Next, there is a section contrasting "Theory and Practice." In theory, grand juries determine if there is "sufficient evidence to warrant putting the subject of an investigation to trial, where the question of guilt or innocence is determined." In fact, as constitutional lawyer Frank Donner (whom the authors curiously neglect) has pointed out, during the Nixon years the Justice Department tried to establish a "grand jury network" whose purpose was less to solve crimes than to compile dossiers. In theory, grand jury deliberations are secret, thereby protecting the innocent and also insuring maximum freedom and noninterference with grand jury deliberations. In fact, as Mario Biaggi and other victims of the process will attest, they can be about as secret as a Bella Abzug whisper, with the prosecutor leaking only that information he has not already announced in a press conference.

In theory, special grand jury reports can perform something of an ombudsman function (the authors cite the Watergate grand jury report with reference to President Nixon). In fact, grand jury reports, as the authors indicate, pose grave dangers of largely unanswerable character assassination and vigilantism.

After exploring the implications of grand jury selection, composition and procedures, the authors consider "Problems and Prescriptions." They carefully list the pros and cons for each proposed reform and then render their verdict: They would guarantee witnesses' rights by such devices as permitting counsel in the grand jury room, making transcripts available to grand jury witnesses, prohibiting prosecutor press briefings and imposing substantial fines on public officials convicted of leaking grand jury proceedings.

But suppose a prosecutor subpoenas a witness knowing that the witness—out of loyalty or fear—will refuse to cooperate. Should the witness be called, granted compulsory immunity and jailed for contempt? The authors say don't call him, but instead of considering the social policy implications of granting compulsory immunity they assume its inevitability and move on to discuss what ought to be its scope (and they favor cutting down penalties for noncooperation). On these and other issues, such as whether a grand jury's failure to indict ought to preclude subsequent grand juries from indicting on the same evidence, the authors are reluctant to go with the reformers. Should prosecutors be required to introduce exculpatory evidence in grand jury proceedings as a means of protecting defendants? "The cure may be worse than the disease."

The evidence of abuse—even as presented by the fair-minded Frankel and Naftalis—would seem to pose a greater danger than the reforms they endorse can correct. And yet they are content to reform rather than abolish. Their two main reasons: First, if the grand jury disappears, the indicting and investigative functions, including the power to compel testimony, will exist elsewhere, and who is to say any of the alternatives are better? A fair enough argument, but it makes one wish that the authors had included a comparative analysis of the experience of the English, who abolished the grand jury in 1933.

Second, they argue that one doesn't tinker with the Bill of Rights. (Grand jury abolitionists in the Congress would amend the Fifth Amendment, a revision which would be the first change ever made in the Bill of Rights.) For me this is the more persuasive argument. But that's because once our Congressional geniuses start to whittle away at the Fifth Amendment one suspects that they will not stop with the grand jury clause.

The grand jury, which does by compulsion what Woodward and Bernstein can only do by stealth, which can stigmatize by subpoena, harass with impunity, embarrass with publicity and entrap with abandon (via contempt proceedings for reluctant witnesses) demands systematic and sustained attention. In the absence of Robert Redford and Dustin Hoffman at our neighborhood theater in "The Grand Jury Story" we can be grateful for Frankel and Naftalis at our neighborhood bookstore.

SECRETARY CALIFANO REITERATES STRONG HEW COMMITMENT TO HMO GROWTH

HON. CLAUDE PEPPER

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 3, 1977

Mr. PEPPER. Mr. Speaker, on October 27, I introduced the Health Main-

tenance Organization Amendments of 1977, to encourage the growth of HMO's with a commensurate enrollment of medicare and medicaid beneficiaries.

On that same day, in two different addresses, Secretary Joseph Califano praised HMO's as providers of health services and pledged HEW efforts to make this form of health care available to all Americans. In an address at the LBJ Foundation luncheon in New York, he said:

Today, I want to voice a national commitment: We intend to give impetus to this idea nationwide. We intend to help make it possible for every American citizen to have the option of joining a health maintenance organization.

Earlier that day, the Secretary delivered a speech on the occasion of the Federal qualification of the Kaiser-Permanente Health Plan, the originator of pre-paid health care, which now provides health services to more than 3.25 million Americans in six States.

The bill I have introduced, H.R. 9788, would promote the systematic development of health maintenance organizations and enable them to better serve the poor and the elderly. It is consistent with these recent announcements that HMO development will be remobilized, and I am hopeful that it will receive early and favorable consideration by the Congress.

Briefly, my bill would:

Establish a grant program for up to 75 percent of construction costs, but no more than $2.5 million, for facilities for ambulatory services for HMO enrollees who live in medically underserved areas.

Establish, through a revolving fund, a program of loans to HMO's to cover up to 90 percent of the cost of construction. No project would receive more than $2.5 million in combined loan and grant funds.

Allow the Secretary of HEW to waive the current prohibition against HMO enrollment of more than 50 percent medicare-medicaid members and require States to offer medicaid recipients the option of membership in qualified HMO's, with a negotiated prepaid risk contract.

Allow HMO's to receive prospective per capita payment, determined by the Secretary, for services provided to medicare beneficiaries under both parts A, hospital insurance and B, supplementary medical insurance. The negotiated payment would reflect the greater utilization of health services by the elderly. HMO's would be required to use any savings to reduce premiums or expand benefits, such as home health care, adult day health care, and other services which prevent institutionalization of the elderly.

Grant nonprofit HMO's tax-exempt status under the Internal Revenue Code to make them eligible for tax-exempt donations and to enable them to attract physicians through the deferred compensation arrangements permitted under the code.

Expand the concept embodied in the current HMO law and further eliminate undue restrictions by providing that Federal law supersede State laws, excepting applicable criminal laws, general laws of incorporation, and building codes.

Mr. Speaker, I am gratified by these and other statements which have emanated from the Department of Health, Education, and Welfare. Earlier this year, Under Secretary Hale Champion stated:

My view is that HMOs offer significant promise both in terms of quality and of cost, and that they can help us overcome several of the severe shortcomings of the present health care system.

Leaving no room for doubt about the Department's commitment, Mr. Champion announced:

We are going to get about the business of stimulating the development of more HMOs—and we're going to stay in that business!

Mr. Speaker, I include the text of Mr. Califano's address at the Kaiser-Permanente qualification ceremony, along with excerpts from his speech at the LBJ Foundation luncheon, at this point in the RECORD:

STATEMENT BY SECRETARY JOSEPH A. CALIFANO, JR., ON THE OCCASION OF THE FEDERAL QUALIFICATION OF THE KAISER-PERMANENTE HEALTH PLAN, OCTOBER 27, 1977, NEW YORK, N.Y.

Good morning, ladies and gentlemen.

Today is an important milestone in the Department's effort to give all Americans the opportunity to obtain health care from prepaid comprehensive medical plans, or Health Maintenance Organizations (HMOs), as they are more popularly known.

As most of you know—but which, unfortunately, many Americans do not understand—a typical HMO provides a broad range of high quality medical benefits, including physicians' services and hospitalization, for a prearranged, prepaid fee. Unlike the usual arrangements between a patient and physician (or the insurance company), under which the doctor is reimbursed for each service rendered—the HMO receives a flat fee for all medical and hospital services. The HMOs fee does not increase—no matter how much care or how many tests the patient needs, including hospitalization.

These are some of the advantages of HMOs to us:

First, because the HMO receives a flat fee for all medical and hospital services, it has an incentive not to engage in excess hospitalization, not to run duplicative or unnecessary tests, not to refer a patient to an unnecessary specialist. The HMO pays for wasteful and unnecessary procedures, not the patient. The cost savings are impressive—and so is the quality of care, often exceeding the quality of fee-for-service care by an individual doctor.

HMO patients are hospitalized 30 to 60 percent fewer days than patients covered by traditional insurance plans.

In one study of hospital use, Federal employees enrolled in HMOs used 383 hospital days a year per 1,000 members, while Federal employee Blue Cross subscribers used 724 days per 1,000 members.

That same study showed that enrolled members of the Genesee Valley Group Health Association, a qualified HMO in Rochester, New York, used less than 60 percent of the hospital days per thousand members used by Blue Cross subscribers in that community.

And those enrolled in Kaiser's northern California plan use hospital days at a rate less than half that applicable to the general population of the state.

Last year, this nation spent more than 45 billion dollars for hospital care. Just reflect on the fact that the evidence demonstrates that HMOs reduce hospitalization by up to 40 and 50 percent: A ten percent reduction in hospitalization last year would have resulted in an immediate $2 billion saving for American taxpayers and American consumers last year and, over time, a saving of much more.

But it is not only because of these cost savings—dramatic as they are—that we are committed to HMO development.

The second, equally important, attraction of HMO care is its emphasis on quality and prevention. The quality of HMO care is excellent, since doctors practicing together share knowledge, seek each other's opinions, and provide broad medical services that far exceed the sum of the parts.

HMOs exercise preventive care through periodic examinations, health and nutrition education, and well-baby care. They tend to identify illness early, to treat it as efficiently as possible and avoid the need later on for more costly treatment, including hospitalization.

HMOs make it easy for people to get the care they need, when and where they need it. People enrolled in HMOs know their entry point into the health care system—they do not have to search out a specialist or worry about where to go after hours or on weekends. The HMO makes provision for full-time coverage and it arranges necessary referrals.

Third, HMOs promote continuity of care and make health planning more efficient. At the beginning of the year, the HMO has a good idea as to the number of people it will be serving and can arrange for hospital beds and specialists accordingly. The consumer knows the total cost of services in advance.

Finally, HMOs offer competition to a system badly in need of it. They are demonstrating that they can compete—on a price and quality basis—with fee-for-service doctors and complex insurance policies that cover some fee-for-service medical and hospital care.

As Kaiser and other HMOs scattered across the country, including those in New York, New Jersey and Connecticut, have proven beyond a reasonable doubt, HMOs are not experimental demonstration projects. They are established and respected providers of good quality, comprehensive and cost-effective health care, and the American people deserve more of them.

Given such great potential, why haven't HMOs developed more rapidly? The answer to that question, unfortunately, is found, in large part, right in the Department of Health, Education, and Welfare.

When we arrived at HEW, the Federal government seemed to be doing all it could to make it difficult, if not impossible, to qualify as an HMO. Federal qualification is essential for a developing HMO to gain access to the market of health benefit care purchased by employers. Qualification is necessary to obtain certain federal loans and loan guarantees. It facilitates Medicare and Medicaid contracting.

So cumbersome had the requirements become, so unwieldy the paperwork, and so fragmented and understaffed the organization in HEW to run the HMO program, that the line for becoming a federally qualified HMO was much too long. We were receiving four completed applications a month, but only rendering a decision on two or less. The backlog at one point reached 52 pending applications. The HMO qualification office was too short-handed to get the job done.

And the job was enormous. Kaiser's applications, for example, took six months to prepare, weighed over 600 pounds and stood almost six feet tall.

Grants and loans for HMO development were handled out of one office; the qualification process out of an entirely different one. Needed HMO regulations took years to write and publish.

We have tried to correct this situation and bring a new attitude to bear toward HMOs—one that is consistent with our hopes for the future of this movement.

We are making some progress:

Since June, 1977, we have cut the qualification line by almost 40 percent, by assigning additional staff to this effort and by plain hard work. We are streamlining the entire qualification process, and trying to avoid the voluminous paperwork of the past.

We have decided to consolidate the operations of the grants and loan office, as well as the qualification and compliance office, under the administration of a single Director of Health Maintenance Organizations who will be announced, I hope, within the near future.

By the end of next week we will publish, in the Federal Register, new regulations governing grants and loans, Medicare and Medicaid contracting—finally implementing the HMO Amendments of 1976.

By the end of this year, we intend to publish, for the first time, guidelines to help state and local planning agencies recognize the special needs of HMOs when these health plans request certificates of need. These guidelines will be designed to encourage HMO development and expansion, which has often been thwarted by local Health Services Agencies applying rules of thumb designed for expansion in the fee-for-service sector. These guidelines are an essential step to allow the HMO movement to develop to its full potential.

Later today, I will announce some other steps, aimed at enlisting the support of business and labor in developing HMOs.

What better model for such cooperation could we point to than the Kaiser-Permanente Health Plans? Born out of the foresight and common sense of Dr. Sidney Garfield, Edgar Kaiser and his father, Henry J. Kaiser, it stands today as a living example which can and should be duplicated across the nation. From its beginnings on the California desert serving aqueduct workers in 1933, from Edgar Kaiser's fateful request of Dr. Garfield to provide medical and hospitalization services on a prepaid basis to the Kaiser construction workers erecting the Grand Coulee Dam, has arisen the classic model for HMO development.

Kaiser-Permanente today provides high quality, prepaid medical services in California, Colorado, Ohio, Oregon, Washington and Hawaii to more than 3¼ million people. They have chosen its services because of their quality, accessibility and cost. In Northern California, for example, nearly 23 percent of the eligible civilian population has chosen to sign up with Kaiser. The six plans own and operate twenty-six general hospitals with 5,711 beds; sixty-eight outpatient centers, representing more than $616 million in capital investment. They use the services of more than 3,100 full-time physicians through the Permanente Medical Groups and 27,000 other employees.

This is big business even within the third largest industry in the country. Kaiser-Permanente is the largest non-governmental provider of medical services in the world.

So it is with great pleasure that I today welcome the Kaiser groups as Federally qualified HMOs. In many ways, it marks the coming of age of the Qualification Program. In September, 1975, almost two years after enactment of the HMO Act, there were only four Federally qualified HMOs with a total enrolled membership of 8,600. Yesterday, there were 43 Federally qualified HMOs serving approximately 615,000 people. After today's signing ceremony we will have 47 Federally qualified HMOs serving more than 3.8 million people.

But before we proceed, I want to acknowledge the presence here this morning of two of the principal founders of the Kaiser-Permanente Plans—Dr. Sidney Garfield and Mr. Edgar Kaiser.

I will speak of Dr. Garfield's accomplishments later today. So I am sure he will forgive me if I take the liberty of introducing instead Mr. Kaiser, Chairman of the Board of the Kaiser Foundation Health Plan and the Kaiser Foundation Hospitals, and one of America's foremost industrialists.

We will remember him as a productive and innovative manager and entrepeneur. We will remember his stewardship of the Kaiser shipyards in Portland during World War II and the production under terribly trying circumstances of the immortal "Liberty" ships. We will remember him as the mass manufacturer of the Kaiser jeep. We will remember his civic and community involvement; his chairmanship, for example, of President Johnson's National Committee on Urban Housing. But it is my belief that the crowning achievement of Edgar Kaiser's career—the true innovation and accomplishment for which he will be forever remembered—was his vision in launching prepaid health plans in America. Forty years later, corporate America is beginning to understand the significance of his accomplishment. Edgar Kaiser gave us the blueprint; he built the model and proved that it could work; now it is up to us to follow his example.

Mr. Kaiser, we thank you and Dr. Garfield for your vision, your patience and perseverance. You have shown us that it can be done, and we are grateful.

REMARKS OF JOSEPH A. CALIFANO, JR., BEFORE THE LBJ FOUNDATION LUNCHEON

Today, I want to voice a national commitment: We intend to give impetus to this idea nationwide. We intend to help make it possible for every American citizen to have the option of joining a health maintenance organization.

Why do we in government consider this so important?

A Health Maintenance Oragnization provides a comprehensive range of medical benefits, including physicians' services and hospitalization, to its enrolled members and their families for a prearranged, prepaid fee. Unlike physicians in the fee-for-service system—who only get paid if they furnish more care, and who get paid more if they furnish more expensive care—the HMO has an incentive not to engage in wasteful hospitalization; not to run repetitive or unnecessary tests, not to refer patients to an unnecessary specialist. The results are impressive:

HMOs can reduce hospitalization by 30 to 60 percent below other insurance plans.

Because hospital expenses represent almost 40 percent of all medical costs in the United States, simply eliminating excess hospitalization could save the government and patients billions of dollars.

The quality of medical care in HMOs is excellent: doctors have strong incentives to give good care. HMOs emphasize preventive care—periodic examinations, medical education, good nutrition, well-baby care.

HMOs encourage access to health care; promote continuous, coherent care, not sporadic, episodic care. And because the consumer knows the cost of services in advance and all at once, competition is possible. This is the way the whole system should be moving, instead of simply reimbursing people for the cost of episodic visits to treat ailments, when they reach the acute and more expensive stage.

Earlier today, at a ceremony granting Federal recognition to the Kaiser Health Plans, I outlined some steps we are taking within government to encourage the development of HMOs: steps to eliminate red tape and other obstacles.

Let me announce now a major action with far-reaching potential. I am today writing to the chief executive officers of the five hundred largest corporations in America to urge them to offer HMO membership to their employees whenever possible and to take the lead in developing HMOs for their employees.

I am also inviting each of the 500 largest corporations to send representatives to a conference in Washington on February 7 to explain the advantages of HMOs and discuss how we can work with them to make available HMOs for the employees of every large employer in this nation and to establish a network of compatible HMOs so that benefits will be easily portable. They will be joined by health industry experts, government officials and labor representatives.

This conference will give them an opportunity to advise me as to any problems they encounter in trying to develop an HMO; and to let me know how they think we in Washington can encourage their efforts—with information, technical assistance or other resources.

To each profit-squeezed, cost-conscious executive of a major company in this nation, I would put the following question: Why not provide the same high-quality health care that your employees are now receiving for 10 percent, 20 percent, 30, or even 40 percent less than you are now paying?

So the modest idea that occurred to Sidney Garfield in the Southern California desert a generation ago became a national monument to his vision.

And so another achievement fostered by the Kaiser family enters American history, along with the Grand Coulee Dam and the liberty ships of World War II. And this achievement may be the most memorable of all.

The health care plan that Sidney Garfield and Edgar Kaiser launched forty years ago is now an idea that enriches life for millions of Americans. It is, in 1977, an idea whose time has come: an idea worthy of serving millions more.

We are going to do our part to encourage that idea.

CONGRESSIONAL REUBLICAN LEADERSHIP UNIFIED IN FEC CONTROVERSY

HON. GUY VANDER JAGT

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 3, 1977

Mr. VANDER JAGT. In recent days, Mr. Speaker, I am certain that all Members of the House have read or heard of the hearings involving nominees for the Federal Election Commission before the Senate Committee on Rules and Administration. All of us in this body have more than a passing interest in the Federal Election Commission and its future. And, of equal importance, we must make certain that its integrity and credibility as a bipartisan commission, though the most politically sensitive commission in existence, be protected.

I want to take this opportunity to report on more recent developments on this vital issue of appointments proposed by the President. This afternoon, I met personally with Senate minority leader HOWARD BAKER to present him a message from 127 Republican Members of this body. These signatures were gathered just last night.

The thrust of our message to Senator BAKER was to assure him of the broad and strong support that he has in the House in leading the effort to withhold confirmation of Mr. Sam Zagoria—the Republican nominee for the FEC named by the President and members of his White House staff—not by the congressional Republican leadership.

This action by the President violated the agreement he had reached with Senator BAKER and House minority leader JOHN RHODES in February of this year that Republican nominees to the FEC would be made on the basis of the Republican leadership in Congress submitting a list of names from which the President would make a selection. The Republican leadership learned of Mr. Zagoria's nomination from a newspaper article. Let me stress, we do not have any reason to believe that Mr. Zagoria is not a decent and honest person, but he is obviously not the choice of Republicans in the Congress and their Republican leadership.

Senator BAKER assured me that he would fight the nomination of Mr. Zagoria with all his power—but certainly not on any personal basis.

So that all Members can better understand the implications of this very serious and grave matter, I am honored to insert at this time the statements made by both Senator BAKER and Congressman RHODES before the Senate Committee on Rules and Administration earlier this week. The statements follow:

STATEMENT BY SENATOR BAKER ON FEC NOMINATION

Mr. Chairman, my Republican colleagues on the Committee have already described the understanding which House Minority Leader John Rhodes and I believe existed with the President with respect to the selection of a new Republican member to the Federal Election Commission.

Just to confirm their comments and complete the record on this matter, I should like to share with the entire Committee, and indeed the nominees before us, my recollection of what the President agreed to when he met with us on February 23rd at the White House.

Due to the unique partisan nature of the Federal Election Commission, Congressman Rhodes and I sought a commitment from the President that would allow us to select the individual that he would nominate to fill the forthcoming Republican vacancy created by the departure of Mr. William Springer.

The President refused to let us designate only one person for the job. However, he did agree to select his nominee from a list supplied by Congressman Rhodes and me. Accordingly, we formulated a list of two names and forwarded it to him on March 23rd.

On May 20th, the President wrote us and made the following request (and I quote from his letter):

"I would like to have a longer list from which to consider possible candidates and I would be most grateful if you would send me some additional names, at least ten or twelve. I also expect that all of my nominess to the FEC will be generally sympathetic to the aims of the FEC and the concepts which it is charged with administering, particularly financial disclosure and report requirements and public financing."

On June 7th, Congressman Rhodes and I responded that we considered our suggested nominees perfectly capable and that the President now seemed to be imposing conditions on a previously unconditional understanding. Although we resubmitted the two names originally proposed, another name was recommended by Mr. Rhodes later in June.

That was the last we heard from the White House until it became known that the President had selected Sam Zagoria to fill the Republican vacancy.

I have told Sam Zagoria in private, and I will repeat it in public, that I have no objection to him personally, nor do I question the fact that he is a Republican. Indeed, as a member of what some have described as an endangered species, I am glad he is a Republican.

But Sam Zagoria is not the problem here. Rather, it is the fact that the President chose to ignore a commitment he made to the House and Senate Minority Leaders regarding the most politically sensitive commission in the entire country.

In a letter that John Rhodes and I sent the President last Wednesday, we stated:

"Your implicit rejection of our initial choices for this vital post apparently reflected your decision that our candidates' views be those of a Democrat wearing a Republican label. We are disappointed that you chose to ignore our agreement because it breaches the spirit of the law and because it is a break with the practice instituted by President Ford when, in naming Democratic appointments to the Commission, he conferred with and accepted the recommendations of the Democratic Leaders in the House and the Senate.

"One may seriously ask the question whether it serves any purpose at all to have bi-partisan commissions if the membership is to be stacked to accommodate only the view of the White House and the Majority Party in Congress. Your action sadly appears to be an evasion of legislative intent and another step on the road to the imposition of one party rule."

In short, Mr. Chairman, Republicans have been had and I, for one, intend to do everything in my power to see that it does not happen again.

(I ask unanimous consent that copies of the aforementioned correspondence be included in the hearing record at this point.)

TESTIMONY BY THE HONORABLE JOHN J. RHODES

Thank you, Mr. Chairman, for the opportunity to testify before this Committee on the nomination of Mr. Sam Zagoria to be a member of the Federal Election Commission. I have requested this time because I believe this nomination, and the selection process which led to it, carry the gravest implications for the future integrity and viability of our political and electoral system, and for the health of our two party system.

My concerns have less to do with Mr. Zagoria than with the process by which this nomination was arrived at and sent to the Senate. Let me say that my testimony in no way should be construed as a personal attack on Sam Zagoria. I have met him and he appears to be a very able gentleman.

However, I wish to draw to the attention of this Committee two very important factors which I believe bear heavily upon this nomination, or for that matter, any nomination to the Federal Election Commission.

First, I believe this nomination fails to take into consideration the very clear Congressional intent as to the bi-partisan nature of the F.E.C., and the importance of it having a truly bi-partisan membership.

Second, the manner in which this nomination was arrived at violates an agreement reached by the Senate Minority Leader and myself with the President on February 23, concerning the very position this nomination is to fill.

The Commission, as you know, was created originally under the provisions of the Federal Election Campaign Act of 1974 to enforce the new regulations governing campaign contributions and expenditures that were established by the Act.

In recognition of the very critical and sensitive role the new FEC would play in the electoral process—its ability to affect the outcome of a campaign through its powers to investigate complaints and issue rulings and opinions—the language pertaining to the Commission was very explicit as to the manner in which its members should be chosen.

The question of campaign financing was the subject of extended discussion throughout the Nation and here in the Congress. As I recall, the Senate devoted nearly three weeks, from March 21 to April 11, to consideration of S. 3044, the bill reported out by this Committee. There were numerous amendments introduced to change various aspects of contributions and expenditures.

But, and I consider this very significant, nowhere in any of the pages of the RECORD do I find any amendments that differ as to the makeup and selection process for the Commission. Even Senators Clark and Dole, who introduced widely differing and comprehensive amendments, used virtually identical language in the sections of their respective measures concerning the selection and makeup of the commission.

That language, as well as the language in S. 3044, said that the Commission should include two members to be named by the President Pro Tempore of the Senate, upon the recommendation of the Senate Majority Leader and the Senate Minority Leader, and two members to be named by the Speaker of the House, upon the recommendation of the House Majority Leader and the House Minority Leader.

In all of the thousands of words of debate on S. 3044, I have been unable to find a single question raised as to the bi-partisan nature, and the bi-partisan selection process for the members of the Commission. In other words, it was so obvious to all that both the Majority and the Minority should participate in selecting the members of this highly sensitive Commission that it required no discussion. It went without saying.

After President Ford signed the bill into law, he appointed the Commission members upon the recommendations made pursuant to the legislative requirements. However, as we all know, the Supreme Court later ruled that the selection process violated the Constitutional doctrine of separation of powers. The legislative result was to make the President solely responsible for nominating the Commission members, subject to the advice and consent of the Senate, and with the requirement that no more than three of the six members could be affiliated with the same party. I should note here that to further buttress the importance Congress attached to the bi-partisan nature of the Commission, it required that the chairman and vice-chairman could not be affiliated with the same party.

The debates in 1976 on the legislation to reconstitute the FEC in conformance with the Supreme Court ruling also took virtually for granted the bipartisan question. To the extent it was addressed, it was to reinforce the need for fairness and for strict compliance with the intent of Congress. For example, House Majority Whip John Brademas, in addressing the House on March 30, 1976, said in part, and I quote:

"It needs hardly to be emphasized that the election process is the keystone of the American democracy. It is, therefore, imperative that the laws governing our elections be administered and enforced with unquestionable fairness and in strict compliance with the intent of Congress."

Even though President Ford was left with virtually a free hand in nominating the Commission members, he nevertheless honored the clear intent of the Congress to have the Majority and Minority Leaders participate in the selection process by simply reappointing the previously recommended members.

When Senator Baker and I met with the President last February 23, it was principally for the purpose of discussing the Republican vacancy on the Commission that would fall due on April 30th. We discussed the critical and sensitive role of this Commission, which would have virtual power of life and death over candidates for federal office. We described the selection process developed by the Congress. We noted that President Ford

had honored the intent of Congress by accepting—even after the Supreme Court ruling—the recommendations of the Majority Leaders of the House and Senate as to Democratic members of the Commission. We requested of the President that he afford the Minority Leader the same courtesy of accepting our recommendations to this very important position.

The meeting ended with an agreement that Senator Baker and I would submit jointly a list of names to the President and that the nominee to fill the Republican vacancy would be selected from that list. On March 23, we forwarded to the President a list containing the names of two individuals we considered to be the best qualified for the position in terms of their experience in the law and their understanding of the responsibilities to be discharged by this Commission.

On May 20, the President responded with a request for an additional ten or more names and appended a set of criteria which had not been part of the February 23 discussion or agreement. The pertinent paragraph from that letter, which I request be made a part of this hearing record, reads as follows:

"I also expect that all of my nominees to the FEC will be generally sympathetic to the aims of the FEC and the concepts which it is charged with administering, particularly financial disclosure and report requirements and public financing."

The President was now demanding a Republican nominee who was sympathetic to public financing of federal elections. Apart from the fact that there are serious divisions on this question, not only among Republicans, but among Democrats too, I also submit that this criterion is irrelevant to the present mandate of the Commission. The question of public financing remains very much an unresolved public issue.

On June 7, Senator Baker and I responded in a letter which I also would like to make a part of this hearing record. In our letter we noted that the President appeared to be placing additional conditions on the nomination beyond those which we understood had been agreed to at the February 23 meeting.

As we wrote to the President, "Our agreement, we believe in its entitrety, was that because of the unique special partisan role to be played by the Republican member of the Election Commission, that the Minority Leaders of the House and Senate would submit such nominations for your special consideration. There were no conditions."

We urged the President to give further consideration to the recommendations we had previously made. However, when it became apparent that the President would not entertain those recommendations—neither individual was even interviewed by the White House—I later submitted a third name for consideration. I should note here that Sam Zagoria was not among the three individuals whose names were submitted.

On June 17, the White House acknowledged receipt of our letter of June 7. That acknowledgement included an assurance that Senator Baker and I would be notified when the matter was discussed. That acknowledgement was the last communication we received from the White House on the nomination of a Republican member to the Federal Election Commission.

After an agreement with the President that the Republican member would be selected from a list of candidates submitted by Senator Baker and I, and after being assured that we would be notified when the matter was discussed, we learned of the nomination of Sam Zagoria by reading it in the Washington Star of October 19.

I cannot speak for Senator Baker, but I certainly was never officially informed that Mr. Zagoria was being considered for this position. I have no idea where, or with whom, his nomination originated. I presume that he is a registered Republican and I understand that he served for a time as an aide to Senator Case. But, I am not aware that he has ever been an active participant in the Republican party, although he may have worked for individual Republicans.

I am not here to question the sincerity or the integrity of Sam Zagoria. However, I see nothing in his record that indicates the familiarity with federal campaign law that is so essential, both to a proper discharge of the Commission's responsibilities, and to the adequate protection of the interests of Republican candidates and campaign workers who will be affected by the Commission's rulings.

The Democratic members of this Commission should be hard-working, card-carrying, dedicated members of the Democratic Party. And, I expect that Jimmy Carter will, in his nominations to fill Democratic vacancies, ensure that they are. However, the Republican party is entitled to receive no less dedication from the members who are designated to represent the interests of its candidates.

Both the Senate and the House recognized the importance of this matter by clearly spelling out a selection process that included participation by the Majority and Minority Leaders of both bodies. The Supreme Court ruling in no way invalidates the intent of Congress that this Commission be truly bipartisan in its makeup, and in the outlook of its members.

As matters now stand, however, we are confronted with the prospect of having the President, who is the leader of the Majority Party, makes the determination of who shall be a very important spokesman and advocate for the Minority Party. It belies all concepts of fair play.

Considering that President Carter will be sending up yet another nomination to fill a Republican vacancy in 1979, today's nomination, if permitted to stand, also will establish a precedent with very serious implications for the future of our two party system.

Unless steps are taken to persuade the President to reconsider this nomination, we will be witnessing the flouting of very clear intent on the part of the Senate and the House, and the first steps towards the improper politicization of this Commission. This would be a long step toward the imposition of one-party rule in this country.

BANKRUPTCY-TAX BILL

HON. DON EDWARDS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 3, 1977

Mr. EDWARDS of California. Mr. Speaker, today I have introduced a bankruptcy-tax bill. This bill contains the various bankruptcy-related tax provisions that were deleted from H.R. 8200 and its predecessors at the request of the Ways and Means Committee. These provisions include amendments to the Internal Revenue Code as well as substantive tax provisions that appear in the bankruptcy code proposed by H.R. 8200.

The bill consists of three titles. Title I contains substantive and procedural amendments to the Internal Revenue Code. The provisions all relate to the bankruptcy and insolvency sections of the code, including such matters as taxability of forgiveness of indebtedness, taxability of reorganizations, and assessment of taxes in the event of the bankruptcy of the taxpayer. Title II of the bill contains technical amendments to the Internal Revenue Code. The sections in title II change such things as cross-references to the Bankruptcy Act, and bankruptcy-related terminology that appears in the code. Title III of the bill contains the four substantive tax sections of the proposed bankruptcy code from H.R. 8200. During Judiciary Committee markup of H.R. 8200 on September 8, these four sections were made inapplicable to Federal taxes. The amendments made by title III of this bill restore the Federal tax aspects of those four sections without making any other changes in the substantive content of the sections.

All of the provisions of this bill were at one time or another part of the series of bills that culminated in H.R. 8200, as reported. They were deleted in order to avoid a sequential referral request by the Ways and Means Committee. Our discussion with Ways and Means resulted in an agreement whereby that committee would undertake to review and act upon a bill separate from H.R. 8200 to handle the tax problems connected with the bankruptcy law revision. We agreed to recommend the tax law changes that we felt necessary in light of balanced bankruptcy and tax policy. Our recommendations were to be in bill form.

This is the bill I have introduced today. It is cosponsored by all of the members of the Subcommittee on Civil and Constitutional Rights. It represents our best thinking on the tax aspects of bankruptcy.

We have also prepared a committee print that contains a description and section-by-section analysis of this bill. Copies are available from the subcomittee's offices, 407 House Annex I, Washington, D.C. 20515.

LAW EXPERT ASSERTS HOUSE MUST OK CANAL TREATIES

HON. ROBERT J. LAGOMARSINO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 3, 1977

Mr. LAGOMARSINO. Mr. Speaker, renowned constitutional expert Raoul Berger has stated that the House must OK the Panama Canal Treaty:

LAW EXPERT ASSERTS HOUSE MUST OK CANAL TREATIES

A constitutional authority who supports the Panama Canal treaty said today that President Carter must obtain approval from both houses of Congress for the pact to be ratified.

"It cannot be done without the consent of the House," retired Harvard Professor Raoul Berger said in testimony before a Senate subcommittee on separation of powers.

Conservative opponents of the treaty such as the subcommittee chairman, Sen. James Allen, D-Ala., say the Constitution requires that both the House and Senate approve any disposal of federal property.

The critics believe there may be more opposition in the House than in the Senate to the agreement. It would return the Canal Zone to Panama after the year 2000 and, according to the Carter administration, would give the United States the right to defend it in perpetuity. There actually are

two treaties but they are considered indivisible.

Attorney General Griffin Bell has testified that based on the precedent of treaties signed to obtain Indian lands, there is no constitutional requirement for formal House approval of the treaty.

But Berger said Article IV of the Constitution, giving Congress the power to dispose of property, must take precedence over the authority given the president to negotiate treaties with other nations.

As a constitutional expert, Berger often voiced criticism of former President Richard M. Nixon's theories of executive privilege during the Watergate scandal.

"Long experience has led me to be skeptical of arguments by representatives of the executive branch when they testify with respect to a dispute between Congress and the president," he said today.

He urged that Congress insist that a provision be added to the treaty requiring approval by both the House and Senate.

"No agent of the people may overleap the bounds of delegated power," Berger said.

"I would remind you that congressional acquiescence encourages solo presidential adventures such as plunged us into the Korean and Vietnam wars," he added.

CONFERENCE REPORT ON S. 1339

HON. MELVIN PRICE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 3, 1977

Mr. PRICE. Mr. Speaker, on November 2. in connection with the consideration of the conference report on the bill S. 1339, the gentleman from Michigan (Mr. PURCELL) revised and extended his remarks. The gentleman's remarks may be found at page 36632 of the RECORD for November 2, 1977.

In his remarks, the gentleman from Michigan imputes a lack of sincerity, if not a lack of veracity, to the House conferees on S. 1339. The gentleman most inaccurately and wrongly states that—

On behalf of the Armed Services Committee, Mr. Price agreed that the $9.2 million added to the (laser fusion) program would be directed to civilian uses.

The gentleman further states:

Therefore, I would like to clarify for the record that the $9.2 million in the House version of this bill, as adopted by the conferees on S. 1339, is for the civil purposes recommended by the Science and Technology Committee and as agreed upon in earlier statements.

However, the conference report mentions the $9.2 million as a partial restoration of the $20 million reduction. This is absolutely not true and the Science and Technology Committee and the House voted for the $9.2 million to be used for civilian applications of laser fusion. Therefore, the conference report to accompany S. 1339 is in obvious error.

Mr. Speaker, the House conferees on S. 1339 strongly resent the implication that we have reneged on any agreement and that we have signed and recommended to the House an erroneous conference report.

To set the record straight, I will insert at this point the entire colloquy between Chairman TEAGUE and myself with respect to the authorization for the laser fusion research program. It should be clearly noted that the Committee on Armed Services agreed to accept an amendment adding $9.2 million to the program but, "deleting the proviso which had been added by the Committee on Science and Technology that 60 percent of the total of $116 million be used for civilian applications of later fusion."

(RECORD, page 28965, September 13, 1977):

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

The Armed Services Committee bill, H.R. 6566, contains $107 million for the laser fusion program. This includes $93,840,000 for laser-induced implosion fusion and $13,160,000 for electron beam-induced implosion fusion.

I must note that this committee authorization is $6 million above what the administration asked for.

The bill also contains $234.1 million for the naval reactor program.

The Committee on Science and Technology after obtaining sequential referral of the bill, reported proposed amendments to do two things as regards laser fusion research:

First, to add $9.2 million to the bill. That is $9.2 million above the $6 million our committee added—for a new total of $116 million.

Second, to require that 60 percent of the total of $116 million be used for civilian applications of laser fusion.

The Committee on Science and Technology also proposed amendments to strike all authorization for naval reactors and subsequently proposed a similar amount for the program in its own bill.

Mr. Chairman, the Committee on Armed Services does not wish in any way to intrude into the authority of the Committee on Science and Technology in regard to energy research for civilian purposes. Likewise, the Committee on Armed Services has no intention of relinquishing its historic responsibility for all military research and development.

I hope, if I can engage in a colloquy with the chairman of the Science and Technology Committee, we can clarify the legislative intent of both committees and lay the groundwork for more careful submission of these authorization requests in the future.

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

Mr. PRICE. I yield to the gentleman from Texas.

Mr. TEAGUE. On behalf of my committee, I am more than willing to attempt to clarify this jurisdictional problem. We should all recognize that the fiscal year 1978 budget submission was the first opportunity for the Committee on Armed Services and the Committee on Science and Technology to exercise their new responsibilities for nuclear energy legislation which was given to the committees by rules adopted in the 95th Congress. ERDA was not prepared to submit legislation to the two committees in a form that would coincide with their jurisdictions. Is that not true?

Mr. PRICE. That is correct.

Mr. TEAGUE. So, initially in their actions on both this bill, H.R. 6566 and the bill reported from the Committee on Science and Technology, H.R. 6796, the committees were in effect feeling their way in taking steps to assure that jurisdiction would be protected while these matters were clarified. Would the chairman agree with that statement?

Mr. PRICE. I would say that is essentially correct.

LASER FUSION

As regards laser fusion, that act provides $104 million for the program's operating expenses. This compares to the figures I indicated earlier of $107 million in H.R. 6566 and $116.2 million as proposed by the Committee on Science and Technology.

First of all, while I will not go into the technical details of laser fusion, the program at present is basically a research program to determine whether inertial confinement fusion will work. The military application of the laser fusion program involves simulating weapons effects in the lab and measuring weapons system and component vulnerability and hardness. By contrast, the civilian application of laser fusion relates to energy output. ERDA experts tell us that it is difficult to split the programs at this point since the same basic research is being used for both applications—the military application in the short term and the civilian application in the long term. It would therefore seem to be impossible to determine precisely what percent of that research is necessarily going for civilian application.

The Science and Technology Committee which has legitimate concern for the continuation of research that could eventually lead to dramatic civilian applications for laser fusion, has added $9.2 million which we agree is a modest yet appropriate addition to the authorization bill. Laser fusion applications are programs which require additional support although the amount is not great when compared with other forms of fusion and fission energy.

The Committee on Armed Services recognizes the legitimate interest of the Committee on Science and Technology and we have worked out an agreement to accept this amendment in modified form, deleting the proviso which had been added by the Committee on Science and Technology that 60 percent of the total of $116 million be used for civilian applications of laser fusion.

Mr. TEAGUE. I thank the gentleman for his cooperation, his recognition of the interest to both of our committees in laser fusion development, and feel that we have reached a reasonable compromise at this point.

Mr. PRICE. I accept that understanding and our committee will offer an amendment to the Science amendment which we can all agree on.

Mr. Speaker, as the RECORD of September 28, 1977 shows, (page 31333) the letter and spirit of the agreement between the Armed Services Committee and the Committee on Science and Technology was carried out through a substitute amendment offered by Mr. CHARLES H. WILSON of California. Mr. WILSON clearly stated, without challenge—

In the spirit of the compromise between the two committees, I am offering this substitute amendment which will add $9.2 million in additional authorization for the laser fusion program. This amendment does not make a division in the use of these funds as was suggested by the Committee on Science and Technology. I have been advised that this amednment is satisfactory to the Committee on Science and Technology.

The intent of the agreement, Mr. Speaker, was very clear. The intent of the substitute amendment, which was agreed to, was very clear. The intent of the conferees of both the House and Senate was very clearly stated in the joint statement of the managers. That intent was to restore cuts made in the basic laser fusion program of about $20 million which were made during the budget review process. We must realize that the authorization in the amount of $116.2 million for the program may be only academic, since only $104 million has been appropriated for that purpose for fiscal year 1978.

INVOLUNTARY AID

HON. FLOYD SPENCE

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 3, 1977

Mr. SPENCE. Mr. Speaker, I would like to take this opportunity to express my sincere appreciation to our distinguished colleague from Florida, C. W. BILL YOUNG for a job well done. As the ranking minority member of the House Appropriations Subcommittee on Foreign Operations, BILL deserves a lot of credit for his efforts in trying to bring about much needed reform in our foreign aid program.

I am sure BILL would be the first to admit that we still have a long road to travel before our foreign aid program is acceptable to the American people. However, through his efforts, BILL has focused national attention on the issues surrounding the foreign aid program by presenting a meaningful assessment of what foreign aid is and where it is going. I would like to call to the attention of the Members, a recent editorial in the Tampa Tribune on the efforts of BILL YOUNG and hope that all Members will take time to read it:

[From the Tampa (Fla.) Tribune, Oct. 29, 1977]

INVOLUNTARY AID

Would a majority of Americans vote to give or lend tax money to Vietnam, Laos, Cambodia, Cuba, Mozambique and Angola (all Communist controlled) and Uganda (bossed by the savage Idi Amin)?

The answer is certainly No. And the United States won't, directly. But it may do so indirectly through the World Bank, and other international aid agencies to which it contributes.

Congressman Bill Young of St. Petersburg has tried valiantly to shut off the indirect aid. As ranking Republican on the House subcommittee foreign aid appropriations, Young led a fight for legislation to prohibit U.S. funds from being used by the international agencies to aid the seven undesirables. The House voted with him last June.

Since then the Carter Administration has been wheeling and dealing with House members to remove the ban. The President this week mustered a majority against it by promising to instruct U.S. representatives in the international agencies to vote against all aid for the seven countries.

That may prove to be an ineffective measure but it is about the best that could be achieved in the circumstances. The issue came down to a choice between this nation continuing to participate in the international agencies or withdrawing. Since the agencies do help our friends among the underdeveloped countries, withdrawal would hurt more friends than enemies.

But Congressman Young has performed a service in focusing attention on the destinations of American dollars which tend to vanish from public view once they enter the channels of the international aid organizations.

He and his subcommittee can perform further service by monitoring the operations of these organizations and reporting to the public how much, if any, money is going to the seven blacklisted countries.

If the record shows American taxpayers are involuntarily helping tighten the chains on the Vietnamese, finance the massacres of Cambodians or support the barbarism of Idi Amin, the next Congress should reexamine its position.

That reexamination could find Congressman Young speaking for a new majority.

IN HONOR OF FATHER PETER KYRIAKOS

HON. RICHARD L. OTTINGER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 3, 1977

Mr. OTTINGER. Mr. Speaker, last Saturday evening, I had the pleasure of joining with a number of Westchester officials at Holy Trinity Church to pay tribute to Father Peter Kyriakos on the 25th anniversary of his ordination. The congregation did an outstanding job in preparing a delicious dinner and a most enjoyable program under the direction of Constance Arabatzis, Dr. Denis Galanakis and congregation president Zachary Marantis. The Holy Trinity Church choir sang beautifully and all of us were honored by the presence and inspiring address of His Eminence Archbishop Iakavos.

I would like to take this opportunity to share with my colleagues some of Father Peter's experiences and accomplishments. He was born on January 11, 1925 in Almyros, Greece, and arrived in the United States on December 24, 1946. He received his B.A. in theology from the Holy Cross School of Theology in 1950 and attended graduate courses in pastoral psychology at Andover-Newton School of Theology from 1950 to 1952. He was ordained a deacon on October 26, 1952 at the Annunciation Cathedral of Boston by Bishop Ezekiel of Nazianzos. He was ordained into the priesthood on November 21, 1954 at the same Cathedral by Archbishop Makarios of Cyprus.

Father Peter served at the Annunciation Cathedral in Boston from 1952 to 1961 and at the Sts. Constantine and Helen Church of Cleveland from 1961 to 1973. He has served as pastor of the Holy Trinity Church of New Rochelle from 1973 to present.

Married to the former Kay (Evdokia) Kaloutsi on August 28, 1952, they have four children: Nicholas, 23, Linda, 20, Steven, 19 and Dean, 13.

Father Peter represents the First Archdiocesan District on the National Council of Presbyters. He directs the religious radio program of the Archdiocese and serves as the Secretary of the Archdiocesan Spiritual Tribunal. He is the treasurer of the Westchester Orthodox Clergy Association, and is a member of the board and the executive committee of the New Rochelle Inter-Religious Council. Father Peter also serves on the Mayor's Clergy Advisory Committee.

Father Peter personifies quiet, caring strength. He is universally admired both as a religious and as a community leader. There could not have been a more fitting tribute.

MUSEUM SURVEY ON ARTISTS' CONTRIBUTIONS: AN UPDATE

HON. EDWARD I. KOCH

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 3, 1977

Mr. KOCH. Mr. Speaker, as many of you know, I have long been concerned about the effect of the 1969 tax laws on the donations by artists of their own works to museums and other institutions. Prior to 1969, artists who contributed their works were able to claim their donation as a charitable contribution, and could deduct the full fair market value of their donated work from their taxable income. As the value of the work increased while in the artist's possession, he was able to deduct that appreciation when he made his contribution.

In 1969, however, the Congress eliminated this deduction, and replaced it with a provision permitting the artist to claim only the cost-of-materials used in the work, when deducting a charitable contribution of his own works. At the time of this revision, there was particular concern and pressure on the Congress to close what were viewed by the public as loopholes in the tax structure. Tremendous publicity surrounded the donations of Presidential papers to libraries, which had resulted in huge tax breaks for donors. Additionally, there was some concern that the valuation process by which works of art were assigned their fair market value was not rigorous enough and invited fraud. It was to deal with these pressures that the Congress eliminated fair market value deductions for charitable contributions of written and artistic works donated by their creators, and replaced it with the cost-of-materials deduction for artists' donations.

This reform affected artists, writers, composers, et cetera, who sought to donate their own works, and the immediate result was that these types of donations declined dramatically. For the art collector, who acquires works and then donates them to museums, the fair market deduction is still permitted. The obvious result of this policy is that museums, and thus the American public, are forced to wait until either the artist dies, or the work of art passes through the commercial market into the collector's hands, and then, often years after the work was created and its value has inflated, the work of art is donated and the collector is permitted a deduction for the that is finally more costly that it would have been had the deduction been taken by the artists in the first place. In the meantime, museum collections all suffer contribution losses.

For several years now, I have introduced proposals to assist both the artists and museums who had formerly benefitted from the fair market value deduction policy that was permitted before 1969. In previous Congresses, I have sought to restore the 100 percent fair

market value deduction. In this Congress, I am proposing that reform be accomplished by instituting a 30-percent tax credit for the fair market value of artists' donations, with strict limitations on the type of income against which it can be applied and the amount of credit that can be claimed.

This legislation is identical to the bill that passed the Senate last year under the auspices of Senator JAVITS of New York. The 30-percent credit could only be applied to a work donated by the artist to museums, libraries, or universities which are tax-exempt institutions. The credit could only be applied against the artist's art-related income, and cannot exceed either the artist's tax liability, if it is not in excess of $2,500, or 50 percent of the artist's tax liability, whichever is greater. Finally, the artist can only claim a 30-percent tax credit for up to $35,000 a year. Should the artist donate a work whose fair market value is greater than $35,000, then he is permitted to carry the excess credit over into the following years for a 5-year period. Senator JAVITS has reintroduced his measure again this year as S. 1384.

The provisions of this bill are designed to address the criticisms brought about by the old law, which charged that artists were receiving huge tax breaks by making gifts of their works, and that charity was being conducted at government expense. Additionally, I would like to draw my colleagues attention to the formation in 1972 of the Art Advisory Panel of the Internal Revenue Service. This board functions to insure that the valuations placed on works of art are authentic for tax purposes. The creation of this panel guarantees that works of art are appraised for their true value, and that their market value cannot be arbitrarily and unethically increased for the purposes of tax breaks.

Two years ago, I conducted a survey of museums across the Nation to see how the 1969 tax law affected donations by artists. The results of my survey then were conclusive in demonstrating that not only had the incidence of donations diminished, but the value of artworks that were donated had sharply reduced.

This year, I again decided to survey museums to determine the trends in artists' donations since the cost-of materials limitations have been in effect. The responses I received held no surprises. I received 58 responses to my request for information, which had been sent to over 150 museums across the country. Some of the museums I heard from were not operating before 1969, and thus could not provide me with comparisons. Others were not affected by the 1969 tax law because they did not collect the works of living American artists. Most of the museum directors who responded were anxious to see reform as soon as possible, and included comments on the questionnaire to that effect.

The results of my survey demonstrate that the problem remains as serious as its was 2 years ago, and that the current tax policy could conceivably cripple attempts to collect the works of living American artists for public display.

One of the interesting results of my survey was a comparison of figures between the number of artists who had donated works to the museums who responded prior to 1969 and then after the law was changed. In the 3-year period before the 1969 tax law changes, 263 artists made donations of their own works to those museums responding to the survey. In the most recent 3-year period, 1974–76, 282 artists donated their own works of art. Despite this increase in the number of artists who are willing to contribute their creations, the number of works donated during the same 3-year period after the 1969 tax law change is less than half of the donations made in the 3-year period before the law was passed. From 1967 through 1969, those 262 artists managed to donate 1,594 pieces of artwork. From 1974 through 1976, another 3-year period, 282 artists donated only 736 pieces of artwork, a decline of about 54 percent.

When I last conducted my survey, I became interested in comparing the types of work that were being donated to see whether the artists tended to contribute "major" pieces of art, such as large sculptures and paintings, or whether the contributions were "minor" ones, such as photographs and etchings. In my survey update, I specifically requested this information. Again, the results proved the devastating impact of the 1969 tax law change in restricting the number and type of donations made to museums of living artists. From 1967 through 1969, 525 major works of art were donated to the museums responding to the survey. From 1974 through 1976, only 146 major works were donated. In contrast, while the total number of donations by artists has decreased, the number of minor works acquired by museums from artists has actually increased since the law changed. For the 3-year period before 1969, a total of 481 minor gifts were received. Compare that figure with the results from the years 1974–76, which show that 518 minor works were donated.

My most recent survey makes it very clear that artists are willing to donate their works, but find it very difficult to do so under the cost-of-materials limitation. The works that are being donated are smaller, and gifts occur much less frequently.

The cost of enacting this legislation has been estimated by the Treasury to approach as little as $5 million annually. Yet the public benefit is substantially more in terms of the opportunity this revision would give us to improve our public museum collections. At present, the National Endowment for the Arts is attempting to respond to this situation somewhat through their museum purchase plan, which provides funds for the outright purchase of works by living American artists. This program was allotted $550,000 in 1976, which it dispersed in grants ranging from $5,000 to $20,000 to museums across the Nation. While this program is laudable and necessary, the funding levels are simply not sufficient to fill the gap that was left by the 1969 tax law. It would make far more sense to restore tax equity to artists, give them parity with other donors of artworks, than to use the Federal dollar to purchase works that have inflated in value as they have on the commercial market.

I am appending to this statement some of the comments I have received from the museum directors I contacted in conducting this survey update:

James W. Foster, Honolulu Academy of Arts, Honolulu, Hawaii:

Artists not being allowed fair tax deduction for their gifts to museums has been a very definite deterrent in the growth of our contemporary collection and we have at the Academy urged correction of an obvious inequity, when a collector is allowed a market value as opposed to the treatment accorded the maker.

James H. Duff, Brandywine River Museum, Chadds Ford, Pa.:

There is no doubt that living artists would have contributed additional works under more advantageous tax laws.

James Harithas, Contemporary Arts Museum, Houston, Tex.:

Due largely to the 1969 tax reform act, the Contemporary Arts Museum, a 30 year old institution, abandoned its collection and acquisition policies in 1970, since gifts from living artists constituted its major source.... The result has been that we have been hard pressed to present a truly adequate art and exhibition program.

Katherine Hanna, The Taft Museum, Cincinnati, Ohio:

You and Senator Javits have my wholehearted support for your awareness and interest in assisting the artist and the museums.

Tracy Atkinson, Wadsworth Atheneum, Hartford, Conn.:

The stringent limitations on deductibility of gifts by artists of their own works are ridiculous and very harmful to the cultural development of the nation.

James Morton Smith, Winterthur Museum, Winterthur, Del.:

A legislative atmosphere which encourages gifts of objects to museums is important to the enrichment of museum collections.

Leon Arkus, Museum of Art, Carnegie Institute, Pittsburgh, Pa.:

I think you have found an excellent solution to the artist's donation problem and I congratulate you.

Christine Knop, Philbrook Art Center, Tulsa, Okla.:

The present situation, in which artists have even destroyed their work because of the tax laws, is obviously scandalous. Art has become a serious and important investment market in which the tax inequities facing artists are compounded by their inability to realize any remuneration as their work appreciates and changes hands.

Peter C. Bunnell, The Art Museum, Princeton University, Princeton, N.J.:

Even under these conditions, the desire to give a work as a memorial for a former teacher or colleague was such that several artists placed their works on loan with every intent to give, hoping for a change in the law. If the law is not changed, there is every possibility that no matter how deeply they feel about the memorial, they cannot afford to give work away.

Tom L. Freudenheim, The Baltimore Museum of Art, Baltimore, Md.:

Ironically, these are the works that museums are least likely to be able to afford, and when they do not enter our public collection through artist's gifts, they are increasingly leaving the country. Aside from our concern with the tax issue, we ought to be concerned with what this says about the

exodus of the American cultural patrimony.

Ann Russell, De Cordova Museum, Lincoln, Mass.:

We feel it is very important that the ruling that artists cannot take a tax deduction for the full value of their work be reversed. For the long run, the law as it now stands will have a devastating effect of the Museum collection.

Martin Friedman, Walker Art Center, Minneapolis, Minn.:

Your efforts to secure remedial legislation on behalf of the artist and on behalf of the public who will permanently enjoy his works are appreciated, Good Luck!

Roger Mandie, Toledo Museum of Art, Toledo, Ohio:

I am sure you will note that these donations to our Museum have been at a relative minimum, primarily because of the punitive tax benefits arrangement for artists to give works of importance to museums.

EARL W. HONERLAH AND AL KOCHMAN

HON. LEO J. RYAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 3, 1977

Mr. RYAN. Mr. Speaker, an outstanding civic leader in my district, Mr. Earl W. Honerlah, recently passed away and I would like to take this opportunity to pay a small tribute to him.

As business agent for the San Mateo Carpenters Union Local 162, and a lifelong resident of San Mateo, Calif., Earl Honerlah looked out for the welfare of thousands of fellow workers and their families and was dedicated to making the peninsula one of the Nation's finest places to live and work. His accomplishments and contributions are numerous. Thanks to his efforts many are now benefiting from the San Mateo County Boys Club and the San Mateo County Crippled Children's Easter Seal Society. In both cases he assisted not only with his skills but his enthusiasm to help make the community a better place for everyone.

Mr. Honerlah served as secretary-treasurer of the San Mateo County Building and Construction Trades Council from 1972 to 1975 and also vice president for many years of the State Building and Construction Trades Council of California. Through the years he was an active leader of the Scouts in San Mateo County and was a member of the Native Sons of the Golden West, Redwood City Parlor 66 and the Masonic Lodge 226.

As a leader in the protection and advancement of workers' rights, a leader in the community, and a friend to literally thousands, he will be greatly missed.

The head of the San Mateo County Democratic Party for the last 7 years, Mr. Al Kochman, recently passed away and I would like to take this time to say a few words about him.

Known well for his outspoken party leadership and concern for human rights Mr. Kochman headed the San Mateo Democratic Central Committee from 1970 to 1976 as its chairman and had worked diligently for party unity through the years. He was respected by those who know him for his integrity and unselfish contributions to making our political process one that works in the public interest.

A native of Germany, Al Kochman had lived in the San Mateo area for the past 19 years. He will be missed by many.

LIBERALS WIN, TAXPAYERS LOSE; COMMUNISTS WILL GET TAXPAYERS' MONEY

HON. JOHN M. ASHBROOK

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 3, 1977

Mr. ASHBROOK. Mr. Speaker, taxpayers will be very pleased to note that, after some doubletalk and backroom shuffling at the White House, their money will now be going to Communist Vietnam to help rebuild that nation. The story of this momentous decision constitutes a most interesting illustration of: First, liberal doubletalk; and second, the ability of liberals to get what they want regardless of public opinion.

Earlier this year I introduced amendments to foreign aid and State Department authorization bills to prevent taxpayers' money from being used in Vietnam, Laos, Cambodia, or Cuba. Knowing the bureaucratic mentality, I very carefully inserted the words "direct or indirect aid" in my amendment. The White House and the bureaucrats could live with the word "direct" but they conducted a high-level lobbying campaign to delete the carefully chosen word "indirect" from these amendments.

You ask why? It is really very simple. Leaders can stand up and say we do not want to give direct aid to rebuilding Communist Vietnam. Then they quietly shuffle the money like shills to the multilateral agencies so they can do indirectly what they proclaim they would not do directly. This is precisely what happened when the administration won out in conference to have my language deleted.

Within a few days, that ship of fools, the United Nations General Assembly, passed a resolution to "authorize the Secretary General to rehabilitate Vietnam both socially and economically." Of course, the motion was sponsored by the Soviet Union which incidentally over the years has contributed $8.4 million to the U.N. Development Program (UNDP) while the United States has contributed $200 million during the last 2 years alone.

Where was that sentinel at the gate, our erstwhile delegate to the U.N., Andrew Young? It is most interesting to note that our own representative to the U.N. General Assembly did not even vote against the resolution or even ask for a recorded vote. No surprise. He has made it clear that supporting or promoting American interests is not his interest.

Once again you see the often-told tale of how liberals accomplish what they want by the back door even when the front door is barred. In this case, President Carter played a leading role in this chicanery because, in a letter to the Congress to break up the logjam caused by my amendment and other restrictive amendments, he promised that he would "instruct" our representatives to oppose such use of taxpayers' money.

The travesty does not stop at the door of the U.N. The president of the World Bank, Robert McNamara, has indicated that our taxpayers' money will be used to subsidize the loans the World Bank makes to these same Communist countries. The taxpayer be damned. Other international institutions, largely shored up by taxpayers' money, will compound the error. They have to be laughing in Moscow and Hanoi.

PERSONAL EXPLANATION

HON. STANLEY LUNDINE

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 3, 1977

Mr. LUNDINE. Mr. Speaker, I was absent during the first 2 days of this week fulfilling a longstanding commitment made when it was understood that this House would be in adjournment by this time. Certainly, there was no indication that, even if this House failed to adjourn, it would be in the final week of legislative deliberation.

Had I been present Monday, I would have supported all of the bills which came before the House under suspension of the rules. I would also have voted in favor of the Maritime Authorization, S. 1019. I am pleased that my colleagues in rollcall No. 722, rejected the motion to recommit that bill.

Similarly, had I been present Tuesday I would have supported all of the bills brought before the House under suspension of the rules. One vote in particular, that which would have allowed suspension of the rules for passage of S. 1306, Small Business Emergency Drought Disaster Loan Act as amended, would have seriously impacted small business had my colleagues not prudently rejected the suspension. The proposed legislation would have forced those in the least favorable position to pay higher interest rates for disaster loans from SBA. My 39th Congressional District of New York, unfortunately a frequent user of those disaster aid programs, is formidable proof of the need to keep disaster loans affordable. I am very pleased that in my absence my colleagues rejected this suspension.

I would have voted in favor of H.R. 9282, the Congressional Pay Raise Deferral Act. It has been my consistent position that no elected legislative body should be allowed to raise the salary of its own members. Pay increases should not become effective without an intervening election so that the public is aware of the proposal in advance and can act accordingly.

THE CASE OF STELLA GOLDBERG

HON. JOSEPH L. FISHER

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 3, 1977

Mr. FISHER. Mr. Speaker, I am taking this opportunity today to bring to the attention of my colleagues the case of one of the many Soviet Jews who have

been denied permission to leave the Soviet Union.

Stella Goldberg is a well-known pianist from Moscow who has been trying to leave the Soviet Union with her son and mother-in-law for close to 7 years. Stella Goldberg has declared that they are still being held in the U.S.S.R. "as revenge for the action of my husband," renowned cellist Victor Yoran, who defected to Israel in 1969. Soviet officials view Yoran's defection as a high crime of treason.

Recently, Yoran played a series of 1-hour solos for 3 days, outside the Finnish Embassy in Tel Aviv, to bring the plight of his family to the attention of the world.

CRIME AND THE NEGLECTED VICTIM

HON. JOHN G. FARY

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 3, 1977

Mr. FARY. Mr. Speaker, as we all know crime has been and still is all too common to our every day existence. We hear constantly of people who have innocently become the victims of violence, or we hear of constant terrorism sometimes involving entire planeloads of victims.

Here on Capitol Hill we are not insulated from this problem—crime surrounds us. It was just recently that one of our colleagues was detained and robbed across the street from the Cannon House Office Building, one block from where we sit here today. The chances that you or I will be the next victim are staggering. Greater still is the possibility that someone we care for among our close friends or our families, will be a victim.

Five out of every hundred Americans will be victimized by crime this year—will it be a member of your family, one of your colleagues, or yourself who will bear a scar for the rest of his or her life?

Recently I came in contact with a publication by a distinguished expert in the field of crime, Frederick J. Ludwig of Equal Justice Institute, New York. The book sets its focus on the crime of rape and expresses grave concern about our entire legal system's apparent lack of concern for the victims of all crimes.

Here in the House of Representatives it is our job to provide leadership and direction in the fight against crime. In the last decade the House has appropriated over $6 billion to aid in these efforts. Still, the major index on crimes has mounted nationwide in almost direct proportion to the moneys spent for their prevention. Could it be that our target in criminal matters has overextended itself on the goal of providing "tenderness to the accused"? Indeed, the view that justice "is due to the accuser, also" appears to be neglected in our anti-crime efforts. Perhaps our efforts have been misplaced. It would be wise to evaluate our present approach to see if Federal aid is fighting the fire of crime with combustible fluid.

Professor Ludwig's book "Rape and The Law: The Crime and Its Proof," concisely questions the philosophy of our system's overconcern with the criminal and the neglect of the victim. The author has not only impeccable qualifications in the world of academe as a law teacher for 15 years, and writer of half dozen authoritative volumes, but, more importantly, has practical experience as chief prosecutor and city-wide police commander for 30 years in the Nation's largest city.

Reading this book has broadened my awareness of the crime rate and the direction of our country's legal system. In the 70's, major crimes of violence have increased their rates in alarming proportions; rape, 41 percent; aggravated assault, 38 percent; robbery, 27 percent, and murder, 22 percent. Major crimes against property so-called although a person is always the victim, have similarly increased in rate per 100,000: burglary, 41 percent; grand larceny, 35 percent; and motor vehicle theft, 3 percent. Last year more than 11,304,000 such major index crimes of violence and against property were reported.

The author has consented to the reprint of passages from his book in this RECORD as follows:

The remaining obstacle: "To keep the balance true" between the victim and her assailant—justice, though due the accused, is due to the accuser also. The concept of fairness must not be strained till it is narrowed to a filament. We are to keep the balance true". Benjamin Nathan Cardoso, Associate Justice, in *Snyder* v. *Massachusetts*, 291 U.S. 97, 122 (1934) (Opinion of the Court).

After more than a century, the two witness rule in rape cases, mysteriously and legislatively launched, has at long last been defanged in New York. Other problems survive in the struggle to make law enforcement effective to prevent the commission of the crime. Least of the two of these is the surge of Constitutional rights federally guaranteed to any person accused in a State criminal proceeding, and discussed ante under 11. The remaining and most formidable barrier is the imbalance between the accused and the accuser in rape cases. This has resulted from detailed federally mandated implementation of rights of the accused, on one hand, and total neglect of the accuser, on the other.

On the other side of the 'balance' is the traumatic ordeal that any victim-complainant-witness must endure in the disposition of a criminal case, whether rape or otherwise. She must get down to the police station to identify the perpetrator for his 'booking' there. There she is treated with neglect, not often 'benign', by busy police personnel, while she sits in a backroom reserved for the outgoing platoon, waiting to point out her assailant. Next, she is directed to appear at the prosecutor's office in another part of the community, later in the day, or on the next day. There, she waits in a slightly more commodious anteroom to be interviewed by a young assistant district attorney. At the police station and prosecutor's office, she has the minimal satisfaction of ultimately being interviewed and giving evidence. Her next appearance in the local criminal court may not be so fruitful. She arrives fairly bewildered in a thronged courtroom corridor, not knowing where or when her appearance may be required.

Frequently, after a huddled conference between a legal aid lawyer representing her attacker and an assistant prosecutor before the bench, the bridgeman announces an adjournment and she is directed to repeat this episode of her ordeal on another date.

Later, she receives a subpoena to appear before the grand jury, and arrives to sit in a pew at 9:30 AM along with hundreds of other persons called, just like Sunday services at church, but without any kneeling racks.

Her tedious wait is interrupted by a luncheon recess. Late in the afternoon, a buzzer in the anteroom sounds, and a clerk escorts the victim-witness into the sanctuary awaited so long by so many assembled in the pews through the morning and afternoon.

"There are three times when you are absolutely alone in life," said a Mayor of New York who resigned that office and should have known. "Just before you are born, right after you die, and when you enter the grand jury room". *In People* v. *Minet*, the victim of rape, Camille, under eighteen, complained to the district attorney through her father and 22 year-old sister, Hilma, that she was "somewhat afraid or nervous". Possibly aware of the observation made by the Mayor of the downstate metropolis, the district attorney of Ontario county permitted both Camille and Hilma to be called together, although the prosecutor conceded that Hilma "had nothing of probative value to add to the People's case". The highest State court reversed a conviction for rape after trial. "Secrecy is the vital requisite of grand jury procedure".

Without friend, relative or counsel in sight or earshot, the victim, after being sworn, must recite the frightening details of her experience under gentle questioning by the young assistant prosecutor, but before an audience quite considerably older and consisting primarily of a score of males who appear more avidly interested in the circumstances surrounding one element of the crime of rape, penetration, than they do about the elements of forcible compulsion or identification of the perpetrator.

Yet this forensic aspect of the ordeal of the victim in a rape prosecution is easily the least traumatic compared with the trial yet to come: no gaping courtroom "watchers", no prurient professional media representatives and, most important, no penetrating inquiry into her prior relationship with other males by a young, and often inexperienced defense counsel.

In the First Judicial District (New York and Bronx Counties), fully eighty percent of the defendants in all criminal cases, including rape prosecutions, have all costs including counsel fees born by federal and State government. A victim-witness receives absolutely nothing for the costs of assistance of her counsel. This is the case even when the victim happens to be the widow of an assassinated President and assistance of counsel may cost several hundreds of thousands of dollars:

"Mrs. Onassis apparently spared no expense in retaining New York City's Paul Weiss, Rifkind, Wharton & Garrision, to sue photographer and privacy-invader Ron Galella. She won, but her late husband, Ari, refused to pay the $400,000 bill. (The law firm sued, and settled for $225,000.)"

The largesse of the State for the forensic participation of the victim in a rape prosecution amounts to just two dollars per day. In federal courts, for State defendants convicted of crimes—including rape—and seeking post-judgment federal review, court appointed counsel have had their fees doubled to $30 per hour in the courtroom, and $20 per hour outside. Travel by private automobile is reimbursed at the rate of eleven cents per mile, plus parking fees, bridge and tunnel tolls. None of these expenses is provided for the victim-witness, and, indeed, she is seldom informed of her entitlement to the witness fee.

No one needs counsel of her choice more than the victim of a sex crime. When the offense is rape, or its attempt, the element

of forcible compulsion or lack of consent more often than not puts the chastity of the victim-witness in issue. The range of interrogation upon cross-examination requires counsel of a private advocate before and during courtroom testimony. The prosecutor cannot serve in this capacity consistent with standards imposed upon the law profession. The prosecuting attorney is prohibited from compensating "a witness, other than an expert, for giving testimony." He is obliged, as a matter of propriety, "to caution the witness concerning possible self-incrimination and his possible need for counsel." Because it violates the Canon of Ethics for a lawyer to testify at a trial in which he is an advocate, the prosecutor is required to have a third person present when interviewing the victim, so that if the occasion arises at trial to contradict the victim's testimony, it may be done by providing impeaching testimony from that third person.

Unrelated, directly or otherwise, to the prevention of crime by contributing to its prosecution, are ex post facto crime victim compensation awards. In New York, such awards are limited to crimes actually committed involving injury or death as a direct result to the victim, promptly reported, and cover only out-of-pocket expenses incurred as a result of injury for medical services and loss of earnings. Maximum limitations of $100 per week for loss of earnings is imposed (with an aggregate maximum of $15,000), and $1,000 for all funeral expenses. Any award is reduced by payments otherwise made on behalf of the victim as a result of injury or death.

A half-century ago, when the first decision of the Supreme Court had extended a provision of the Bill of Rights to the accused in a State criminal proceeding, Judge Learned Hand issued this warning on keeping true the balance between accused and accuser:

"Our dangers do not lie in too little tenderness to the accused. Our procedure has been always haunted by the ghost of the innocent man convicted. It is an unreal dream. What we need to fear is the archaic formalism and watery sentiment that obstructs, delays, and defeats the prosecution of crime."

Until the victim of rape has assistance comparable to her assailant in the adversary trial of the issue of her consent, and matters relating to her previous sex experience, the prevention of rape by conviction of the guilty will remain unachieved.

Mr. Speaker, until the victims of murder, assault, robbery, burglary, larceny and auto theft—as well as rape—have assistance comparable to that bestowed upon the prepetrators of these crimes, in our criminal proceedings we may unfortunately expect continued acceleration in the rates of these crimes.

My colleagues, our task is to make that assistance available to every victim of a major crime. Law enforcement assistance, through the appropriations of this House, must cease to patronize the perpetrators and begin protecting the victims.

IMPEACH ANDREW YOUNG

HON. JOHN M. ASHBROOK

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 3, 1977

Mr. ASHBROOK. Mr. Speaker, along with nine other colleagues, I have introduced a resolution which calls for the impeachment of Andrew Young. It is apparent he does not represent America or American interests at the United Nations. It is a shame that President Carter says he does because that tells all of us something we hoped we would not find out about our President.

Just read the brief recitation of charges we bring against Ambassador Young. The list by no means is complete. Just last month he sat back while the United Nations, that gaggle of beggar nations, voted imperiously to spend our money and their money to rebuild Communist Vietnam. Nary a peep out of Mr. Young. Why should he complain? These people are his friends.

Here is the resolution which I hope we can bring before the Congress for a vote:

HOUSE RESOLUTION

Whereas, the U.S. Ambassador to the United Nations has declined to oppose the admission of communist Viet Nam to the United Nations; and

Whereas, the U.S. Ambassador to the United Nations has sought to transfer the governing power in anti-communist Rhodesia to the pro-Marxist guerrilla coalition which calls itself the "Patriotic Front"; and

Whereas, the U.S. Ambassador to the United Nations has, while on official diplomatic business in the anti-communist nation of South Africa encouraged persons in that country to undertake economic boycotts; and

Whereas, the U.S. Ambassador to the United Nations has pledged to increase U.S. taxpayer funding for the Marxist government of Guyana from the current $1.1 million to $12.3 million over the next three years; and

Whereas, the U.S. Ambassador to the United Nations has characterized two recent Presidents of the United States, Gerald Ford and Richard Nixon, as racists; and

Whereas, the U.S. Ambassador to the United Nations has condoned the presence of communist troops in Africa from Castro's Cuba, as a "stabilizing force"; and

Whereas, the U.S. Ambassador to the United Nations has forecast that racial conflict in the United States would be predicated on events in Africa; and

Whereas, the U.S. Ambassador to the United Nations declared in Playboy Magazine that Alabama Governor George Wallace formally, "was advocating bombings—of Black folks"; and

Whereas, the U.S. Ambassador to the United Nations has said, "It may take the destruction of Western Civilization to allow the rest of the world to emerge as a free and brotherly society"; and

Whereas, the U.S. Ambassador to the United Nations has harbored in his home members of the family of Robert Sobukwe, leader of the communist-terrorist Pan Africanist Congress; and

Whereas, the U.S. Ambassador to the United Nations has said that the decent and democratic state of Israel must negotiate with the international terrorists of the Palestine Liberation Organization; and

Whereas, the U.S. Ambassador to the United Nations served as co-sponsor to the Communist Party promoted "National Coalition to Fight Inflation and Unemployment"; and

Whereas, the U.S. Ambassador to the United Nations has accused our British Allies of "inventing racism"; and

Whereas, the U.S. Ambassador to the United Nations has criticized the people of Sweden as "terrible racists"; and

Whereas, the U.S. Ambassador to the United Nations has averred that Black American soldiers would not be willing to fight African Communist Forces if called upon to do so; and

Whereas, the U.S. Ambassador to the United Nations has stated "Communism has never been a threat to me"; and

Whereas, the U.S. Ambassador to the United Nations supported the action of his aide, Brady Tyson, who used his official position on the U.N. delegation as a platform for denouncing U.S. opposition to the Marxist Regime of Salvatore Allende; and

Whereas, the U.S. Ambassador to the United Nations actively supported the appropriation of a $100 million fund to assist a transition to Marxist rule in Africa; by supporting Red Forces in Tanzania, Mozambique, and Angola; and

Whereas, prior to his appointment, the present U.S. Ambassador to the United Nations, as a member of the "Gulf Boycott Coalition" evidenced his active support for a Marxist victory in Angola and worked for the election of Angela Davis and other avowed Communists to the Board of the Gulf Oil Corporation; and

Whereas, prior to his appointment, the present U.S. Ambassador to the United Nations, in 1975, was a co-sponsor of the Communist Party-backed second National Conference in Solidarity with Chile; and

Whereas, the U.S. Ambassador to the United Nations has worked to increase U.S. taxpayer subsidies to the Castroite Marxist Regime in Jamaica;

Therefore, be it known, That—

For the foregoing reasons, we the undersigned Members of Congress manifest our deep concern regarding the performance of U.N. Ambassador Andrew Young and hereby convey our lack of confidence in his fitness to continue in the position to which he has been appointed, and call for his immediate impeachment under Article II, Section 4, of the United States Constitution.

Bob Stump, Steven Symms, George Hansen, Robert E. Badham, John H. Rousselot, Larry P. McDonald, John M. Ashbrook, Dan Marriott, Robert K. Dornan, Philip M. Crane.

INDIAN RIGHTS BILLS

HON. ARLAN STANGELAND

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 3, 1977

Mr. STANGELAND. Mr. Speaker, I represent a district that encompasses three of the largest Indian reservations in the State of Minnesota. Since being elected to the Congress I have become increasingly aware of the problems that exist from the current maze of treaties, laws and court rulings in regards to Indians. These problems have grown over the years to the point where they now affect many of our citizens. This is particularly true in my district where the problems of tribal jurisdiction and land title resulted in a meeting of 2,000 of my constituents this last June. The issues and concerns they raised were neither pro-Indian or anti-Indian, they were raising the concerns of people faced with a mass of laws and court rulings that were complicating their lives and ruining their life long investments in property and livelihood.

Today I have the privilege of joining the gentleman from Washington's Second District in cosponsoring two bills which will address a number of these

"people issues" being faced in my district and districts across the country. These two bills, "The Omnibus Indian Jurisdiction Act of 1977", and the "Quantification of Federal Reserved Water Rights for Indian Reservations Act", represent major steps toward solving the mass of problems relating to Indian affairs. For too long the Congress has neglected its duty to legislate in this area. Instead it has deferred to the courts, which have muddied the waters instead of clarifying the issues. The result has been lengthy court cases, that have cost millions of dollars, and untold hardship for both Indians and non-Indians. It is time we faced the broad spectrum of Indian issues and exercise our legislative duties. I urge prompt action on these bills.

THE INTERAGENCY TASK FORCE REPORT ON PRODUCT LIABILITY

HON. EDWARD W. PATTISON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 3, 1977

Mr. PATTISON of New York. Mr. Speaker, earlier this week the Commerce Department's Interagency Task Force on Product Liability made public its long-awaited final report. I am pleased to note that the task force has produced a first rate product that is comprehensive and thoughtful.

The report is a massive document, running about 600 pages in its draft form. So it is likely to be a little while before it is fully digested. However, I am certain that its findings and recommendations will soon form the basis for congressional action on the product liability insurance problem.

As one of the authors of the Product Liability Insurance Tax Equity Act, H.R. 7711, I naturally turned first to the section of the task force report that addresses the issue of captive insurance companies and self-insurance plans. Of course, I was pleased to see that the report recommends that the Treasury Department consider seeking changes in the tax code to aid those who seek to self-insure for all or part of their risk. This supports our efforts on behalf of H.R. 7711. For more information on this, see CHUCK WHALEN's remarks in yesterday's RECORD.

But the report addresses many other issues, in addition to the question of self-insurance. In order to speed up dissemination of the task force report, and thus stimulate discussion of it, I would like to share with my colleagues a newsletter I received today.

Of all of the organizations that are involved in the search for a solution to the product liability insurance crisis, the National Machine Tool Builders Association has been one of the most active and effective. The association's members, mostly small and medium size manufacturers of industrial machinery, are among the companies most severely affected by this problem.

The machine tool builders have rushed out a special edition of their publication, the Federal Legislative Digest, summarizing the key points in the task force report. Naturally, it also includes a commentary on how the report affects the various legislative proposals on which the NMTBA has taken a position. I think this special edition of the NMTBA's Federal Legislative Digest provides the most succinct and timely summary of the final report of the Interagency Task Force on Product Liability that we are likely to find anywhere.

Mr. Speaker, at this point in the RECORD I wish to insert the text of the newsletter:

INTERAGENCY PRODUCT LIABILITY STUDY BACKS NMTBA POSITION

NMTBA members, who are burdened with soaring product liability costs and who live in constant fear of suffering economic disaster in a courtroom, won a major battle this week in their fight for workplace product liability reform.

The Commerce Department's Interagency Task Force issued its final report Tuesday, calling for among other things, reforming the workers' compensation (WC) system to upgrade benefits for serious workplace disabilities and to make these increased benefits the sole and exclusive remedy of injured workers.

"The cost effectiveness and potential impact of the WC sole source remedy make it an attractive one for serious legislative consideration," the report declared. "It would apepar that it should be considered along with more general WC legislative reform."

As an alternative remedy to soaring workplace product liability insurance costs, the report calls upon courts and legislative bodies to recognize the comparative fault doctrine in product liability cases, including permitting an equipment supplier to recover damages from a negligent employer, such damages perhaps to be limited by the employers' total WC liability.

Both of these remedies are strongly favored by NMTBA, although the WC sole source provision is preferable, because it would eliminate most product liability lawsuits altogether, while providing reasonable compensation for seriously injured workers.

NMTBA President James A. Gray observed that, "the Interagency Report, taken as a whole, is most fair and objective, and the workplace section couldn't have been better from NMTBA's viewpoint, if we had written it ourselves."

Workplace product liability claims constitute only 11% of the total number of PL claims, but they account for over 42% of the dollars paid out by insurance companies for plaintiffs' awards, WC subrogation awards, and defense costs.

A 1976 NMTBA survey indicates that less than one product liability claim in 25 results in a major court verdict for an injured worker (for an average award of $256,000); that about one-third of the claims are settled for an average of $18,000 (in most cases, the amount of the WC subrogation lien); and that the balance of the industries PL claims result in absolutely no award to plaintiffs but in substantial defense costs. The Interagency Task Force Report says that for every dollar paid out by insurance companies for product liability awards, another 35¢ is spent on defense costs.

In addition to the workplace product liability remedies favored by NMTBA, the Interagency Task Force Report favors these approaches to the problem:

Applying negligence standards to "design defect" and "failure to warn" cases, instead of the strict liability standards currently applied by the courts;

A 10-year statute of repose, after which employers would be liable for economic losses (but not for pain and suffering) for injuries suffered on overage equipment used in the workplace. Manufacturers of drugs and other consumer products containing latent defects would be liable for full economic losses to those whose injuries did not manifest themselves until after the 10-year statute of the repose had tolled;

A form of "elective no fault" in which manufacturers of unavoidably unsafe pharmaceuticals would pay for economic losses occasioned by all injuries caused by their products;

A rebuttable presumption in favor of the safety of products designed in accordance with "practical and reasonable standards" set by government agencies or other "independent and reliable sources" at the time the product was manufactured;

Court-appointed expert witnesses and pretrial examinations to test the caliber of all expert witnesses;

Hold harmless agreements indemnifying equipment suppliers against employer negligence;

Qualified approval for subsidized re-insurance, coupled with mandatory loss prevention programs, provided the subsidy can be justified by public policy considerations;

Requiring insurance companies to provide loss prevention services to their clients for a fee or surcharge;

Qualified approval for voluntary insurance pools;

Qualified approval for federal charters and tax deductions for individual and association captive insurance companies;

Qualified approval for the tax deductibility of self-insurance product liability reserves (a measure strongly favored by NMTBA); and

The use of arbitration in certain types of product liability cases.

The report tends to oppose these proposals for tort reform and insurance mechanisms:

Making "State of the Art" an absolute defense;

Giving increased evidentiary credibility to industry standards;

Eliminating attorneys' contingency fees;

Eliminating damages for pain and suffering in most cases;

Eliminating the collateral source rule;

Establishing periodic payment of damages (unless a no-fault system is adopted);

Establishing government unsatisfied judgement funds;

Assigned risk insurance plans;

Joint underwriting authorities (or mandatory insurance pools);

Direct government insurance programs; and

No-fault insurance concepts except in certain circumstances (such as workers' compensation).

The report is critical of current insurance rate-making and reserving practices and calls for better data collection, for greater state regulation of premiums, and for financial disclosure and accountability by PL insurance companies.

GOVERNMENT CONTROL LIMITS MED SERVICES

HON. JOHN J. DUNCAN

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 3, 1977

Mr. DUNCAN of Tennessee. Mr. Speaker, as my colleagues are aware, the Department of Health, Education, and Welfare published in the September 23, 1977, Federal Register an advance notice of proposed rulemaking for national guide-

lines for health planning. I believe all Members should be gravely concerned by this action because these proposed guidelines, in their present form, violate what I feel was congressional intent in enacting the National Health Planning and Resources Development Act of 1974.

In conceiving this act, I feel we foresaw its giving an opportunity to State and local entities to have meaningful input in the development of health planning guidelines. In the preparation of these guidelines, however, this was certainly not the case. Contrary to the requirements of the law, the National Council on Health Planning was not even consulted in the guidelines' development. Further, if adopted in their present form, the guidelines, with their mandatory, universal application, would make HSA's mere mouthpieces for Federal health standard dictates.

My colleagues should also note that the proposed guidelines, with their limited exceptions, exceptions which can only be defined by HEW, do not address the problems of accessibility and availability of health services. For the many medically underserved areas in our Nation, and sections of my own district fall into this category, these guidelines could prove disastrous. They have no flexibility. There is no provision for local and State planning agencies to adapt the guidelines to their particular needs.

Finally, the guidelines place great emphasis on cost containment, not health planning, a fact which leads me to believe that the administration is trying to do administratively what it has not yet been able to do legislatively. In any area, but especially in one as important as health care for individuals, we cannot allow lawmaking by regulation.

I hope my colleagues will share my concerns and will join me in voicing them before the November 22 comment deadline. This issue is simply too important to ignore.

In closing, I would like to recommend to my colleagues the following editorial which appeared in the Maryville-Alcoa Daily Times, a newspaper in my district, which addresses quite clearly the adverse potential these proposed guidelines represent:

GOVERNMENT CONTROL LIMITS MED SERVICES

Government control of health care through various regulations of its own Medicaid-Medicare programs may soon leave little choice to smaller communities in types of medical services available.

In an effort to take advantage of mass production techniques to reduce costs, the government is proposing through area health systems agencies to limit the types of treatment which facilities can provide persons covered under federal programs.

For example, it would not pay for its patients for delivery of a baby in a hospital which does not have at least 2,000 births per years in urban areas. It is true that a facility which handles more than this number can do so at less cost per patient and thus save the government money.

However there seems to be no consideration given as to how the patients covered are going to pay the added cost of driving 20 to 50 miles or more in some areas to reach a hospital in a larger community. This involves not only a trip to and from a hospital but perhaps several trips by members of the family going to visit the patient and taking personal items to the patient. Such costs to the family may well exceed any savings.

When the government eliminates use of such facilities by those covered under government programs the cost will be so high that facilities in small communities will have to discontinue the service. There are also indications that facilities not meeting the use standards would be denied federal funds.

If the proposed program goes into effect, it will mean that all Blount Countians will have to go to a Knoxville hospital for the delivery of babies, causing a lot of inconvenience. Blount Memorial Hospital delivers about 1,000 babies per year, being only half enough to qualify to maintain that service.

One of the problems involved in the cost of medical care may be the abuse or misuse of insurance coverage and government medical programs. Since 92 percent of all hospital costs are covered either by hospitalization insurance or government programs, many Americans are not as conservative as they could be in the length of hospitalization and other items which boost costs.

Another proposal which may well lower the quality of health care is that of a federal limit on hospital spending which would hold increases to 9 percent per year.

Alex McMahon, president of the American Hospital Association, recently said that a survey of 700 United States hospitals revealed that such a ceiling would:

Force 45 percent to cut back on clinical services offered.

Cause 28 percent to cut back on emergency room services.

Bring a reduction of nurse staffing services to 27 percent.

Cut back various social services at 29 percent.

Force the closure of whole wings at 5 percent of the 700.

Close the doors of 5 percent of the total.

Socialized medicine brings many doctors each year from Canada to the United States to practice and Great Britain has sounded its warning too. Under socialized medicine in Britain the normal waiting period to have surgery for a hernia is 24 months.

American medical care has been greatly assisted by some of the governmental programs such as the research related to space exploration but the thinking and initiative of free enterprise and private research have provided the freedom essential for the progress made.

If the red tape of big government continues to wrap its tentacles around the health care field like it has financing of government in general, instead adding 1½ years to the life exepctancy of our residents in five years the opposite will be true.

As a nation, as well as individuals, we have problems with learning from history or even current events such as what is happening in Britain, Russia and other countries. Do we, like a child, have to touch the stove and get burned to learn a lesson?

MULTILATERAL AID TO UNITED NATIONS

HON. C. W. BILL YOUNG

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 3, 1977

Mr. YOUNG of Florida. Mr. Speaker, during the debate on the foreign aid appropriations bill, one of the most often used arguments in support of multilateral assistance is that it encourages other countries to increase their contributions and share the load to a much greater extent.

In theory this sounds good, but in practice it does not always work. Let me call attention to several recently negotiated agreements for multilateral contributions. First the recently concluded IDA fifth replenishment includes the following contributions:

United States, $2,400,000,000;

Saudi Arabia, $250,000,000;

Kuwait, $180,000,000;

United Arab Emirates, $50,750,000; and

Iran, 0.

I certainly cannot consider the contributions from OPEC members to be satisfactory, especially when compared with the U.S. level.

Second, the United States contributed $100 million to the United Nations Development Program for 1977, while at the same time the Soviet Union contributed only $4.2 million. In fact, the 10 Communist countries, including Russia who did contribute to the UNDP in 1977 put in only a total of $7 million.

Finally, a United Nations committee has just recently approved a new scale of assessed contributions for its members. The United States will be assessed $100 million annually or 25 percent of the regular U.N. budget. The oil-rich countries all together will only pay in around $6.3 million or 1.52 percent of the U.N. budget. Fortunately for the American taxpayer this assessment has not gone unnoticed by our own representatives at the United Nations. U.S. Delegate, Congressman LESTER WOLFF stated that the new scale of assessments "accords insufficient responsibilities to those countries whose incomes and whose currency reserves have expanded commensurately." Congressman WOLFF has clearly identified a major flaw in the multilateral aid approach. The levels of contributions from member countries are not reflective of the current economic conditions within the international economic system. Not only are the OPEC members making windfall profits from us, but in addition the high price of oil has set back development within the Third World to a much greater extent than anything the United States can do to offset it.

Mr. Speaker, I do not consider these levels of contributions to be anything resembling a sharing of the load. So while theoretically multilateral aid programs bring in some contributions from other member countries, let us not kid ourselves, there is nobody any where even coming close to the contributions of the American people.

An interesting side note to all of this is that Vietnam proposed that its scale for the U.N. regular budget, which is currently at the minimum level of 0.01 percent of the total budget, be reduced by a third to 0.003 percent. It seems that everybody at the U.N. wants to rebuild Vietnam, with the American taxpayer footing the bill. I believe the people of America have had enough and want us to see that major changes come about in our foreign aid program.

DEBUTTS SAYS CARTER ADMINISTRATION NOT ANTIBUSINESS

HON. WILLIAM S. MOORHEAD
OF PENNSYLVANIA
IN THE HOUSE OF REPRESENTATIVES

Thursday, November 3, 1977

Mr. MOORHEAD of Pennsylvania. Mr. Speaker, John deButts, chairman of the board of A. T. & T., hardly could be considered a disinterested party on the subject of the Carter administration's relationship to business.

As the head of the world's largest regulated monopoly, his fingers and legs have done the walking for many years through the yellow pages of government, first as A. T. & T.'s vice president for government relations—some 20 years ago—and now as its board chairman.

He knows Washington and its inhabitants and he is aware, despite the rhetoric, that no modern American administration is either pro-business to the detriment of the consumer public or antibusiness to the chagrin of American industry.

The truth is somewhere in the middle, in the mix and flow of hundreds of laws written by Congress and the thousands of regulations and rulings issued by Federal agencies.

Speaking in Pittsburgh several weeks ago, Mr. deButts was very forthright in saying the Carter administration neither favors big business nor goes out of its way to inhibit the free flow of goods and services.

And I quote:

The current Washington establishment, including its Congressional component—is paying heed to these perennial concerns of the business community, more heed than the headline reader might imagine, more than some businessmen are yet ready to accept.

I don't want to be misunderstood. I am not saying that the Carter Administration or the powers that currently reside on the Hill are probusiness. In fact, I am inclined to doubt that ever again we shall see—nor should we—a completely probusiness administration in Washington. Quite properly business today exercises no more influence on the Washington scene that it earns through the merits of its viewpoints and the cogency of their representation.

What I am saying is that the leaders of our Federal government today are not antibusiness. What I am saying is that they are ready at least to listen.

I would hope that my colleagues, those people in the business and media communities who have been quick to judge the Carter administration, would study Mr. deButts' comments. They are extremely topical and important as our Nation faces its many economic problems:

BUSINESS AND GOVERNMENT

I am going to talk about that perennial topic—government and business. In doing so, I trust I shall manage to avoid the usual banalities. At any rate I propose to address the topic not in generalizations but in terms of the specifics of the relationship of the business community in 1977 with the Administration currently resident in Washington and with the Senators and Congressmen currently serving on the Hill.

Before proceeding perhaps I should present my qualifications as an "expert" in business-government relationships. In a sense, my qualifications are precisely the same as yours. Indeed, it is a commentary on the times that there is probably no head of a business these days—and whether it be a large business or a small one—who doesn't almost constantly "relate" to government in one way or another. Today, not just a few, but all industries are regulated to the hilt.

So far as my personal qualifications are concerned, it was just a little over 20 years ago that I became an "instant" expert in business-government relations by virtue of an organization notice that said that J. D. deButts, who up until that time had led a relatively innocent and sheltered life in various operating jobs, would become assistant vice president-government relations in Washington, D.C. It was that experience, toiling in the political vineyards in Washington, that really brought home to me the essentiality of proper business-government relations. That was in 1957—and while a fairly wide variety of assignments have come my way since, government relations has been a not inconsiderable element in all of them, including my present one.

The Bell System's relationships with the government might be described, I suppose, as a kind of love-hate relationship.

On the one hand, we recognize that without rigorous regulation of virtually every aspect of our operations, the Bell System in its present form would not be permitted to exist. At the same time, I don't recall an era in our history when we haven't had occasion to object, as currently we object strongly, to the way we're regulated.

Government is our largest customer. In 1976, the Federal, state and local governments paid the Bell companies $1½ billion for communications services. But last year our total operating taxes amounted to almost four times that amount. If we had the same kind of "balance of payments" arrangement with many of our other large customers, we wouldn't stay in business very long.

Finally, contributing to the love-hate relationship I've been talking about is the disposition of the government to pat us on the back with one hand and clobber us with the other. When the government wants a distant early warning line built across the top of the continent or an antiballistic missile system designed or when it wants a contractor to run one of its most crucial atomic energy installations—at cost only, by the way—the Bell System is a "unique national resource." It was largely owing to its uniqueness—its integrated structure—that the Bell System was able to keep the 'phones ringing while nearly all else stopped during the New York blackout of a couple of months ago, even going so far as to route calls from Westchester to Manhattan via California to be sure they got through. And yet it is that same unique national resource and its extraordinary capability that the Justice Department in its antitrust suit now seeks to destroy.

One more example: the Federal Communications Commission shows not the least reluctance to acknowledge that this country enjoys the best, the least expensive and the most advanced telecommunications services in the world. And yet of late years the Commission has busied itself at undermining the very principles that underlie that achievement—undivided responsibility for service, pricing principles aimed at making telephone service as widely affordable as possible and a unified, systematic approach to the design, construction and operation of the nationwide telephone network.

On balance, though, a business that under regulation has been able to attract more investors than any other in the world can hardly complain—at least so far—of having been too badly used in the process.

But it was not to discuss the Bell System's relationship with government that I came here but rather the relationship of the business community as a whole. To appraise that relationship in some sort of historical context, let us look at some of the major concerns about government that spokesmen for business have recently articulated from platforms like this one. Here are those concerns.

We are concerned that by extravagance, deliberate or otherwise, the government might rekindle inflation.

We are concerned that by its tax policy the government might inhibit investment, impede capital formation and thereby slow the growth and modernization of American industry.

We are concerned that through unrealistic rulemaking undertaken in the interest of such unexceptionable goals as a healthier and safer environment the government might impose costs and inefficiencies on the operations of American industry that would render it noncompetitive in world markets. These are costs that, whether he knows it or not, the American consumer sooner or later pays.

We are concerned about the effect on industry's competitive capabilities of government policies that tilt the scales in favor of labor and make industry's operations vulnerable to unrealistically restrictive work rules and wasteful featherbedding requirements.

We are concerned that unduly restrictive and detailed regulation might infringe—might further infringe on our freedom to manage.

We are concerned that government indifference to the anticompetitive practices of subsidized foreign industries may literally destroy some great American businesses and the jobs that go with them.

We are concerned that doctrinaire or recriminatory application of the law might penalize success and undermine the very strengths that make the American economic system unique in the world.

And finally, we are concerned that by almost indiscernible increments the government will come to exercise so large an authority over economic decision-making in this country as to endanger what in speech after speech in recent years I have called that "crucial balance" between the public and the private sectors that, should we lose it, would make our society quite a different one from that we've known over the past two centuries and our freedoms less.

Now the proposition I would like to share with you today is that the Carter administration—or, more properly, the current Washington establishment, including its Congressional component—is paying heed to these perennial concerns of the business community, more heed than the headline reader might imagine, more than some businessmen are yet ready to accept.

I don't want to be misunderstood. I am not saying that the Carter administration or the powers that currently reside on the Hill are probusiness. In fact, I am inclined to doubt that ever again we shall see—nor should we—a completely probusiness administration in Washington. Quite properly business today exercises no more influence on the Washington scene than it earns through the merits of its viewpoints and the cogency of their representation.

What I am saying is that the leaders of our Federal government today are not antibusiness. What I am saying is that they are ready at least to listen.

In one respect, this is a quite unexpected development. In the post-Watergate environment and in the wake of a continuing stream of revelations of business misconduct, it would not have been surprising to see business made the whipping boy for all that ails our society. But that has not happened. Even in the Presidential election campaign there was only an occasional rhetorical blast at

what long ago Mr. Roosevelt called "malefactors of great wealth"—and even then one sensed the candidate's heart wasn't in it.

I don't want to imply that Watergate and all the other improprieties that have come to be subsumed under that label have been althogether without consequences. We do have the so-called "sunshine laws" and it remains to be seen whether they will in fact lead to greater openness in government or whether they will drive the decisionmaking process even further back into the shadows.

And I would be less than realistic if I did not ackowledge that there are a number of people in government—the more insecure among them—who are so wary of business and the implications of responsiveness to its aims that they are not ready to risk association even on the most unexceptionable terms.

These people, however, are a minority. In tho main, business viewpoints are being given a respectful hearing these days—both in the Executive Department and in the Congress.

What the effect of the Bert Lance affair will be I can't tell. I imagine each one of us has his ideas about that. What I will say is that in my brief acquaintance with him Bert Lance appeared to me to be a man of unusual intelligence and perception. Uniquely he commanded the confidence of the President and of the nation's business leadership. I can only hope that his replacement, whoever he or she might be, will continue to afford us the fair hearing we've received so far.

Evidence that we have received a fair hearing and evidence that what we've said has not been without effect are the withdrawal of the Administration's $50 rebate proposal from its tax package, the stretch-out in the auto emission standards required by the Clean Air Act and the defeat of the common situs picketing measure.

Clearly business representations have given the Administration and Congress second thoughts with respect to energy policy, the need for consumer protection legislation and—most notably—taxation. In none of these areas will business get all it wants. But I am ready to assert right now that what does eventually emerge will make a lot more sense than it would have had we chosen to stand mute.

With respect to tax legislation, for example, I am ready to surmise right now that we will see proposed some reduction in the corporate income tax rate, we will see the investment tax credit made permanent and we will see some form of alleviation of the double taxation of dividends. On the other hand, I anticipate we'll see a gradual phase out of special provisions with respect to capital gains—this along with (perhaps) a reduction in the maximum FIC rate for individuals from 70 per cent to 50 per cent.

Don't hold me to those predictions. That's just the way things look to me now.

At this point, it would not surprise me if some of you weren't ready to ask in what forums—by whom to whom—are business' viewpoints being represented to government?

This would be a much more newsworthy talk if there were very much mystery to the answer to that question. There isn't.

Most of you are familiar, I think, with The Business Roundtable. What makes the Roundtable unique is that the chief executive officers who comprise it—rather than delegating the task of representation to their public affairs officers—take a personal role not only in spokesmanship but in hammering out the policies for which they'll speak.

The Roundtable seeks to anticipate developing issues. We assign task forces to study them. We circulate position papers—and we seek to the extent we can to find a common ground of agreement. That's not always possible but I can assure you that the exercise of doing so adds immeasurably to the conviction and confidence with which we speak our piece to the Administration or the appropriate committees of Congress. The members know what they're talking about.

Unlike the Roundtable, The Business Council—of which currently I am honored to be head—takes no positions. Instead it provides a forum for representation of government viewpoints to business and business viewpoints to government. There was a time when the government felt that The Business Council was merely an advisory agency to the Commerce Department. One of my predecessors—both as chairman of The Business Council and as chief executive officer of AT&T—bluntly disabused the administration of that day of that notion. Since that time no one has been under the impression that The Business Council is a creature of government.

That doesn't mean that we don't want to do what we can to help solve national problems where business expertise and experience might help. It is to this end that members of the Council have been asked—by the Commerce Department, by the House Ways and Means Committee—to put together informal groups to study and recommend solutions to economic issues or—what may be just as useful—to serve as sounding boards for the proposals of others. So far we have tackled such matters as taxation, line-of-business reporting, capital formation, regulation, what the Administration at least privately acknowledges to be the EEO "mess"—and many others.

In brief, then, business is speaking out and—at least so far—government is listening. Is the President listening?

Some of you may have read that last Friday the President met with a group of businessmen at the White House. It was my privilege to be a member of that group, which was organized by Juanita Kreps, the Secretary of Commerce. When the White House first indicated that the President would receive a business delegation, there was a natural disposition for just about every businessman invited to claim time to speak his pet piece. However, it soon became obvious to all of us that in 45 minutes one can only say so much and that in that time we had best address only the most important of the issues that affect us all and on which we might have some claim to authority. And that's what we did. We gave our views on the economic outlook, on tax reform and the importance of business confidence to sustained economic progress.

What I hope we managed to convey in the course of our brief meeting with the President is the urgent need for an authoritative definition—that is, by the President himself—of the Carter administration's economic policy. It is uncertainty in this area that more than any other single factor accounts for the tentative nature of the present recovery cycle and for industry's reluctance to make major commitments for growth and modernization.

The President listened, and I am most hopeful that more such meetings will be forthcoming on other subjects.

But there are two sides to this coin.

That the President is listening, that Washington is listening, presents the business community with an opportunity we must not neglect and obligations we must not fail.

First of all, given the opportunity, we have the obligation to speak out clearly and forcefully on issues on which business has an interest and can demonstrate competence. It was not so long ago—in the wake of Watergate—when we were being advised otherwise. So low did business stand in the public's estimate that to some it seemed we would be best advised to keep our counsel for awhile. With that viewpoint I did not agree.

I did not agree for two reasons. First of all, I was not ready to accept the notion that because some businessmen had disgraced themselves I was disgraced, all business was disagreed and, that being so, I had any lesser right to speak my piece. Second, it seemed to me—and still does—that not in a long time has the nation so much needed to be reminded of the hard lessons business teaches, notably that even of good things we can have too much, especially when we lack the wherewithal to pay for them. In this country today we are in the process of a major thinking-through of the roles of the major institutions that serve us—which should be public and which private and where does the "crucial balance" lie. In that thinking-through, business has a major stake—and that stake is freedom. In its name, we have no greater obligation than to speak out for what we believe.

At the same time, we must take care, it seems to me, to eschew the rhetorical excesses of some hard line business spokesmen. It is a disservice, it seems to me, to imply that government and business are—and must forever be—irreconcilable antagonists. I don't believe any of us these days are so fanatically committed to our free enterprise system as to see its doom in every regulation government proposes. And most of us, I think, are sufficiently realistic to recognize that the resolution of issues involving conflicting interests and opposed convictions inevitably involves trade offs. Accordingly, I trust you would agree that this is no time for the kind of all-or-nothing oratorical extremism that, however satisfying it might be at the moment, might stand in the way of sensible accommodation.

This is a time to build not antagonisms but trust. And we can build trust, it seems to me, if government learns it can look to us for unvarnished facts, unbiased data, constructive recommendations. And we'll build trust to the extent that government learns that along the road we recommend there are no unpleasant surprises.

That we are being listened to imposes still another obligation on us—and that is that we do our very best to make sure that in good conscience we can say that what we propose be public policy truly reflects the public interest and not merely our own. Usually it's not hard to figure out what's best for me. What's best for everybody, however, takes some thinking about. That's why The Business Roundtable, for example, adopts no public position casually. It is only after the most rigorous examination of the facts and the most careful weighting of alternative viewpoints that the Roundtable declares its position. There is no denying that what it finally declares represents a business viewpoint. But it is a business viewpoint not of what is good merely for business but what is good for our entire country.

Finally, we need to recognize that the authority with which business speaks on public policy issues depends in the final analysis on its own performance. My company's right to be listened to on the vital topic of energy conservation, for example—and the persuasiveness of our plea that industry be granted scope for initiative in this regard rather than be constrained by excessively detailed government instructions—is based not on preachment but on the programmed conservation efforts that have reduced the Bell System's energy consumption by nine per cent over the past four years while the volume of business we handle has increased 32 per cent. More broadly, it is the earnestness with which business addresses itself to its traditional role of creating value for the American people and the integrity with which it pursues that task that will establish our right to be heard in the counsels of the land. Trust in what we say depends on respect for what we do.

Finally, I know that many businessmen—perhaps many of you—are wary of politics and wary of politicans. So vital, however, is the relationship of government and business

that to my mind the chief executive officer who is content to delegate responsibility for that relationship to his public affairs experts may be neglecting one of the most crucial aspects of his own responsibility.

Admittedly politics is a disorderly process and an occasionally uncomfortable one. But disorderly as it is, discomfiting as it is, it is the process by which our democratic society makes up its mind about its goals and the means of achieving them. And politicians—surely in this context theirs is a calling no less worthy than our own. Do we not, then, have an obligation—whether we voted for President Carter or voted against him, whether we voted for the Senators and Congressmen who currently represent us or whether we voted against them—do we not, so long as they hold those offices, have an obligation to do what we can to help them discern and carry out policies that are right for America? I think we do—and I hope you do, too.

THE CONDITIONS ON ELLIS ISLAND ARE DEPLORABLE, CONSIDERING ITS IMPORTANCE TO OUR NATIONAL HERITAGE

HON. EDWARD I. KOCH

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 3, 1977

Mr. KOCH. Mr. Speaker, last year during the Bicentennial, one of my staff members in New York went on a tour of the newly opened buildings on Ellis Island. These facilities, which had served as the principal port of entry for immigration into the United States for generations, were found to be in appalling condition. As the guide conducted the tour, he interspersed his prepared remarks with caution to beware of falling plaster and warnings against straying from the group lest unsuspecting visitors fall through the rotting floors and injure themselves. The chief attraction of the tour, the Great Hall where immigrants were once processed by the thousands per day, was at one time a monumental Victorian rendition of Renaissance architecture. But 22 years of neglect and vandalism, since Ellis Island was closed as an immigration center, and its reopening for the Bicentennial, have reduced whole rooms of this building to rubble.

This past summer, when the island reopened again for tours, I began to hear once more from concerned constituents who were horrified with the state of these historic facilities. As a result, I contacted the National Park Service, which was given jurisdiction over Ellis Island when it became part of the Statue of Liberty National Park system. I learned that the initial funding of projects for the improvement of Ellis Island was limited by law to a one-time authorization of only $6 million, and that almost half of this sum had already been appropriated and spent. Yet the degree of disrepair is so great that the sums required to accomplish even modest rehabilitation far exceed the authorization level. The money spent thus far has only partially stabilized the rate of decay by installing plywood walkways and restoring the docking facilities so that visitors can safely tour the immigration center.

My colleague and fellow New Yorker Congressman JONATHAN B. BINGHAM and I are in wholehearted agreement that the conditions on Ellis Island are deplorable, considering its importance to our national heritage. In addition, an authorization level of $6 million is grossly inadequate and unrealistic in view of the extensive rehabilitation necessary for full use of the island. Because JACK BINGHAM and I are increasingly concerned about the prospects for improving the situation, we are introducing today a joint resolution to increase the authorization level permitted for Ellis Island to $50 million.

We suggest this figure as a realistic appraisal of the amount of funding needed to restore the island and establish facilities that would make Ellis Island an attractive recreational setting as well as a park of historic importance. The National Park Service has provided me with figures estimating the cost of simple rehabilitation to approach some $37 million. This task would involve the restoration of the Great Hall, the removal of miscellaneous structures, dock safety and improvement, landscaping, and dredging of the ferry basin. According to the Park Service, this estimate represents a compromise between the basic stabilization costs, and the expense of full-scale development and rehabilitation.

We believe that restoration of the island should be a priority, but also see that the potential as a recreational area should be explored. The Restore Ellis Island Committee (REIC), which is a group of private citizens across the country who are devoted to raising interest in restoration of the island, has proposed several options for possible programs that could be instituted on the island. One proposal that I found to be of interest would be to transfer to Ellis Island microfilms of the immigration records that are currently stored in the National Archives here in Washington, so that visitors who have an interest in their heritage might find the records of their forebears' entrance into this country. The island would be a perfect site for the celebration of ethnic festivals or for seminars, if the necessary landscaping and picnic facilities were installed.

Ellis Island is one of America's most symbolic and historically important monuments, and the shameful state of its disrepair and decay is tragic considering the part it played in so many immigrants' lives. It is estimated that during the 62 years Ellis Island served as the country's principal port of entry, some 12 million immigrants were processed through its facilities. It has been conjectured that nearly half of all living Americans are related to someone who passed through Ellis Island. Authorizing sufficient funds to repair and restore the island, and to provide moneys to turn this 27-acre island in New York Harbor into an attractive park, is a project that would mean a great deal to immigrants and descendants of immigrants to who Ellis Island represents the beginning of their American experience.

I am appending to this statement the results of my inquiry to the Park Service on the cost of restoring Ellis Island, and editorials from the New York Times and the Washington Star urging the preservation of the island as a monument:

NATIONAL PARK SERVICE,
Washington, D.C., September 8, 1977.

Hon. EDWARD I. KOCH,
House of Representatives,
Washington, D.C.

DEAR MR. KOCH: I am pleased to respond to the questions in your letter of August 9 concerning Ellis Island.

As you indicate, the legislation establishing Ellis Island authorized a limitation ceiling of $6,000,000 for park development. Through FY 1978 appropriations have been received totaling $2,661,000 for developments, leaving an unappropriated limitation balance of $3,339,000. The appropriation amounts and project descriptions by fiscal year are listed below.

	Appropriation Amount
Fiscal year 1967:	
Emergency stabilization, miscellaneous facilities	$185,000
Fiscal year 1976:	
Initial rehabilitation	1,000,000
a. Utilities (water and sewer), dredging, seawall rehabilitation where ferryboats dock, and cleanup in vicinity of dock	(500,000)
b. Roof repairs, main building	(500,000)
Fiscal year 1977 supplemental:	
Initial rehabilitation, main building (continuation)	1,054,000
Fiscal year 1978:	
Planning for additional rehabilitation, main building (including $5,000 for exhibits)	172,000
Rehabilitation of tower roofs on main building (portion)	250,000
Total	2,661,000

The estimated cost for renovation and restoration of Ellis Island after FY 1978 is about $31,000,000. The most significant project would be the rehabilitation of the Main Building, estimated to cost about $20,000,000 (in addition to the amount provided through FY 1978). Other projects would include rehabilitation of seawalls, docks and buildings, removal of old structures, landscaping, and dredging of the ferry basin. We believe that this degree of restoration, with special emphasis on extensive rehabilitation of the Main Building, would be essential to provide a safe and meaningful interpretation of the park. These projected development requirements and costs are tentative, and could be modified after the General Management Plan (to be undertaken next year) is completed and approved. To cover the projected development cost estimate, the currently authorized development ceiling of $6,000,000 should be increased to $37,000,000.

WORK PROGRAMS AT ELLIS ISLAND

The Comprehensive Employment Training Act program provided about 15 workers during the winter of 1975–1976, to perform cleanup and grounds restoration. These workers served until full-time National Park Service employees came on duty in the summer of 1976.

During the summer of 1977, a Youth Conservation Corps service was established with an enrollment of about 25 city youths. Transported daily to the site, the youths worked 8-hour day shifts for an 8-week period. As previously, the work consisted of cleanup of debris and grounds restoration. Another work program is scheduled to begin in the

winter of 1978 under the Young Adult Conservation Corps program. The participants in this program expected to number about 100 persons, are somewhat older than the school age youths who worked during the summer months, and, therefore, would be available for full-time work during the winter and spring seasons. The Youth Conservation Corps and Young Adult Conservation Corps programs are interbureau programs administered by the Bureau of Reclamation. Funding is appropriated to the Bureau of Reclamation, with the National Park Service receiving funding from that Bureau to provide program direction, safety inspection, etc., for YCC programs.

POLL CONDUCTED BY THE NATIONAL PARK SERVICE

About 12,000 visitors responded to an opinion poll conducted by the Service during the summer of 1976 concerning the degree of development which should be provided for Ellis Island.

Question. Should Ellis Island be totally restored?

Answer. Forty percent of the visitors questioned responded yes.

Q. Should Ellis Island be partially restored? "Partially" in this context referred to restoration of that section of the park relating directly to the processing of immigrants—the Main Building and the limited area currently opened for visitation.

A. Fifty percent of the visitors questioned responded yes.

Q. Should Ellis Island be preserved as it is now, i.e., no permanent rehabilitation except for essential stabilization to correct safety hazards and prevent complete deterioration?

A. Ten percent of the visitors questioned responded yes.

We appreciate your interest in the restoration of Ellis Island and hope this information is satisfactory.

Sincerely yours,

———— ——,

Acting Chief, Program Development and Control Division.

[From the New York Times, May 28, 1976]

PORT OF ENTRY

Ellis Island is a monument because, like Mt. Everest, it is there. No piece of American land has been more symbolic of this country's history; 12 million immigrants arrived through those somber, turn-of-the-century brick buildings and their predecessors. Possibly 100 million Americans today can trace their heritage to its soil.

And yet no piece of historic land has been harder to deal with. The abandoned structures, closed since 1954, have continued to decay, resistant to anything except massive infusion of funds. Ambitious proposals have come and gone. So have preservationists, historians and photographers, bringing back a desolate record of the detritus of freedom and bureaucracy. Macabre and surreal, those empty halls suggested the grim realities as well as the dream of refuge.

Tomorrow the island will open to the public for the first time in 22 years, thanks to citizens' groups, the National Park Service and a $1 million Congressional appropriation for limited rehabilitation. It is an appropriate Bicentennial gesture. Ellis Island is a monument in spite of itself.

[From the Washington Star, June 4, 1976]

ELLIS ISLAND

The opening of Ellis Island as a monument is movingly appropriate for the bicentennial year. The immigrant experience is, of course, the bedrock of the American experience in all its dizzying mutations. Ellis Island, in New York harbor hard by the Statue of Liberty, is the emblem of that historical serial.

Between 1892 and 1954, some 12 million persons passed through that stern place. The National Park Service estimates that 100 million living Americans—nearly half of us—have ancestors who entered America through Ellis Island.

After it was closed in 1954, the facility with its dominating red-brick main building, turreted and domed and somehow unmistakably official, fell to the rough custody of vandals, neglect and the elements. In 1965, Congress included Ellis Island as part of the Statue of Liberty National Monument.

A primary force in securing money from Congress for repair was the Restore Ellis Island Committee; a primary force in that organization was Peter Sammartino, the 72-year-old chancellor of Fairleigh Dickinson University, whose father came to this country through Ellis Island. At the dedication ceremony last week, Mr. Sammartino said, "Ellis Island gives you a perspective on America. It makes you realize that, in spite of all the problems we've had, and all the inequities, we're glad our fathers and grandfathers made the decision to come here."

His comment was eloquently plain-spoken. Perspective is antidote to the dementia that breeds on preoccupation with the immediate. Perspective is always needed; it is vitally needed in a world that becomes newer, and stranger, each year. Ellis Island is a reminder that hope is the assertion of human spirit over fear.

But the 27-acre immigrant center was also called "Isle of Tears." Apprehension was as much a part of the newcomer's baggage as anticipation, and thousands found Ellis Island the barrier to expectations, were sent back to their lands of origin, judged unsuitable.

We have had a difficult time coming to terms with the immigrant chapters of our national tale. The "melting pot" theme, historically sustaining if overly romantic, is being nudged now by reclaimed ethnic pride and identity: Neither is accurate, neither is false. We are ambiguous about our immigrant roots. We have excluded and distrusted and raised obstacles to the latest comers, requiring them to replicate the hard, and often debilitating, experience of those who already had staked their claims.

The process was, and perhaps still is, a reflection of an insecurity in knowing what precisely an American is. America, we suggest, is a matter of becoming, freighted equally with great doubt and great beliefs. The grandness of Ellis Island is that every American, regardless of the particular course of his or her ancestors' journey, shares in its symbolism.

AMENDMENTS TO FEDERAL FOOD, DRUG AND COSMETIC ACT

HON. JOHN B. BREAUX

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 3, 1977

Mr. BREAUX. Mr. Speaker, I am today introducing legislation to amend the Federal Food, Drug and Cosmetic Act in order to clarify the status of certain substances and pesticide chemicals which migrate through the ecosystem and are found in raw or processed fish or shellfish. A series of court decisions have held that fish products can be considered adulterated under three clauses of section 402 of the act (which defines an adulterated food product.)

United States v. *An Article of Food Consisting of Cartons of Swordfish, 395 F. Supp. 114,* held that mercury in swordfish is an added poisonous and deleterious substance which is unsafe within the meaning of section 406 (the section of the Food, Drug and Cosmetic Act which establishes tolerances for poisonous or deleterious substances) if the amount of mercury in the fish product exceeds the tolerance. In *United States* v. *Ewig Brothers, 502 F 2d 715 (7th cir. 1974),* the court held that residues of chemical pesticides and processed fish were food additives within the meaning of the Food, Drug and Cosmetic Act. Finally, *United States* v. *Goodman, 353 F. Supp. 250, aff'd, 486 F. 2d 487 (7th cir. 1974),* the court held that residues of chemical pesticides and processed fish were food additives within the meaning of the Food, Drug and Cosmetic Act. Finally, United *States* v. *Goodman, 353 F. Supp. 250, aff'd 486 F 2d 847 (7th cir. 1973)* held that the act suggests a duty for the Administrator of the Environmental Protection Agency to promulgate regulations establishing tolerances of pesticides on raw agricultural commodities for raw fish.

In each of the above cases the presence of a substance or pesticide chemical which was not deliberately added to the fish or seafood but rather was present as a result of the migration of the substance through the ecosystem and into the product resulted in a determination that the food was adulterated.

With regard to presence of a pesticide chemical in raw fish or seafood it is clear that the fishing industry does not intentionally or deliberately add such chemicals to the product. Thus, a fair construction of that provision of the act does not seem to require an individual who harvests or processes fish or seafood products to petition the Food and Drug Administration for the establishment of a tolerance for the addition of a pesticide chemical in or on a raw agricultural commodity.

Similarly, a clear reading of the food additives provision and legislative history which preceded the 1958 amendment indicates that it was the intent of the Congress that only substances used in the production of food should be classified as food additives. The test would appear to be whether or not the substance was deliberately used in the production or distribution of the product even if it is not directly added to the product in which it is detected. If it is not, then the substance should not be considered a food additive.

The report of the Senate Committee cites as principle examples of intentional and incidental additives "substances intended for use in producing, manufacturing, packing, processing, preparing, treating, packaging, transporting or holding food." Thus, in the Ewig case residues of DDT which were found to be present in processed smoke fish and which were not deliberately used in the processing or distribution chain by the fishing industry were incorrectly determined to be food additives by the court.

The third provision of the act under which FDA has moved to find fish products adulterated, requires the establishment of tolerances for poisonous sub-

stances which are added to food. I have conceptual difficulties with this provision due to the wording of the act which requires that the presence of a substance is a per se violation of the law if it is an added substance. Many qualified scientists believe that certain substances naturally are present in the marine ecosystem, although additional amounts are discharged by man. Such substances to the extent they are ingested by fish are, in my opinion, naturally present in the fish and are not "added" substances.

If the substances is not added to the product then FDA must meet a more severe test under the legislation, namely that they must prove that the quantity of the substance in the food renders it injurious to health. Under court decisions, this test has been construed to require FDA to find that the food contain deleterious substances in sufficient quantities to make it injurious to health rather than the amount of an added substance which could possibly cause such injury.

For the reasons discussed above it is also difficult to read the Food, Drug and Cosmetic Act as requiring the establishment of tolerance for the presence of substances in fish or seafood on the basis that a pesticide chemical is deliberately being added to a raw product or on the basis that a substance is being deliberately used in the processing distribution chain and thus construed as a food additive. Therefore, I am today introducing legislation which would qualify the act by exempting raw or processed fish or seafood from being considered adulterated under the three provisions discussed above and in lieu thereof adding a new section to the act entitled "Tolerances for Unavoidable Environmental Contaminants."

This provision recognizes that certain substances and pesticide chemicals are through no deliberate action by the fishing industry found to be present in raw or processed fish or seafood products through ingestion, inhalation or similation by the species involved and in most instances cannot be removed by good manufacturing practices. This provision would provide that the presence of such substances shall result in the product being deemed unsafe for the purposes of the application of the adulteration provisions of the act unless tolerances for such unavoidable environmental contaminants have been prescribed by the Secretary of Health, Education, and Welfare and the quantity of the contaminant present in raw or processed fish within the limits of the tolerance or with respect to the presence of the contaminant in fish or seafood, the Secretary has determined that the contaminant may be exempted from the tolerance requirement.

Prior to promulgating regulations establishing tolerances or exemptions, the Secretary under my proposal is required to give consideration to: First, the necessity for the production of an adequate, wholesome and economical food supply; second, other ways in which the consumer may be affected by the environmental contaminant; and third, risks and benefits attendant to varying tolerances which may be established. The Secretary is further required to consult with the National Marine Fisheries Service and other appropriate departments and agencies for the purpose of obtaining information and scientific data which may be useful in establishing tolerances.

Mr. Speaker, I am fully in accord with the understanding that it is a vital function of the Government to insure the public that food is wholesome and safe for human consumption. Toward that end, the Congress in 1906 enacted the Wiley Pure Food and Drug Act and in 1938 passed the Federal Food, Drug and Cosmetic Act. Since that time, the Food, Drug and Cosmetic Act has been amended again most notably in 1958 when Congress passed the food additives amendment. The initial legislation and subsequent amendments have resulted in the production in this country of wholesome and safe food products and has permitted the improvement of our food products through the judicious use of food additives which have been extensively tested by the food industry and approved by the Federal Government prior to use.

Certainly, there is no basis for deleting fish or seafood products from the adulteration of provisions of the legislation; however, based on court cases and the intent of Congress when amendments to the act were adopted it is clear that substances are present in fish and seafood which were not and have not been deliberately added to the product, either in raw or processed form by the seafood industry. For that reason I believe that more effective and understandable and equitable regulation of the seafood industry can be achieved under the Food, Drug and Cosmetic Act by establishing a new provision which correctly describes the substances in the product. Namely, unavoidable environmental contaminants and provides a procedure by which safe tolerances can be established for the presence of these contaminants in fish and seafood.

This legislation is necessary if we are to remove the uncertainty in the seafood industry as to the manner in which its products are regulated by the Federal Government. This action should also help to insure and to increase consumer confidence in fresh, frozen, cured fish, and seafood products that are made available by the industry. I urge the Labor and Public Welfare Committee to give thoughtful and speedy consideration to this bill.

IN APPRECIATION OF DR. CHARLES E. HAMILTON

HON. JOHN B. BREAUX

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 3, 1977

Mr. BREAUX. Mr. Speaker, today I would like to share with my colleagues the outstanding career and record of dedication that Dr. Charles Edward Hamilton has achieved. Dr. Hamilton is known and loved by everyone in our State and recognized throughout the world as a pioneer of the medical profession. His belief that service to mankind is the greatest contribution possible is exhibited by his outstanding career.

The material follows:

DR. CHARLES EDWARD HAMILTON

Born in New Orleans, November 12, 1890, Dr. Hamilton is the son of the late Captain George Carlyle Hamilton and Josephine Gardiner Hamilton. He received his secondary education in New Orleans, and during the summer vacations resided with his uncle, Dr. Arthur Gardiner, at the latter's farm in Bristol, St. Landry Parish. His university years were spent first at Jefferson College, Convent, Louisiana, a Catholic educational institution maintained by the Marist Fathers, and he graduated with an M.D. degree from Tulane Medical School in 1913.

Dr. Hamilton's professional career began with his internship from 1913 to 1914 at T. E. Schumpert Memorial Hospital, Shreveport. One of his early medical assignments was as physician for an oil company in Mexico. His military service in World War I was with the British Expeditionary Forces as Captain. Concurrent with his army service, Dr. Hamilton participated in specialized medical courses at the University of Montpellier in 1919. In 1922, he completed a postgraduate course in physical examination of patients under Richard Calbot, M.D., of Harvard University, Boston, Massachusetts. In 1945, the American College of Physicians awarded Dr. Hamilton fellowship and in 1949 named him a life member. In 1948, he pursued a course in cardiac care at the University of Mexico.

The local physician, who practiced in Lafayette and the surrounding area for more than half a century, headed the Lafayette Parish Medical Society as President in 1933, 1934, 1935 and 1951. The American Association of Railroad Surgeons and the American Academy of General Practice elected him to membership in 1948, and the Southern Medical Association awarded him life membership in 1959. A member of the Louisiana Academy of Family Physicians for over 25 years, he was presented with the Academy's Certificate of Merit in 1972.

The first Catholic in the Diocese of Lafayette to be made a Knight of St. Gregory by Pope Pius XII in 1942, Dr. Hamilton with Mrs. Hamilton, was active in religious affairs within the community with special emphasis on restoration and rebirth of the French historical and cultural influences upon the environment. In addition to his career in medicine, Dr. Hamilton was involved with the industrial growth of the area. He served as president of the Begnaud Oil Company for several years, and is a member of the Board of Directors of the Guaranty Bank and the Lafayette Building and Loan Association.

In addition to his long association with the Lafayette Sanitarium, which he helped found, he served its successors, Lafayette Memorial Sanitarium and Lafayette General Hospital, in turn, as President of the Corporation and the Board of Trustees. He was also instrumental in establishing the Lafayette Medical and Surgical Group, later renamed in his honor, the Hamilton Medical Group, where, until recently, he was active as Medical Director, Emeritus.

THE OCEAN SHIPPING ACT OF 1977

HON. JOHN M. MURPHY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 3, 1977

Mr. MURPHY of New York. Mr. Speaker, I am introducing legislation today which is designed to control

the predatory rate practices of certain State-owned or controlled carriers whose alarming penetration of our international liner trade threatens the stability of our international trade. Joining with me in introducing this vital legislation are Mr. LEGGETT, Mr. BIAGGI, Mr. TRIBLE, Mr. ANDERSON of California, Mr. DE-LUGO, Mr. ZEFERETTI, and Mr. AKAKA.

The United States is the largest trading nation in the world today, and American ships must compete for cargoes in this trade with the ships of our trading partners. And, although our foreign trade is steadily growing, from $35 billion in 1960 to more than $200 billion today, U.S.-flag liner companies are not carrying enough of this lucrative cargo. Yet, it is our basic policy enacted by Congress, that the United States shall have a merchant marine capable of carrying all of our domestic offshore commerce and a substantial portion of our foreign ocean borne commerce. This ocean borne commerce is divided into three different types of service namely: liner, tramp, and tanker.

Liner service, with which the legislation introduced today is concerned, is regularly scheduled common carrier service on established routes, with tariffs filed with the Federal Maritime Commission. In contrast, tramps do not operate on any fixed route or schedule, they sail wherever the cargo may be. Tankers are generally operated either as proprietary vessels—owned and operated by the same entity who often own the cargo as well—or in a manner similar to tramps. Tanker and tramp service is not regulated by the Federal Maritime Commission and is not covered by the Ocean Shipping Act of 1977.

The U.S. liner trade is essentially an open trade without restrictions to entry or exit. Groups of carriers have traditionally organized as shipping conferences, establish agreed upon rate levels for member carriers and operate on most of the major trade routes. It should be readily apparent that the U.S. liner trades are designed to give American-flag carriers—and those of the nations with whom we trade—a fair chance to compete for cargoes in their own trades.

Since 1972 there has been an unprecedented penetration by Soviet liner fleets of the United States foreign trades. This penetration by the State-controlled Soviet merchant marine is separate and distinct from the grain and bilateral cargo trade resulting from the United States-U.S.S.R. Maritime Agreement of 1972. On U.S. trade routes modern Soviet intermodal vessels are now cross trading between the United States and Japan in the North Pacific and between the United States and Western Europe in the North Atlantic.

That this growth is startling and significant is borne out by the fact that between 1971 and 1976, there was more than an eightfold increase in tonnage of liner cargoes carried and nearly a forty-five-fold increase in the value of liner cargoes carried. These trends represent a liner growth from 160,000 tons to 1.4 million long tons and $38 million to $1.7 billion by value of cargo. In order to achieve this phenomenal growth in the U.S. liner trades, the various Soviet companies have actively pursued a practice of rate cutting, generally as an independent carrier—this is independent of the steamship conferences—to enable their capture of an initial share of the trade and then expand upon that share in successive years.

On October 27, 1977 the Merchant Marine and Fisheries Committee conducted a briefing, partly classified, on Soviet maritime activities and their effect on the U.S. liner trades. The subjects covered included the structure of the Soviet Merchant Marine, employment, United States-U.S.S.R. maritime agreements, liner trade penetration, and Soviet maritime strategy and policy. Certain conclusions are apparent as a result of this briefing.

The Soviets have a merchant fleet in excess of their national requirements which they utilize for full time cross trading. Since the Soviets are hard-pressed for hard currency their maritime activity in the cross trades in the United States is not motivated by normal commercial practices but by the compelling imperative to maximize hard currency earnings. The Soviets are not bound to uphold any criteria of profitability that is similar to that required in market-economy companies.

The Soviet operators have entered the U.S. trades through rate cutting which may be 10- to 50-percent lower than the competing conference rates. From only 0.3 percent in tonnage of the U.S. liner trade in 1971, the Soviets increased their penetration to 3.1 percent. With greater Soviet vessel capacity predicted, increased Soviet penetration of the U.S. liner trades could cause serious instability in our international trades.

The Ocean Shipping Act of 1977 has as its primary objective the regulation of rate-cutting practices of certain State-owned controlled carriers operating in the U.S. trades. It would regulate controlled carrier rates on the basis of justness and reasonableness and, provide for suspension of such rates for a time necessary to complete the proceeding. Rates found to be unjust or unreasonable would be unlawful and could not be used. During the suspension period the FMC could prescribe minimum rates to be charged by the controlled carrier. The justness and reasonableness of the rates would be determined by the FMC on the basis of various factors, including but not limited to whether the controlled carrier's rates are fully compensatory based upon that carrier's actual costs or constructive costs; the relationship of rates of the controlled carrier to those of other carriers in the trade; and, whether the rates are lower than necessary to assure movement of particular cargo in the trade.

Mr. Speaker, the practical effect of the Ocean Shipping Act of 1977 is to preserve legitimate competition among all common carriers engaged in the foreign commerce of the United States and to stabilize the ratemaking practices of the carriers by forbidding predatory ratecutting which will certainly disrupt our international trade.

THE EFFECTS OF RELIGIOUS CULTS ON THE HEALTH AND WELFARE OF THEIR CONVERTS

HON. LEO J. RYAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 3, 1977

Mr. RYAN. Mr. Speaker, the activities of the Reverend Sun Myung Moon's Unification Church continue to cause distress for many of us. As you know, the House Subcommittee on International Organizations, chaired by my distinguished colleague, DONALD FRASER, is investigating allegations of close ties between the Reverend Moon and some of his organizations and the South Korean Government, including the KCIA. As a member of the subcommittee, I am, of course, disturbed over such allegations. My greatest concern, however, is for those young people who have been converted by these religious cults and for their parents, who have suffered the loss of their children.

One of these parents, Mrs. Ida Watson Camburn of Sunnyvale, Calif., brought to my attention the testimony of John G. Clark, Jr., M.D., assistant professor of psychiatry at the Harvard Medical School, before a Vermont senate committee, which was investigating religious cults. Dr. Clark's remarks, based on 2½ years of research, deal with the effects of some religious cults on the mental and physical health and welfare of their converts. I highly recommend his conclusions to my colleagues:

TESTIMONY OF JOHN G. CLARK, JR., M.D.

In this statement to the committee established by the Vermont Legislature, I intend to present substantive conclusions drawn from 2½ years of research on the effects of membership in some religious cults on personal health of their converts. My conclusions are rather grim: The health hazards are extreme! Though I will talk primarily of the absolute dangers to mental health and personal development, I must also as a physician draw attention to equally serious, often life threatening, dangers to physical health.

I will state that coercive persuasion and thought reform techniques are effectively practiced on naive, uninformed subjects with disastrous health consequences. I will try to give enough information to indicate my reasons for further inquiries as well as review of applicable legal processes.

From the specific data gathered during the time of my investigations a rather accurate history of involvement in the cults can be now adequately described. In doing this I believe I can adequately demonstrate why I think there are major health hazards as well as many other social concerns directly caused by activities of the particular cults which we try to define as destructive. The destructive cults are numerous and include the very well known ones such as Hare Krishna, the Unification Church, the Scientologists, and the Divine Light Mission, all of whom are utilizing the same basic techniques. The fact that I use the word techniques indicates that these investigations have delineated a series of technical aspects to these questions which need to be understood and can be explained.

All of the groups that we are talking about have living leaders who are demonstrably wealthy. The beliefs of all these cults are absolutist and non-tolerant of other systems

of beliefs. Their systems of governance are totalitarian. A requirement of membership is to obey absolutely without questioning. Their interest in the individual's development within the cult towards some kind of satisfactory individual adult personality is by their doctrines, very low or nonexistent. It is clear that almost all of them emphasize money making in one form or another, although a few seem to be very much involved in demeaning or self denigrating activities and rituals. Most of them that I have studied possess a good deal of property and money which is under the discretionary control of the individual leaders.

Most of the cults of concern consider themselves purely religious, some others appear to be more political. One of the most important of the common properties of such cults is the presence of a leader who, in one way or another, claims special powers or may even allow himself to be thought of as the Messiah. Such leaders do have special personal qualities including a unique world view and special willingness to effect drastic changes in the thinking and behavior of followers.

It appears that the techniques utilized by these cults are very similar overall although each one uses its own peculiar style. It would appear obvious that all of these cults have worked out ways of gaining access to susceptible individuals in order to have served to any degree. Those who succumb to the enlisting efforts seem to be divided into two rather distinct groups. The first is composed of the "seekers," of whom we all know, popularly though incorrectly thought to constitute the entire population of susceptible people. They are schizophrenic, chronically so, or border-line personalities. It is quite clear that the existence of emotional or personality problems is a reason for becoming involved in the cults and that most mental health professionals consider only this reason at present. These inductees involve themselves in order to feel better because they are excessively uncomfortable with the outside world and themselves. Such motivated versions are "restitutive," in that the "seekers" are trying to restore themselves to some semblance of comfort in a fresh, though false, reality. We also see this attempt at restitution in the development of the so called secondary symptoms of schizophrenia and other forms of mental illness as the attempt of a troubled or damaged mind to put together a new, simplified mental world and style of reasoning in order to compensate for the terrible awareness (or near awareness) of personal vulnerability. Approximately 58% of inductees were found to be in this first group from my studies.

The remaining 42% of the examined sample, however, were not ill or damaged in the sense I have mentioned before. That is, they were found to be apparently normal, developing young people who were going through the usual crises of development on the way to becoming adults, who, for any of a number of reasons, had fallen into the trap laid by the cults and had been taken in. On examination they were strong growing students on the average who were facing the normal pains of separation from their families, the normal depressions therefrom, the new, clear slightly feverish view of the complexity of outer reality which is a part of early college life. I think of their joining the cult as being "adaptive"; that is, they are presented with certain problems by the cult and adapt themselves to it by psychic, social and physiological processes which are not in themselves as pathological as those involved in the "restitutive" conversions. In some ways it is this more healthy "adaptive" group that is most alarming to the observer.

From a clinicians point of view the first or restitutive group under the influence of cult indoctrination and practices is very much at risk. In many ways it can be very easily shown from long experience within the mental health field how very much more damaged they may become by being given a thought disorder by a group that conforms to a prior tendency to this sort of thinking disability. Their chances of ever developing a good relationship to outer reality and becoming autonomous individuals must, perforce, diminish with the passage of time. I am reminded of the chronic schizophrenics of some years ago whose psychotic style of thinking became totally institutionalized when placed in the back wards of hospitals for such a long enough time that they ultimately could no longer think at all effectively. The healthier second group, though theoretically less totally vulnerable, is more easy to identify with; their problems may be especially revealing as I will try to explain.

These people tend to be from intact, idealistic, believing families with some religious background. Often they had not truly made any of the major shifts toward independence, and so, left home at the appropriate time believing they were ready for freedom. When this belief was seriously challenged in this brave new world by their first real set backs or by any real crisis they became covertly depressed, thus enhancing their susceptibility to the processes of conversion.

For individuals in this state of vulnerability to be converted a series of circumstances, techniques and events must occur to bring about the complete subjugation of mind and person which I am attempting to describe. The first event is the gaining of access to these potential converts which is raised to a high art by all of the successful cults. Some even have printed manuals describing where to approach prospects, exactly what types of initial pressure to put on each of them and what the odds are that they will acquire a certain number of converts from a given amount of pressure well applied. The general openness of manners of this group adds to the ease of access. Once such a prospect has agreed to investigate the rather simple propositions expressed by the representatives of the cult he or she is brought into the next and highly sophisticated activities of the conversion process. From the first, intense group pressure, lectures, lies, false use of facilities and other inter-personal pressures unexpected by the individual are brought to bear. Singing, chanting and a constant barrage of the kinds of rhetoric which catch the young idealistic minds are constantly in play. So intense is this that individuals who are under such pressure and are susceptible tend to enter a state of narrowed attention, especially as they are more and more deprived of their ordinary frames of reference and of sleep. This state must be described as a trance. From that time there is a relative or complete loss of control of one's own mind and actions which is then placed into the hands of the group or of individuals who have been the direct contact with the individual inductee. This induction period has also been described as "coercive Persuasion".

Once this state of passive, narrowed attention and willingness to be influenced is achieved, the true work of conversion (or of thought reform) begins in earnest. This is always a program of unbelievable intensity! During this, all of the cults step up their idealogical reform pressures by increased group pressure, change of diet, and the introduction of elements of guilt and terror. The question of supernatural pressures that one must face in the future are brought out more and more explicitly and concretely. Many promises are made of redemption or safety, in the certainty that the world will soon end at which time there will be enormous rewards or terrible punishments to believers or non-believers. The threats may be implicit but are sometimes increasingly physical and explicit physical threats. Preaching is constant from all sides; supervision is absolute and privacy of body or of mind may not be allowed for days or weeks into the future, even to use the bathroom. All relationships to other people are organized and stereotyped and no chance is given for idiosyncratic expression. The victims are induced rapidly to give all familiar and loved past objects—parents, siblings, home, city, etc—and they are physically and emotionally moved to as foreign an environment as is possible to imagine. Thus, it becomes increasingly hard for them to reconstruct in imagination what one has once experienced some time in the past. Reality becomes the present and includes in it elements of the supernatural, magical, terrifying thought which has been expressed constantly all around. There is no base left for reality testing.

Perhaps as important a factor as any is that the base of each individual's language which has been part of the mind and the body function from the very early stages, is slowly and deliberately changed. All words of any emotional importance have had some shifting of their meaning to an oversimplified, special sort of related definition. Each person is given more and more tasks to learn, to study, to grasp, and has less time to believe that the past ever existed. By this time the indoctrination has defined parents as being infected by Satan's influence and parenthood is reinvested in the leaders of the cults. The urge to go home has been replaced by the need for the absolute authority of the cult and its leaders and at the same time the value of education and the need to go to school has disappeared from the consciousness, this much radical change of attitudes, loyalties and thinking style can occur and regularly does occur within a few days to a few weeks.

From this time the problem of maintenance of the state of mind is apparently rather simple. Leaving the old familiar life setting and renouncing it for a new communal theology the accepting of a new family with new definitions of love and denouncing of natural parents leads an individual to think all bridges to the past are closed and that a very brave move into a new world has, indeed, been made. In some cults members are taught intensive chanting and meditating procedures which in case of any attack on their beliefs can cover up all possible thoughts and doubts. Others can apparently reenter a trance state with a narrowed consciousness of reality the first moment that somebody questions or challenges their beliefs. They are then promoted to the next steps or stages in their cults usually as proselytizers, money raisers or in some cases garbage collectors.

In my opinion, the last stage of this process in both adaptive and restitutive groups probably may evolve after four to seven years. This would be "acculturation" and would be irreversible. This stage may be compared to that of the untreated person with a schizophrenic illness who slides without proper help into a kind of personal degradation which, if unchallenged or untreated in time finally becomes acculturated and permanent. Anyone trying to nudge a person from this acquired style of thinking and behavior as we in mental health field know very well is going to feel that he is the natural enemy of his own patient. In my opinion, I repeat, by acculturation this new style of thinking may become irreversible.

Before this final state cult members seem to experience two forms of personality: the original and the imposed. The original is complex, full of love relationships, expectations and hopes and, especially, rich language. This richness of language is that which parents suddenly miss when they first

see their thought reformed children. Their reaction is appropriately panic! They recognize and correctly identify terrifying, sudden, unacceptable changes in the style of language and the style of relating as well as a narrowing and thinning down of the thought processes. Formally bright, fluent and creative individuals are rendered incapable the use of irony or a metaphor and they speak with a smaller carefully constricted vocabulary with cliches and stereotyped ideas. They also appear to have great difficulty using abstractions in their speech or arguments. They do not love except in cliches and established forms. Almost all of the charged, emotion-laden language symbols are shifted to new meanings. Parents notice this long before professionals because they do not need cumbersome and elaborate tools to analyze language patterns. Their memories and intuition are sufficient.

The evidence for what I call a shift in personality which may be what we call in psychiatry "depersonalization", comes from several kinds of observation. The first is that, despite the appearance to very experienced clinicians of flagrant and classical schizophrenia in many converts the induced mental state being discussed does not respond to the most effective antipsychotic drugs or any of the methods of treatment customarily applied by mental health professionals to restore effective thinking. Thus, we are relatively helpless to restore thinking processes because under the current interpretations of the laws we cannot maintain physical control for long enough to bring about the confrontation therapies which might be effective in reestablishing the original personality style in the way it was done with the Korean war prisoners. On the other hand antipsychotic medicines are still effective in treating acute psychosis in these same people though not affecting the state of conversion.

The second and rather compelling piece of evidence is that the thought reformed state is dramatically altered by the process of deprogramming about which, though I cannot legally advise it as a therapy under most circumstances, a great deal is known. The deprogramming process as it is now practiced effects, in a large number of cases, a fairly rapid return to the old organization of the mind, a repersonalization, and brings back with it the old language skills and memories, original personal relationship patterns and of course the old problems. Furthermore it is regularly observed that for some time after the deprogramming the affected individuals are very vulnerable for about a year and, especially during the first few weeks to two months, they feel themselves aware of and close to, two different mental worlds. Their strong impulses to return to the cult are altered by logical reasoning processes and the great fear of some one taking control of their minds from the outside once again. During this time a former convert can quickly be recaptured either by fleeting impulse or by entering a trance state through a key word or piece of music or by chanting or by a team from the cult.

In general, however after a return to an original state of mind the individual's problems begin to seem like ordinary health problems. Most of them are depressed, depleted people reminding one very much of that status of patients who have recently recovered from acute psychoses who are able to feel that for the first time in their lives they had lost a clear sense of reality and of control. They feel ashamed of what they have done and the pain they have inflicted, are very scared and for awhile unable to manage their lives effectively. To remain within the strict mental and social confines of the cult experience for even a short time is disastrous for some who have become psychotic or have committed suicide. Continuing membership appears to invite a deeper acceptance of the controlled state of mind and, in my opinion, leads to the gradual degredation of ordinary thought processes necessary to cope with highly differentiated and ambiguous external life problems of the future. In this state after some time the intellect appears to lose a great many I.Q. points; the capacity to form flexible human relationships or real intimacy is impaired and all reality testing functions are difficult to mobilize so that judgement is poor. An individual with even moderate prior psychological disability is likely to be set back considerably and permanently in his or her maturation to adulthood and will certainly be impaired in the ability and capacity to deal with the real world's opportunities and dangers. The loss of educational and occupational experiences will confirm these losses beyond any doubts.

This is the rough picture of the phenomenon of thought reform as practiced by present day cults and the natural history of this process and its effects on the involved individuals. Though incomplete it is based on examination of 27 subjects at all stages of involvement in six different cults as well as interviews with many more interested and informed observers. I believe the overall outline is sound though, of course, incomplete. The fact of a personality shift in my opinion is established. The fact that this is a phenomenon basically unfamiliar to the mental health profession I am certain of. The fact that our ordinary methods of treatment don't work is also clear as are the frightening hazards to the process of personal growth and mental health.

In this paper I have tried to describe the phenomenon of involvement of young people in destructive cults. The problems of special vulnerability to conversion were described and two major groups of susceptibles were identified. A natural history of access, induction by coercive persuasion, the process of thought and attitude reform and the maintenance of conversion described. An opinion that a permanent state of acculturation was likely to occur after a number of years was expressed. The rapidity of these catastrophic changes were emphasized as well as many of their qualities and these were related to mental health and maturational concerns.

Specific and important problems such as suicide, depression, psychotic reactions and psychosomatic disorders are most serious and deserve another discussion and much more study. It is also clear that the multiple, serious and often bizarre problems of physical illness need careful and official attention. Both the mental health and physical health problems presented by the activities of the cults should be investigated in much greater detail by official agencies. I believe that they merit active interest of such constitutive authorities as this Legislative body who I trust can see some of the greater implications of all that has been discussed and will be further revealed in these hearings.

SAVING FUEL OIL AND SAVING MONEY

HON. WILLIAM S. COHEN

OF MAINE

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 3, 1977

Mr. COHEN. Mr. Speaker, the vast majority of homeowners in my State heat their houses with fuel oil. With another heating season now underway, the people of Maine know that fuel oil is certain to be more expensive this year, and it may be scarce.

In 1950, the average retail price of home heating oil was 10 cents a gallon. Twenty-two years later, in 1972, the price had doubled to 21.9 cents per gallon. By the end of 1976, the cost of fuel oil had jumped to a staggering 48 cents a gallon.

The people of Maine have led the Nation in their efforts to conserve fuel oil. But this year they will have to redouble their conservation efforts if they hope to keep fuel expenditures within rational bounds.

To assist the residents of States such as Maine, the Department of Energy and the National Bureau of Standards have recently published an excellent pamphlet entitled "How to Improve the Efficiency of Your Oil-Fired Furnace." This publication explains in simple language and in question-and-answer format how an oil furnace works and how a service technician can test it to tell whether it is properly adjusted.

Because I believe this pamphlet can be of great benefit to all Americans using oil-fired furnaces, I am including it here in the RECORD.

HOW TO IMPROVE THE EFFICIENCY OF YOUR OIL-FIRED FURNACE

This pamphlet is to help you, the homeowner, save money and reduce pollution by having your oil-fired heating system serviced regularly. Annual maintenance check-ups will keep your furnace operating at top efficiency and thereby save fuel costs. In this pamphlet you will be shown how your annual fuel cost can be further reduced by having your service technician adjust the firing rate of your burner or by replacing it.

Is it really possible for me to save money by improving the efficiency of my heating system?

Yes. Recent field tests revealed that almost all of the oil burners examined were oversized.

Oversizing means that the furnace burns oil at a faster rate than necessary to maintain a comfortable house temperature. These field tests showed that reducing the nozzle size and modifying air handling parts can save 14% in seasonal operating costs. A 30% savings is possible by replacing inefficient burners with new, high-efficiency burners that have a reduced firing rate. Consult your service technician for advice on the most appropirate modifications and potential fuel savings for your system.

How much money can I exect to save by improving the efficiency of my system?

The cost of most modifications suggested in this pamphlet will pay for themselves in fuel savings over relatively short periods of time. The following table shows the dollar savings per $100 of annual fuel costs that can be achieved by increasing the efficiency of your furnace. Remember, as fuel prices increase, your payback period is shortened.

DOLLAR SAVINGS PER $100 OF ANNUAL FUEL COST

From original efficiency of—	To an increased efficiency of (percent)—					
	55	60	65	70	75	80
50 percent	$9.10	$16.70	$23.10	$28.60	$33.00	$37.50
55 percent	8.30	15.40	21.50	26.70	31.20	
60 percent	7.70	14.30	20.00	25.00		
65 percent	7.10	13.30	18.80			
70 percent	6.70	12.50				
75 percent	6.30					

How can I find out what modifications are applicable to my heating system?

Read through this pamphlet to get a general understanding of how your heating system works, efficiency tests that a service technician can perform, and the efficiency you can expect from an oil burner heating system. This will enable you to do some things yourself. It will also give you enough information to talk knowledgeably to a qualified

service technician and make decisions on his recommendations.

Isn't my heating system a complex piece of equipment?

Yes, but its basic operation is quite simple. Your heating system consists of four principal parts: the burner, the furnace or boiler, the heat distribution system, and the chimney.

The burner generates heat by burning fuel oil. Part of the heat produced by the burning of the fuel is absorbed by the furnace or boiler and transferred to air or water, which is then distributed throughout the home by air ducts or hot water pipes and radiators. The heat that is not absorbed by the furnace or boiler is lost up the chimney in the process of disposing of smoke and gases. The overall heating system efficiency depends on the performance of each of these parts.

How can I find out if my burner is working efficiently?

Call your local oil burner service technician. Have him measure the carbon dioxide level in your flue. This measurement gives you an indication of the combustion efficiency of the system. Oil must be thoroughly mixed with air to burn completely. This usually requires more air than is actually needed to convert the carbon and hydrogen in the fuel to carbon dioxide and water, which are the products of complete combusion. The amount of this excess air can be determined by measuring the amount of carbon dioxide in the flue.

Generally, the higher the carbon dioxide level, the less excess air used and the more efficient the combustion process. Too little air, however, causes smoking, increases pollution, and reduces efficiency. A carbon dioxide level of 9% is considered good. Levels over 11% are excellent. If, after tune up and adjustment, your service technician cannot obtain a carbon dioxide reading of at least 9%, without smoking, it may be that:

The furnace is leaking air into the combustion chamber and needs to be properly sealed;

There is too little or too much draft up the chimney; or

The air and oil are not thoroughly mixing for combustion.

Correcting these problems requires modification or replacement of the burner. If your service technician is unable to get an efficiency of 65% or better through tune-up and nozzle size adjustment, it may pay to buy a new burner. A new burner should get at least 75% efficiency. You can figure the cost savings using the table on page 4. Even greater savings can often be achieved by installing a burner with a smaller firing rate if the existing heating system is oversized.

Have your service technician identify the problem and explain how it can be fixed and what the net savings to you will be.

Is it possible that my heating system is oversized?

Recent field tests have shown that furnaces and boilers are usually oversized for the heating requirement of the house. Even on the coldest day of the year many heating systems run less than 30% of the time. During these longoff-periods, heat is lost up the chimney, greatly reducing the overall efficiency.

How can I find out if my system is oversized? What can be done?

Your service technician can determine if your system is oversized. He does this through a series of measurements and calculations that take into account the average daily temperatures in your region, the amount of oil used, and alternative nozzle sizes.

He may recommend that you have a smaller nozzle installed. With a smaller nozzle size, your system will run longer but burn less oil per unit of time, and the amount of heat lost up the chimney will be reduced.

How can the efficiency of my furnace or boiler be improved?

Have your service technician measure the temperature of the flue gas leaving the furnace or boiler. Flue gas temperatures should be between 205 to 316°C (400 to 600°F) for an original furnace and 316 to 371°C (600 to 700°F) for conversion burners. Excessive temperature, measured after the burner nozzle has been properly adjusted, indicates that:

The burner nozzle size is too large and that more heat is being generated than can be utilized in the heat exchanger; or

The heat-exchanger surfaces are badly sooted. Have them brushed and vacuumed. Ask your service technician if your furnace has a fuel oil line solenoid valve. These electrically operated valves close off the fuel supply as soon as the fire has stopped. This prevents oil from dripping into the combustion chamber causing heavy smoke and soot deposits on the heat exchanger. If you don't have one, it may pay to have one installed.

How can I improve efficiency of heat distribution?

You can do several things to assure that the heat produced by the furnace or boiler efficiently reaches the areas of the home in which it is needed.

If you have a warm air furnace:

See if you can feel air leaking out of duct joints when the fan is running. If so, seal the joints with ductwork tape. If ducts run through unheated spaces, wrap them with insulation. Vertical chases in walls, through which supply and return ducts pass, should be sealed off to prevent heat from being lost. Check to see that the chimney is sealed from the house structure both at the basement level and the attic. It should be sealed with non-combustible material to protect the combustible material of the house structure from the hot chimney.

Clean or change air filters frequently during the heating season. Clothes dryers and home workshops create dust and lint. In houses where these are located near the oil burner, the filters will need to be changed more frequently.

Have your service technician check and reset, if necessary, the on and off temperature settings of the furnace fan. To conserve fuel, the fan should shut off when the furnace temperature is about 32° C (90° F). It should not go on again until the burner comes on and raises the furnace temperature to about 43° C (110° F).

If you have a hot water boiler:

Insulate the boiler, the hot water storage tank, and hot water piping in unheated spaces.

Clean radiators or baseboards to make certain they are not blocking air circulation.

How can the performance of my chimney be improved?

Most chimneys or vents produce more draft than is necessary. It is the job of the draft control to prevent this. Ask your service technician to measure the draft at the flue collar of your furnace and over the fire and adjust the draft control if necessary. If you do not have a barometric draft damper, consider installing one to improve the seasonal efficiency of your system.

Does lowering my thermostat setting at night really save money?

Tests have shown that a 2.5-degree Celsius (5-degree Fahrenheit) reduction in setting for approximately 8 hours will save up to 10% in fuel costs. Greater reductions will lower fuel costs even more. Consider installing a clock thermostat that will automatically set the thermostat down at night and raise it before you get up in the morning.

Call your service technician today!

Tell him that you would like to have him tune up your furnace and clean it if necessary. He will be glad to discuss these money and fuel saving opportunities with you, show you how he takes burner and flue measurements, and explain the results. Call now—Every Day's Delay May Be Costing you Money!

Improved Efficiency Also Reduces Pollution—

In a recent study, the U.S. Environmental Protection Agency found that burner tuning plus replacement of nontunable units reduced emission of pollutants on the average by the following amounts:

	Percent
Carbon monoxide	81
Hydrocarbons	90
Particulates	24
Smoke	59

Further information can be obtained by ordering "Get the Most From Your Heating Oil Dollar," at no cost, from the Office of Public Affairs (MD 31), U.S. Environmental Protection Agency, Research Triangle Park, N.C. 27711.

Note: Most of the data in this pamphlet is based on a field study conducted by the Walden Research Division of Abcor for the National Bureau of Standards under the sponsorship of the Federal Energy Administration.

VIOLENCE AND TERRORISM IN THE ANTINUCLEAR AND DISARMAMENT MOVEMENTS

HON. LARRY McDONALD

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 3, 1977

Mr. McDONALD. Mr. Speaker, the role of violence in the antinuclear power and disarmament movements has become an important topic of debate within activist circles both in the United States and in Western Europe. The line of argument typified by Clamshell Alliance spokesman Sam Lovejoy is that "nonviolence" includes sabotage and other forms of property destruction, and that "violence" only includes deliberate attacks on humans and animals.

The antinuclear power movement has a strong Luddite anarchistical tendency that resents those who overtly want to be leaders. Its de facto leaders take care to present themselves modestly and in the correct "lifestyle." A wide variety of revolutionary groups are seeking to penetrate the antinuclear power movement both in the United States and in Europe. The antinuclear movement is also the target for takeover of the disarmament movement being coordinated by the USSR through its World Peace Council apparatus. The WPC initiated the formation of the Mobilization for Survival—MFS—in the United States in the spring of this year which has found willing partners among the Lovejoy leadership of the Clamshell Alliance. Clamshell Alliance spokesman Robin Read recently wrote to the U.S. Marxist-Leninist newspaper, the Guardian, that the Clamshell Alliance was working with the Mobilization for Survival in many areas locally and nationally on "exchanging information on the issues that concern us all." Read concluded by noting that "As the Clamshell has grown, it has broadened its base and perspective—and will continue to do so."

The mass demonstrations in Europe have been the occasion for contingents

of revolutionaries to battle police. At Malville, thousands of militants from Maoist, Trotskyite, and other revolutionary groups fought police while the "nonviolent" masses stood around and provided cover for the berserkers.

European radical publications have been calling for future antinuclear power demonstrators to prepare to "defend" themselves by bringing helmets, shields and other equipment so that they can better resist riot police. A British radical publication, Freedom, commenting on the "admirable" activities of the revolutionaries in battling police and criticizing the "ecology" groups and supporters who fled or did not resist effectively stated:

This must lead to the recognition by revolutionaries within the anti-nuclear movement, and by anarchists and antimilitarists in particular, that they are the only real opposition to the plutonium economy and its deep political, social and environmental consequences.

The issue of terrorist violence against nuclear power plants has been joined in this country by the New World Liberation Front—NWLF—the reincarnation of the Symbionese Liberation Army which has been active in California, Colorado, and Oregon. The Information Digest, a newsletter on political and social movements affecting the United States, has published a detailed study of violence and terrorism in the antinuclear power movement which I commend to the urgent attention of my colleagues. The article follows:

NWLF Bombs Escalate Anti-Nuclear Struggle

A pipe bomb exploded at 3:22 AM on October 10, 1977, outside the visitor center of the Trojan nuclear power plant at Ranier, OR, some forty miles northwest of Portland. The high order pipe bomb filled with smokeless black powder and using a time fuse was detonated about a mile from the reactor site. A male caller to Portland radio station KPAM–FM at 11:30 AM directed reporters to a communique hidden in the men's room of the Portland Greyhound Bus Station.

Dated October 9, the communique was short and terse, unlike the NWLF Central Command's generally lengthy diatribes; and was claimed by a previously unknown NWLF section, the Environmental Assault Unit (EAU). The NWLF message, with misspellings of Che Guevara's name and "*lackeys*," was as follows:

"On today, the tenth anniversary of the death of Ernesto Che Guevarra, who fell in S.E. Bolivia fighting the United States imperialists and their Bolivian lackies—the Environmental Assault Unit (EAU) of the New World Liberation Front (NWLF) attacked the Trojan nuclear power plant.

Along with the attack we are forwarding two demands:

1. Environmental Demand: The NWLF demands an end to the construction and operation of nuclear power plants in the United States. They are a major threat to the health of the people and threaten the environment.

2. Socio-Economic Demand: The NWLF demands that all people that are forced to exist on a fixed income (Social Security, welfare, etc.) be supplied electricity, free of charge.

This attack and these demands should put the monopoly capitalist utility companies on notice that the people will not tolerate nuclear power plants and continual increases in electric rates.

Further action and communiques will follow:

Julio Quarto,
Western Regional Information Officer.
Ramon,
Western Regional Commanding Officer.

Long live the NWLF and all guerrilla forces in the field.

The terrorist NWLF has thus linked itself to a long-term struggle by anti-nuclear power activists to shut down the operation of the Trojan plant, the largest nuclear power plant now operating in the U.S.

Intimations of violent action against the Trojan nuclear plant were made publicly long before the NWLF's Environmental Assault Unit carried out the bombing of the Trojan visitors center. At an "activists caucus" attended by some eighty people held at Ralph Nader's Critical Mass '75 conference, one Peter Bergel of Eugene, OR, took a leadership role in discussing a variety of "direct action" tactics which could be used against nuclear facilities in the Pacific Northwest, including violence. Successful nuclear saboteur Sam Lovejoy was also a discussion leader at the "activists caucus" and a featured speaker during the conference.

It was Venceremos Brigade veteran Samuel Holden Lovejoy who injected the question of violent "direct action" against nuclear power plants into the anti-nuclear environmentalist movement when in February 1974 he released the guy ropes causing the collapse of a $50,000 preliminary weather tower at a nuclear plant construction site near Montague, MA. Lovejoy, the leader of Nuclear Objectors for a Pure Environment (NOPE) and now an organizer of the Clamshell Alliance, surrendered to police, confessed his act and went to trial. During his trial Lovejoy freely admitted his destruction of the tower and stated he had acted "in the public interest." Supportive testimony was provided by a number of radical anti-Vietnam and environmentalist activists. After a seven day court proceeding, the judge directed acquittal on grounds of a faulty indictment. Lovejoy triumphantly told the press:

"The publicity was a great victory, and we've entered the issue of civil disobedience into the environmental movement."

In conjunction with such organizations as the War Resisters League (WRL), Women Strike for Peace (WSP) and the American Friends Service Committee (AFSC), Lovejoy spent the next two years traveling, speaking and organizing local anti-nuclear groups and encouraging them to take "direct action."

Note: Those active with socialist/pacifist groups such as WRL and AFSC generally consider "non-violent" direct action to include destruction of property so long as the destruction is not intended to cause loss of life. Thus the Weather Underground's bombings of closed government offices and other targets—armed propaganda—comes within this provenance. WRL has supported Karl Armstrong, for example, although a man was killed by his bomb, because his intention was to make an anti-Vietnam war protest, not to kill.

As Lovejoy wrote in an essay from 1974 which he distributed at the November 1975 Critical Mass conference:

"The tower ecotage episode was a catalyst for awareness and action, a moderate first step . . . but it also surfaced an inevitable social collision between the progressive-enlightened and the stagnant forces in * * * the United States and the world. The background, the lifestyle, the entire mind set of myself, and countless other brothers and sisters, see the locally proposed NUKE as the * * * microcosmic symbol for an enormous political-social system so corrupt and so in need of change that. . . ."

And while conference organizer Nader remained on stage, the participants overwhelmingly passed two activist caucus resolutions, one of which supported "all non-violent forms of nuclear resistance including civil disobedience."

In the summer of 1976, Lovejoy provided an account of a speech he gave to an anti-nuclear group in San Luis Obispo, CA, where his audience contained a majority of persons over 50 years of age.

"* * * first I suggested that a big demonstration and sit-in at the plant gates might stop the workers, or maybe a fuel shipment from entering * * *. Then I blurted out what was honestly in my head. 'If I lived here, and was afraid for the life of my community, and thus decided to stop the plant's operation (and yet I couldn't actually tamper with the nuclear machine itself), the only way was to make the machine useless by cutting the umbilical cord' * * * then almost the entire crowd was on its feet applauding!

"* * * So there I was suggesting sabotage of the nukes' transmission lines (with a P.G.&E. representative there!) and concerned citizens with little prior knowledge or experience in direct political action were enthusiastically responding."

The anti-nuclear militants have apparently been able to win "public citizen" Ralph Nader to the direct action cause which he had previously avoided, instead encouraging court proceedings to stop nuclear power. In an interview published in the *Village Voice* [4/4/77], Nader explained:

"'What activists are trying to do is make new law based on the settled Anglo Saxon tradition of self-defense that stretches back through Blackburn's commentaries,' Nader replied. 'That is, if someone tries to break into your house you can retaliate lawfully. In the case of a nuclear reactor, the self-defense is projective. But what are you going to do, wait until radioactivity is all over the place? Here you are violating a minor law to get judgment on a more important one, the way they did in the civil-rights movement when they sat at those lunch counters.'"

Nader then offered as sources of violence both anti-nuclear demonstrators and any landowners whose property might be contaminated by a nuclear accident."

The Trojan nuclear power plant, owned by the Portland General Electric Company, has long been the subject of anti-nuclear organizing in the Northwest. However, the current effort is being organized by the Trojan Decommissioning Alliance (TDA) headquartered at 215 S.E. 9th Avenue, Portland, OR 97214. The TDA was formed in June on the model of the Clamshell Alliance.

The TDA received considerable media publicity for its August 6–7 demonstration and blockade of roads leading into the Trojan facility, which is in active service producing electricity with a 1,130 megawatt capacity.

From a handful of organizers and a mere forty persons attending its first public meeting, the TDA was able to bring nearly 600 activists to its support demonstration for the 82 trained and disciplined cadre who blocked four routes to the Trojan plant. Following their arrests on criminal trespass charges, seven out-of-state demonstrators were released on $30 bail while the 75 Oregonians were released in their own recognizance. Following the Clamshell Alliance's precedent at Seabrook, NH, all arrested pleaded not guilty and chose jury trials, scheduled to commence on October 26, at which they plan *"to put nuclear power on trial."*

And according to Trojan Decommissioning Alliance spokesman Norman Solomon, another occupation/blockade has been scheduled for the day after Thanksgiving, November 25, 1977.

Meanwhile the TDA is also pressing Ore-

gon's Energy Facility Siting Council not to permit the Trojan plant to expand, and indeed to be closed, on grounds that the Portland General Electric officials have admitted that the Trojan waste storage pool has been contaminated with radioactivity. It is noted that the plant was shut down from September 23–28 because of a "hairline" crack in a pipe transporting atomic waste through the plant.

The Trojan Decommissioning Alliance has denounced the NWLF terrorists for becoming involved in "their" movement. Despite its continual linking of its bombs with current movement issues ranging from utility rates and the Coors beer boycott and strike to the San Francisco International Hotel evictions, the NWLF's extortionist rhetoric does not permit the group to be mistaken for a humanitarian organization.

While the NWLF bombing was the first known act of terrorism against an operating nuclear power facility in the U.S., there have been a number of terrorist attacks against nuclear power plants in Western Europe and Latin America. These have been followed, but not necessarily superseded, by violent mass demonstrations whose organizers are in direct contact with the Clamshell Alliance.

In March 1973, the Argentinian Atucha reactor was overrun by some fifteen members of the Trotskyist terrorist People's Revolutionary Army (ERP) briefly. However plant construction was not yet complete and the reactor had not been fueled.

In May 1975, the Red Army Fraction [Baader-Meinhof gang] exploded two bombs at the Fessenheim nuclear power plant in West Germany. A month later in France, two bombs exploded almost simultaneously at the nuclear workshops at Argentuil and at Framatome's main computer center at Courbevoir. Then in August 1975, two bombs exploded at the Monts Aree nuclear power site at Brennills in Brittany, placed by the Breton Liberation Front, a terrorist separatist movement which has loose contacts with the Irish Republican Army (IRA) and Spain's Basque ETA terrorist organization.

The anti-nuclear terrorist bombings followed the commencement of mass demonstrations such as the occupation by 28,000 people of a proposed nuclear power plant location in Wyhl, West Germany. For more than two years the site has been continuously occupied by demonstrators, effectively stopping construction.

The Clamshell Alliance has established "fraternal relations" with the organizers of the mass demonstrations in France and West Germany. One of the Clamshell Alliance's speakers on October 23, 1976, at a Hampton Beach, NH, "Alternate Energy Fair" was Pierre Radanne, a leader of the Lille, France, chapter of Friends of the Earth, and an organizer of the mass rally at Malville on July 30–31 during which rioters fought with police and one demonstrator was killed. The Malville demonstration which had an estimated 30,000 participants provided ample cover for militant Maoist, Trotskyist and New Left groups to launch attacks on police.

The nuclear plant at Barsebäck in southern Sweden, twelve miles from Copenhagen, Denmark and the same distance from the Swedish city, Malmö, was the target for 15,000 demonstrators on September 10. In addition of assorted environmental groups from Sweden and Denmark, the demonstration included a Red Contingent organized by the Left Socialist Party [Venstresocialister (IS)], the Maoist Communist League [Förbund Kommunist (FK)], and the Swedish Communist Party [Vänsterpartiet Kommunisterne (VPK)] and its youth group who are currently going the "Eurocommunist" route of Leninist maneuvering.

It is noted that the Trotskyists from the Swedish and Danish sections of the Fourth International, the *Kommunist Arbetarförbund (KAF)* of Sweden and the *Revolutionäre Socialisters Forbund (RSF)* of Denmark refused to join the Red Contingent on the grounds that would make them distinctive from the rest of the environmentalist marchers. The KAF and RSF are working through an environmentalist group, the Organization for Information on Atomic Power [*Organization til Oplysning om Atomkraft (OOA)*]. Red Contingent slogans at Barsebäck included *"Nationalise North Sea oil;" "Support the international struggle against atomic power;"* and *"We don't want any more atomic police."*

On September 24, an estimated 40,000 to 50,000 demonstrators from West Germany, France, Belgium, Denmark and the Netherlands assembled near the small town of Kalkar in the Rhine valley despite the efforts of some 10,000 German police who set up road blocks in a ring for 30 miles around the Kalkar nuclear power plant.

Among the demonstrators were veterans of the 1976 demonstration at Brokdorf where protesters had battled police. According to an Associated Press report:

"Authorities said police on the Hamburg-Bremen expressway stopped 4,500 demonstrators heading for Kalkar aboard scores of buses and cars. Police detained 33 persons after confiscating thousands of masks, helmets and protective shields, 500 batons, 41 walkie-talkie sets, steel ball projectiles, slingshots, steel rods, knives and signal guns, officials said."

Political groups involved in the Kalkar demonstration ranged from the youth section of the West German Social Democratic Party, the Young Socialists, who are noticeably further left than their parent party; the West German Communist Party, assorted Maoist sects and Trotskyist contingents from several countries. Kalkar's reactor is a particular target for the anti-nuclear and disarmament movements because it is to be a 300 megawatt fast-breeder reactor and is to be the cornerstone of West Germany's nuclear power program.

The Public Resource Center, the group of former Institute for Policy Studies/Transnational Institute associates led by Arthur Waskow which split away from IPS/TNI late last year, has compiled a directory of Clamshell Alliance type groups, published in *The Elements*, its monthly *"journal of world resources." The Elements* is available for a $7 subscription from the Public Resource Center (PRC), 1747 Connecticut Avenue, NW, Washington, DC 20009 [202/234–6485]; editors include James Ridgeway, Bettina Conner, Catherine Lerza and Joe Stork. The PRC directory states that it lists only the major groups with which it has been in contact. It is noted that these coalitions generally include groups also protesting utility rate increases and related service issues.

Meanwhile the New World Liberation Front continues to use the antiutility struggle as the springboard for its bombings. At 1:45 AM on October 12, a Pacific Gas & Electric (PG&E) substation at Cupertino, CA, received over $100,000 damage when one of three pipe bombs filled with Tovex and using a simple cigarette and match book igniter exploded. Two other bombs were found taped to other transformers. Entry was gained by cutting an "L" shaped one-and-a-half-by-two-foot hole in a chainlink fence at the same place an earlier entry had been made.

The NWLF's "aboveground" admitted courier, Jacques Rogiers, called KTUV–TV's Mike O'Connor stating he had received a communique from the NWLF and gave the communique to the newsman. The blast was claimed by the NWLF's Tom Hicks-Bill Blizzard Unit, named after coal-miner activists.

Mr. Speaker, I would further point out that the Clamshell Alliance has served as the model for similar groups in 22 States. Among them are:

Alabama: Catfish Alliance, P.O. Box 6306, Dorthan, Ala. 36361.

California: Abalone Alliance, 2160 Lake St., San Francisco, Calif. 94121.

D.C.: Eastern Federation, 317 Pennsylvania Ave., S.E., Washington, D.C. 20003; Potomac Alliance, 1746 Swann St., Washington, D.C. 20036.

Florida: Miami Peace Center, 30005 Byrd Ave., Coconut Grove, Fla. 33133.

Georgia: Georgians for Clean Energy, 710 Argonne Ave., Atlanta, Ga. 30308.

Indiana: Citizens Energy Coalition, 3610 N. Meridan St., Indianapolis, Ind. 46208; Paddle Wheel Alliance, P.O. Box 194, New Alsany, Ind. 47150.

Louisiana: Oystershell Alliance, 7700 Cohn St., New Orleans, La. 70118.

Massachusetts: Boston Clamshell, 2160 Massachusetts Ave., Cambridge, Mass. 02138.

Michigan: Detroit Safe Energy Coalition, 691 Seward St., Detroit, Mich. 48202.

Missouri: Great Plains Alliance, 4311 Holmes St., Kansas City, Mo. 65110.

New Hampshire: Clamshell Alliance: 62 Congress St., Portsmouth, N.H. 03801.

New Jersey: The SEA Alliance, c/o N.J. SANE, 324 Bloomfield Ave., Montclair, N.J. 07042.

New Mexico: Citizens Against Nuclear Threats, 106 Girard S.E., Rm. 121C, Alburquerque, N. Mex. 87106.

New York: Long Island Safe Energy Coalition, Box 972, Smithtown, L.I., N.Y. 11787; Friends of the Earth, 72 Jane St., New York, N.Y. 10014; People's Alliance, P.O. Box 998, Peter Stuyvesant Station, New York, N.Y. 10009; Rochester Safe Energy Coalition, 195 Oxford St., Rochester, N.Y.; UPSET, Rt. 1 Box 121, Richville, N.Y. 13581.

North Carolina: Carolinians for Safe Energy, P.O. Box 8165, Asheville, N.C. 28884.

Oklahoma: Citizens for Safe Energy, P.O. Box 924, Claremore, Okla. 74017.

Oregon: Trojan Decommissioning Alliance, 215 SE. 9th St., Portland, Oreg. 97214.

Pennsylvania: E. C.N.P., 433 Orlando St., State College, Pa. 16801; Movement for a New Society, 4722 Baltimore Ave., Philadelphia, Pa. 19143; Susquehanna Alliance, R.D. No. 1, Stillwater, Pa. 17878.

South Carolina: Palmetto Alliance, 18 Bluff Rd., Columbia, S.C. 29202.

Texas: Armadillo Alliance, 4524 Bishbee Rd., Fort Worth, Tex. 76119.

Washington: Crabshell Alliance, P.O. Box U–5395, Seattle, Wash. 98107.

Wisconsin: League Against Nuclear Dangers, Rt. 1, Rudolf, Wis. 54475; Northern Sun Alliance, 22 S. Barstow, Eau Claire, Wis. 54701.

HEALTH CARE: PAST ACHIEVEMENTS AND FUTURE CHALLENGES

HON. J. J. PICKLE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 3, 1977

Mr. PICKLE. Mr. Speaker, health care protection at reasonable cost is an issue a great many Americans have been concerned about for a very long time.

Lyndon Johnson, early in his Presidency, addressed this issue with considable success in bringing about enactment of a major health care program for the elderly.

Recently, the Lyndon Baines Johnson Foundation honored a pioneer in health and medical care in America: Dr. Sidney Garfield who some 40 years ago founded what was to become the Kaiser health plan.

In paying tribute to the memory of President Johnson—and to Lady Bird Johnson for her continued compassionate work on behalf of the elderly, the sick and disabled—I wish to share with my colleagues remarks of the able Secretary of Health, Education, and Welfare Joseph A. Califano at the LBJ Foundation luncheon October 27 honoring an individual who exemplifies so much of the Johnsons' social vision.

REMARKS OF JOSEPH A. CALIFANO, JR.

It means a great deal to me to be here today. This occasion gives me an opportunity to share with a distinguished audience some concerns about a major national issue. But I have more personal reasons for cherishing this moment.

For several years in the 1960's, it was my privilege to serve a President who had a shaping influence on my life—and more importantly, upon the life of this Nation. For Lyndon Johnson not only knew about government—he cared about people. This restless, endlessly striving, visionary man turned those two qualities, knowing and caring, into the greatest array of humanitarian programs since the New Deal: Programs like Head Start; the Elementary and Secondary Education Act; the Higher Education Act; Medicare for older citizens and Medicaid for the poor; dozens of other programs serving millions of citizens.

Lyndon Johnson was an emancipator in the tradition of Abraham Lincoln; a reformer in the tradition of Franklin D. Roosevelt, and a legislative craftsman in the tradition of—Lyndon Johnson.

He was one of the great Presidents.

He was fortunate, as he often told us, to have "outmarried himself,"—to his great benefit—and ours. For Lady Bird Johnson was more than a graceful presence in his Administration; more than a wife who encouraged her husband when he needed encouragement, and who gently restrained him when he needed that.

Mrs. Johnson had her own clear convictions and her own career as a leader; it was she who planted the environmental movement on the front pages of America. Today, what she planted—a national concern for the quality of our landscape, our air and water—indeed, for the whole physical quality of life in America—has borne rich fruit. I'm honored to be here with her; to pay tribute to her inspired persistence and to her husband's.

Today, we honor—in their name—a man who exemplifies so much of the Johnsons' own energy, practicality, and uncommon social vision: Dr. Sidney Garfield, an authentic pioneer of health and medical care in America: a pioneer who, forty years ago on the construction site of the Grand Coulee Dam, under the leadership of one of America's great industrial families, founded what was to become The Kaiser Health Plan.

Dr. Garfield's life, it seems to me, illustrates two themes that have been on my mind since President Carter took office and I became Secretary of Health, Education and Welfare: Those twin themes are compassion—and competence.

The great challenge that President Johnson faced was persuading this Nation to tackle the unfinished business of a generation—and to break a legislative logjam. He succeeded brilliantly—and the compassionate programs launched in these years are monuments to that success.

President Carter, his legatee, faces a challenge no less awesome: To build on that success; to answer the expectations created in the sixties for broad social justice and a higher standard of living; but to answer also another national demand that has arisen in America: a demand for prudent, efficiently managed government. Compassion, of course—but compassion informed and disciplined by competence. President Carter is determined to satisfy that demand.

Nowhere is that demand more insistent—or more exacting—than in the field of health care in America.

The hallowed, sacred symbol of health care has been the doctor with the little black bag, treating his patient—enshrined in Saturday Evening Post covers by Norman Rockwell and in the gentle TV image of Dr. Marcus Welby.

But health care in America is something vastly more complex than these old images conjure up. Doctor and patient are still central to health care in America—and always will be. But they are surrounded, in today's world, by something new: a vast health care industry—the third largest industry in the United States after construction and agriculture.

Consider, first, its size and complexity: more than 375,000 doctors; 7,000 hospitals; 16,000 skilled nursing homes; thousands of laboratories; hundreds of suppliers of drugs, expensive medical equipment and other medical products—with a $139 billion price tag in 1976.

The big, expensive decisions in this industry are too often not really made—they happen in a host of private and public institutions, with little coherent planning at the state and local levels.

It is, second, an industry that operates largely without the usual restraints that control costs and guarantee efficiency in other industries—notably competition.

In the health care industry, the consumer makes surprisingly few decisions beyond selecting his family doctor. Instead, the physician is the central decision maker for more than 70 percent of health care services—from selecting the specialists to ordering the laboratory tests to hospitalization.

Ninety percent of hospital bills are paid by third parties—private insurance companies, Medicare and Medicaid. This means that to a disturbing degree, those who provide health care—doctors—and those who consume it—patients—do not think about cost: someone else is paying.

Third, this vast, complex, largely non-competitive industry is increasingly based upon sophisticated and costly technology: a dazzling array of diagnostic and therapeutic devices: computerized axial tomography scanners; kidney dialysis machines; ultrasonic scanners, which are on the horizon.

In Atlanta, for example, there are 17 cat scanners for a population of 1.5 million; five of those machines are in doctors' offices. The whole state of Connecticut, by contrast, has only six cat scanners for a population twice as large: three million. And the experts tell us eight is sufficient for that population. There are enough cat scanners in Southern California for the entire western United States.

Doctors, hospitals and communities are so eager to install the latest equipment, so eager for the prestige and eminence that come from having the latest technology, that giant spending decisions are often made with little regard for necessity, efficiency, or sometimes even quality. Keeping up with the Joneses is understandable, even excusable, for neighbors spending their own money on lawnmowers or sprinkler systems, but we can no longer afford to indulge this wasteful medical arms race. We must devise ways to assure that when we spend for medical technology, we buy quality, not pointless luxury.

Fourth, the health care industry in America is, increasingly, an expensive industry whose appetite for private and public dollars is seemingly uncontrolled—and growing.

The median income of American families was $13,700 in 1975. In that same year, the average family expenditure for health care was nearly $1,600 . . . more than 10% of the median income.

An average hopsital stay cost less than $350 in 1965. It now costs over $1,400.

Our fellow citizens paid $26.3 billion to doctors last year. Yet doctors' fees are going up—faster than incomes for the rest of the population.

Health care spending was 8.3 percent of our Gross National Product in 1975. At present inflation rates, it could reach 10 percent by 1980. Without some kind of restraint, health care spending by 1980 will have ballooned to at least $230 billion: $1,000 a year for each man, woman and child in America.

This rapid inflation imperils the ability of uninsured people to get health care at all. It gobbles tax dollars at such a rate that they are not available for other public purposes. The Federal Government now pays 12 cents of every taxpayer dollar to the health industry. The average American worker works one month each year to pay the health industry.

In health care we are driving the ultimate gas guzzler: heavy, expensive, laden with optional accessories. But we are not getting a perfect or entirely safe ride—far from it.

Our goal in America—a goal shared by doctors, patients and government; by all of us—is simple: high quality health care for all, at a reasonable cost.

If that is our goal, we must take seriously this problem of spiraling health care costs. For rising costs threaten quality; we are, as costs go up, in danger of getting less—for more. Rising costs threaten our goal of broad access, of quality health care for all; we are in danger, as costs go up, of having more expensive care—for fewer people.

Our system for delivering health care in America, despite its great achievements; despite the enormous amounts we spend in quest of quality, has some serious flaws: flaws in organization; flaws of inequity.

In our inner cities, minority citizens still lag far behind others in their access to physician care. Manhattan has 800 doctors per 100,000 citizens; Newark, New Jersey has only 60 per 100,000.

In our inner cities, the outpatient departments of large metropolitan hospitals are often the basic providers of care. Yet the cost of this kind of care is two or three times higher than the same services offered in other settings, such as Health Maintenance Organizations and community health centers.

Our present health care system emphasizes expensive acute care over prevention.

We could literally save thousands of lives that are now being stunted or lost—if we could reduce the ravages of: cigarette smoking, which will prematurely kill 37 million Americans now living; of alcoholism, obesity, and accidents. But we lack a health care system with economic incentives as strong to prevent as they now are to cure.

Clearly we must act.

Clearly our health care system has become an urgent national problem. One evidence of that is the deep concern of top corporate executives about health care costs for their employees. Major national employers like Ford, General Motors and IBM are worried—deeply worried—about health care costs. They are asking what they, and we, can do to guarantee quality health care for all—at reasonable cost.

Let me suggest some answers.

President Carter, as you know, has pressed forward on the problem of costs. He has sent to the Congress legislation that would control the precipitous rise in hospital costs—the most inflationary sector in the health industry. That proposal—a limit on increases in total hospital revenues—is merely a stopgap solution: a necessary transition to more long-term reforms.

For the long term, we must learn to organize health resources more effectively; distribute health care benefits more fairly; emphasize prevention and establish an effective system of national health insurance.

Another important step we can take is to give major national impetus to the movement that Dr. Sidney Garfield and the Kaiser family launched forty years ago: prepaid Health Maintenance Organizations, for which the national model is the Kaiser-Permanente Health Plan.

Forty years ago, Dr. Sidney Garfield was asked by Edgar Kaiser to provide health care services to five thousand workers and their families on the building site of the Grand Coulee Dam in eastern Washington.

Dr. Garfield's idea, which he had developed earlier in Southern California, was simple: a group of doctors, paid in advance for their services, would provide continuing medical service.

That idea has grown into the Kaiser-Permanente Medical Care Program, which today serves more than three and one-quarter million members with highest-quality, efficient, reasonably priced medical care.

Under this plan, families enjoy a high level of care. But they pay less, because the system is more efficient; because it emphasizes early intervention and prevention.

Today, I want to voice a national commitment: We intend to give impetus to this idea nationwide. We intend to help make it possible for every American citizen to have the option of joining a health maintenance organization.

Why do we in government consider this so important?

A Health Maintenance Organization provides a comprehensive range of medical benefits, including physicians' services and hospitalization, to its enrolled members and their families for a prearranged, prepaid fee. Unlike physicians in the fee-for-service system—who only get paid if they furnish more care, and who get paid more if they furnish more expensive care—the HMO has an incentive not to engage in wasteful hospitalization; not to run repetitive or unnecessary tests, not to refer patients to an unnecessary specialist. The results are impressive:

HMOs can reduce hospitalization by 30 to 60 percent below other insurance plans.

Because hospital expenses represent almost 40 percent of all medical costs in the United States, simply eliminating excess hospitalization could save the government and patients billions of dollars.

The quality of medical care in HMOs is excellent: doctors have strong incentives to give good care. HMOs emphasize preventive care—periodic examinations, medical education, good nutrition, well-baby care.

HMOs encourage access to health care; promote continuous, coherent care, not sporadic, episodic care. And because the consumer knows the cost of services in advance and all at once, competition is possible. This is the way the whole system should be moving, instead of simply reimbursing people for the cost of episodic visits to treat ailments, when they reach the acute and more expensive stage.

Earlier today, at a ceremony granting Federal recognition to the Kaiser Health Plans, I outlined some steps we are taking within government to encourage the development of HMOs: steps to eliminate red tape and other obstacles.

Let me announce now a major action with far-reaching potential. I am today writing to the chief executive officers of the five hundred largest corporations in America to urge them to offer HMO membership to their employees whenever possible and to take the lead in developing HMOs for their employees.

I am also inviting each of the 500 largest corporations to send representatives to a conference in Washington on February 7 to explain the advantages of HMOs and discuss how we can work with them to make available HMOs for the employees of every large employer in this nation and to establish a network of compatible HMOs so that benefits will be easily portable. They will be joined by health industry experts, government officials and labor representatives.

This conference will give them an opportunity to advise me as to any problems they encounter in trying to develop an HMO; and to let me know how they think we in Washington can encourage their efforts—with information, technical assistance or other resources.

To each profit-squeezed, cost-conscious executive of a major company in this nation, I would put the following question: Why not provide the same high-quality health care that your employees are now receiving for 10 percent, 20 percent, 30, or even 40 percent less than you are now paying?

So the modest idea that occurred to Sidney Garfield in the Southern California desert a generation ago became a national monument to his vision.

And so another achievement fostered by the Kaiser family enters American history, along with the Grand Coulee Dam and the liberty ships of World War II. And this achievement may be the most memorable of all.

The health care plan that Sidney Garfield and Edgar Kaiser launched forty years ago is now an idea that enriches life for millions of Americans. It is, in 1977, an idea whose time has come: an idea worthy of serving millions more.

We are going to do our part to encourage that idea.

Let us hope that, as we do so, we can match the sweeping vision, and the earthy practicality, of leaders like Sidney Garfield, whom we honor today—not just for the idea he gave us, but for the pioneering spirit that made that idea possible.

Thank you.

RIPOFF BY FIAT

HON. JAMES ABDNOR

OF SOUTH DAKOTA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 3, 1977

Mr. ABDNOR. Mr. Speaker, part of the poor reputation of Congress could be easily avoided if we would just face up to our responsibilities and opportunities. A case in point is standing up to the Department of Transportation and saying "NO" to the automobile air-bag mandate.

But, as this editorial from the Yankton, S. Dak., Daily Press and Dakotan points out Congress has lacked the integrity to do what it should, and thus is condoning this ripoff by fiat. I commend it to the attention of my colleagues:

AIR BAGS: CONSUMER RIPOFF

It's more than just a little disgusting to read of the expensive things that the government wants to do for its citizens—under the guise of "protecting them."

We refer specifically in this instance to the controversial air bags which Transportation Secretary Brock Adams wants to see installed in every automobile by 1984—with some of the earliest by 1982.

As far as we are concerned, the claim of Secretary Adams to the contrary, this mandatory ruling by a Department of government will be one of the biggest ripoffs faced by consumers in a long time.

What is even more discouraging is the fact that the members of Congress—the men and women elected by the citizens of the nation—lacked the intelligence and the courage to delay the mandatory order for the installation of the air bags.

Adams predicts that these innovative, actually untested devices will save 9,000 lives a year.

Even that claim has been challenged—but rather than upset things, the Congress accepted that claim and refused to delay the mandatory order to offer more time for more comprehensive testing.

It has been called a $20 billion consumer ripoff by some of the foes of the air bag controversy within the legislative halls in Washington where politics so often replaces good sense.

It is certainly no secret that the air bags will increase the cost of every automobile by a minimum of three hundred dollars—and some predict as much as $500.

We find it interesting to note that there has been no great clamor on the part of the automobile insurance companies and none, as far as we know, have indicated discounts to owners of cars which are equipped with the bags.

Also interesting is the fact that there has been a hesitancy on the part of insurance companies about offering "product liability insurance" to the car makers on the air bags.

But the tragedy of it all, in our opinion, is that the Congress of the United States refused to halt the mandatory order. Certainly if the members of Congress were as interested in the "consumer" as they would have you to believe during election year—they might have questioned the high costs of the air bag itself—and whether or not these costs and the questionability of their effectiveness should have demanded more study.

Unfortunately, the order will probably stand until some individual or small group takes the issue to court—when actually the Congress of the United States could have done that itself.

No wonder the citizens of America are continuing to lose faith in the integrity of the members of Congress who seem to have lost sight of the fact that they do represent their constituents—not the air bag manufacturers, not Secretary Adams, nor themselves.

This lack of integrity on the part of the Congressmen to face up to bureaucracy on the air bag issue could well be another justification for a "recall" of at least those who are up for election in 1978 and who failed to at least oppose the mandatory air bag order when they had a chance to vote on it.

TOBACCO FOR HUMAN CONSUMPTION

HON. JAMES P. (JIM) JOHNSON

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 3, 1977

Mr. JOHNSON of Colorado. Mr. Speaker, today I introduced a bill to direct the Secretary of Agriculture to conduct a study to determine the possible economic effects, particularly on family farmers, of a cessation of Federal assistance which serves to promote the production and marketing of tobacco for human consumption.

I believe there is no justification for continuing Federal support of tobacco

once the Government recognizes the consumption of this commodity is a serious public health problem, as we have done since 1964. The National Institutes of Health estimate that of the 50 million Americans over the age of 18 years who now use tobacco products, 5 million will likely die prematurely as a result of their tobacco usage. Added to this potentially tragic toll is the needless cost of medical care to treat cigarette smoke-related illnesses and economic losses sustained by American businesses and employees as a result of accidents, absenteeism, and lost output caused by smoking. In 1976, the American Cancer Society reported that such costs total an estimated $17 billion annually.

For many years, the Federal Government has been committed to educating the public about the health hazards of tobacco to discourage smoking, and Congress has enacted various legislation to support such efforts. Yet, simultaneously, we have continued to foster the production and marketing of the commodity whose consumption we condemn, by providing farmers with financial guarantees that they will receive a good price for tobacco and by financing the sale of tobacco through the food for peace program and the export credit sales program of the Commodity Credit Corporation. This dichotomous attitude toward tobacco is self-defeating and confusing to the public. Certainly it challenges the sincerity of our commitment to help protect public health.

This year, I have been involved in various legislative efforts to end Federal assistance for tobacco. Opposition to such has been based almost entirely on the concern of my colleagues from tobacco-growing areas over the possible economic consequenecs to small family farmers who earn their living by growing tobacco. Statistics on the number of farmers who grow tobacco vary. The Department of Agriculture plays a supervisory role in the production of tobacco, in part, through a system of farm allotments. For the 1977 crop year, there are a total of 537,089 farm allotments for tobacco. This does not necessarily translate into the number of tobacco farmers, however, since many allotments are combined into single farm operations and allotments might not be utilized at all. In 1975, an analysis done by the Economic Research Service of the Department of Agriculture estimated that approximately 235,560 families derive all or part of their income directly from an "on-farm" association with tobacco production.

I share the concern that has been expressed for the economic welfare of these farm families. Any proposal to end Federal assistance for tobacco should include considering the anticipated impact of its implementation on small farmers and what other sorts of assistance might be appropriate to help them in the event their ability to earn a living would be impaired severely. Unfortunately, in the absence of any serious study by the Department of Agriculture to determine just how the economic livelihood of small tobacco producers might be affected specifically by a cessation of Federal assistance, debate on this issue in Congress has been hampered significantly and limited to observations of the most emotional and offhanded nature.

During House floor debate on the omnibus farm legislation in July, the chairman of the Subcommittee on Tobacco of the Committee on Agriculture, Congressman WALTER JONES of North Carolina, and I engaged in a colloquy on this issue. At that time, I had prepared an amendment to the farm bill which instructed the Secretary of Agriculture to study the probable economic effects of ending Federal assistance for tobacco and which provided for a phaseout of assistance by 1980. Chairman JONES offered to schedule hearings on this issue in his subcommittee if I would withdraw my amendment and introduce it later as a bill. This is the measure I have introduced today, and I will look forward to the opportunity for a public forum on this issue such hearings will provide. I have no desire to see any small farmer driven out of farming, but if tobacco farmers can only survive if the Federal Government financially supports their poisonous crop, let us find some other way to help them.

ARE CRUISE MISSILES INEFFECTIVE?

HON. TIM LEE CARTER

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 3, 1977

Mr. CARTER. Mr. Speaker, the defense of the United States of America is of ultimate importance. I read just a few days ago of a base in Cuba on which there were 24 long-range Russian bombers. Each plane, according to the article, has a range of 5,000 miles. It is estimated that 70 million Americans could be killed if the Russians chose to attack from the Cuban base with nuclear warheads. I consider this situation intolerable.

It is my understanding that Hon. JACK KEMP of Hamburg, N.Y., uncovered this information. I want to give credit where credit is due.

Furthermore, Mr. Speaker, the Evans-Novak column gave very disturbing information to the effect that the cruise missile is incapable of penetrating Russian defenses.

In view of this fact, Mr. Speaker, I would hope that this Congress would revive the B–1 bomber. I enclose the Evans-Novak column for the perusal of the Members:

[From the Lexington, Ky. Herald-Leader, Oct. 30, 1977]

ARE CRUISE MISSILES INEFFECTIVE?

WASHINGTON.—Secret computer studies show that the existing U.S. cruise missile would not have a chance to penetrate the Soviet Union's sophisticated defense system, a revelation acutely embarrassing to President Carter and threatening to the prospective SALT II, agreement.

The studies, conducted jointly over the summer by a private contractor and the Pentagon, found that a scheduled "live" test would result in the Tomahawk cruise missile being shot down by U.S. defenses.

Consequently the Defense Department some two weeks ago cancelled the "live" test and substituted a "dead" or simulated test.

That was intended to sidestep severe embarrassment for the weapon that became strategically crucial when Carter shelved the B–1 bomber.

But word has filtered out of the Pentagon, giving new ammunition to Capitol Hill critics of the Carter defense policy. The new strategic arms limitation agreement (SALT II) being negotiated in Geneva becomes more vulnerable than ever to criticisms that it gives the Soviet Union a dangerous advantage.

A Defense Department spokesman told us there was no computer study made and that there will be "live" tests of the Tomahawk. But our sources at the Pentagon reaffirmed in detail the story of the cruise missile crisis.

The President's unexpected decision against B–1 bomber production transformed the cruise missile from a theater to a global weapon. As such, it is now a critically important U.S. strategic weapon.

Although the cruise missile team has boasted that their weapon presents radar a cross-section the size of a seagull, that may be too big.

Further reducing the cross-section or increasing the missile's speed would require major changes.

"I'm very much afraid," one technical expert told us, "that the cruise missile is about one weapon generation away from being able the penetrate Soviet defenses."

GREAT LAKES SHORELINE EROSION MANAGEMENT PROGRAM

HON. PHILIP E. RUPPE

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 3, 1977

Mr. RUPPE. Mr. Speaker, today, I am introducing legislation which would take a new approach in protecting and preserving one of our country's most valuable natural assets—the Great Lakes shoreline.

The Great Lakes basin—a fresh water system with unique geographical features—has long been subject to both Federal and international regulation directly affecting Great Lakes water levels and, thus, contributing to the severe shoreline erosion problem.

Previous congressional proposals of disaster assistance or tax relief have not attracted sufficient support and have thus failed. The problem remains unresolved while the erosion continues.

It is time that a solution which directly assists the private property owners in an erosion management program is developed. In the Great Lakes area, for example, 70 percent of these critically eroding areas are privately owned, largely unprotected residential property. And 82 percent of the entire shoreline is privately owned.

Therefore, the bill I am today introducing does permit such private participation while utilizing State involvement as much as possible.

Briefly, my bill involves the following features:

(1) A Federal low-interest loan program to be administered by the states in order to provide loans to private owners for relocation assistance, and for non-structural and to a lesser degree structural erosion management techniques.

(2) A Federal-State grant program established on an 80–20 shared funding process for relocating public facilities and for non-structural and to a lesser degree structural erosion management techniques to protect the public interest.

(3) Authority for State-Federal agency consultation on erosion control structure techniques.

(4) Provisions for annual oversight and contingency funds for unforseen damage.

(5) Allocation criteria for states based on shoreline recession rates, length, and other factors.

As a sponsor of an amendment to the Coastal Zone Management Act of 1972, which requires that State coastal zone management programs include a planning process for assessing the effects of shoreline erosion and for studying and evaluating ways to control or lessen the impact of such erosion, I believe the bill I offer today complements the act. Under this new legislation only States with an approved coastal zone management program are eligible for participation.

Thus, I am proposing that Congress embark on this private-State-Federal approach to erosion management in order to take a positive step forward in preserving this shoreline natural resource. In doing so, we will be acknowledging the national interest in protecting coastal resources and the sacrifices private and public property owners in the Great Lakes region have made in this regulated environment. In addition, we will be providing financial incentives consistent with CZM programs, allowing a desirable level of State administration and discretion subject to broad Federal guidelines, and providing a logical extension and implemenation of the CZMA.

It would also provide a measure of balance with respect to Federal benefits between coastal States by providing Great Lakes erosion control financing assistance while other coastal States are receiving Outer Continental Shelf impact assistance.

I invite the support and comments of my colleagues in this effort to preserve this invaluable natural heritage for future generations.

THE WORLD'S LEADING CHAMPION OF PEACE AND THE WORLD'S LEADING SUPPLIER OF THE WEAPONS OF WAR

HON. JOHN CONYERS, JR.

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 3, 1977

Mr. CONYERS. Mr. Speaker, in June, 1976 Candidate Carter told the Foreign Policy Association that the United States could not continue to sell arms overseas at the rate it does and at the same time promote the cause of peace. "If I become President, I will work . . . to increase the emphasis on peace and to reduce the commerce in weapons," Mr. Carter declared. This year we sold a record $10 billion in weapons overseas, 10 times more than the yearly average during the 1950's and 1960's. The bulk of these arms exports go to Third World countries.

Recently, I came across a very thorough account of the extent and implications of American arms sales and the obstacles in the way of serious reduction in arms sales. "How We Practice 'Arms Restraint,'" which appeared in the Nation on September 24, 1977, is authored by Michael Klare, a fellow of the Institute for Policy Studies, and author of "War Without End: American Planning for the Next Vietnams." Mr. Klare sets out clearly the conundrum the President faces in implementing the policy he professes. Given the current assumptions of national security and the continuing dependence of the American economy on defense production, the President is effectively blocked from pursuing the cause of peace he so eloquently proclaimed at the start of his administration. I urge my colleagues to consider Mr. Klare's analysis:

HOW WE PRACTICE "ARMS RESTRAINT"

(By Michael T. Klare)

On May 19, President Carter announced that he had adopted a "policy of arms restraint" to govern the sale of U.S. munitions abroad. The new policy contained a series of export restrictions designed, according to Carter, to help check "the virtually unrestrained spread of conventional weaponry [to] every region of the world."

Among the guidelines established by the President was a ban on promotional activity by the Department of Defense. Yet, scarcely a week after the new policy was announced, the Pentagon displayed its latest wares at the International Air Show in Paris. Billed as the largest aircraft display ever held, the Paris show featured flight demonstrations by a full roster of U.S. warplanes, including the F–15, F–16 and YF–17 fighters, the A–10 attack plane, and the E–2C early warning craft. Aviation Week reported from Paris that "U.S. technological domination across almost the entire aerospace spectrum has never been stronger."

If the White House had any qualms about the blatant arms peddling at the Paris show, it did not say so. Indeed, the President himself ignored his new guidelines July 27, when he authorized the sale of American weapons to Somalia, the Sudan and Chad—countries previously barred from U.S. arms purchases.

These, and related events, have called into question the significance of Carter's arms sales policy. Aviation Week, for instance, speculated that "the impact on the U.S. aerospace industry will be small." And most industry officials reached by the mass media expressed little fear of a drop in productivity or profits.

In June 1976, in one of his first major foreign policy statements, Carter raised what was to become a principal theme of his campaign: the uncontrolled growth in U.S. arms sales abroad. "I am particularly concerned," he told the Foreign Policy Association in New York, "by our nation's role as the world's leading arms salesman." In an obvious reference to Henry Kissinger, Carter denounced those U.S. leaders who "try to justify this unsavory business on the cynical ground that by rationing out the means of violence we can somehow control the world's violence." Insisting that the United States cannot be "both the world's leading champion of peace and the world's leading supplier of the weapons of war," he vowed that "If I become President, I will work . . . to increase the emphasis on peace and to reduce the commerce in weapons."

Sensing that the public was becoming increasingly uneasy about massive U.S. arms transfers to wealthy potentates abroad, Carter reiterated his pledge to reduce military sales throughout the campaign. Subsequently, upon entering the White House, he promised to make such reductions a major priority of the new administration. In his first Washington interview, on January 24, he reported that the National Security Council believed unanimously in "the necessity for reducing arms sales" and was determined to place "very tight restraints on future commitments" to U.S. arms producers and their overseas customers.

Carter assigned the task of implementing this policy to Secretary of State Cyrus Vance, who then ordered Leslie Gelb, director of the State Department's Bureau of Politico-Military Affairs, to develop a set of policy options for the President. Gelb naturally began his work by studying all the issues raised by the explosive growth in military exports. Most of this effort was conducted behind closed doors at the State Department and the Pentagon, but it is not difficult to imagine the major problems he considered in the course of this study:

Volume: U.S. arms exports under the Pentagon's Foreign Military Sales (FMS) program have risen at an astronomical rate, from an average of $750 million per year in the 1950s and 1960s to approximately $9 billion per year in the mid-1970s. Direct foreign sales by U.S. arms firms under the separate Commercial Sales program rose at a comparable rate, from $100 million to more than $1 billion per year. All told, the United States sold more than $55 billion worth of arms, equipment and services between 1971 and 1977, or three times the total for the preceding *twenty* years.

Recipients: Whereas until 1970 most U.S. arms sales went to Japan, Canada and Western Europe, today the bulk of such exports goes to the less-developed nations of the Third World. According to Pentagon statistics, Third World purchases rose from about $230 million per year in the 1950s and '60s to an astonishing $6 billion annually in the mid-1970s. Most of this increase is accounted for by sales to the oil-rich kingdoms of the Middle East, but a large chunk of it was bought by the poor, debt-ridden nations of Latin America, Africa and Southeast Asia. (See Klare: "How to Trigger an Arms Race," *The Nation*, August 30, 1975.)

Sophistication: Not only is the United States selling more weapons than ever before, it is also selling more advanced weapons. Countries that were once equipped with obsolete arms required through the Military Assistance Program are now getting America's most advanced missiles, aircraft and warships. Thus Iran, which before 1964 possessed no guided missiles or supersonic aircraft, is now receiving the Hawk, Sparrow, Sidewinder, Maverick, Phoenix and Harpoon missiles, as well as such advanced aircraft as the F–14 swing-wing fighter, the F–16 combat plane, and the P–3C surveillance aircraft. (See Klare: "Arms for the Shah," The Nation, January 31, 1976.)

Co-production: Besides selling complete weapons systems, U.S. firms are increasingly exporting their technical expertise via "co-production" projects with foreign arms producers. Such transactions normally encompass joint production ventures involving both U.S. and foreign firms in the manufacture of a common item, or licensing arrangements whereby a foreign producer acquires the blueprints and "know-how" to produce an American-designed weapon. Many experts consider technology transfers of this sort to be more dangerous over the long run than direct arms transfers because they increase

the number of arms suppliers a belligerent can turn to in wartime and also complicate the task of negotiating conventional arms control measures. (See Klare: "America Exports Its Know-How," The Nation, February 12).

Technical Service Contracts: Besides selling arms, equipment and technology, the United States is increasingly selling its technical military skills to foreign armies. Such transactons normally take the form of contracts for the supply of training, maintenance or managerial support. The demand for such services is growing at a tremendous rate because many Third World armies lack the technicians needed to operate and maintain the new arms they are acquiring from the advanced countries. According to one Senate Foreign Relations Committee study, more than 25,000 U.S. tehnicians are now working on military-related projects in Iran and Saudi Arabia, and the total could well reach 50,000 by the early 1980s. The growing involvement of these "white-collar mercenaries" in many foreign armies could lead to unintended U.S. involvement in future conflicts.

Payoffs and Promotion: Given the extraordinary expansion of the weapons market abroad, it is hardly surprising that U.S. arms firms take great pains to promote sales of their products abroad. Such efforts include advertisements in the trade press, demonstration flights, and exhibits at special events like the Paris air show. In some documented cases, however, these "legitimate" practices have been supplemented by the payment of bribes to foreign government officials. Thus Northrop Corp. gave $450,000 to a sales agent who reportedly used the money to bribe two Saudi Arabian generals, and Lockheed paid out bribes of more than $7 million to Japanese officials to secure orders for its L–1011 transport plane.

Human Rights: Although the bulk of U.S. arms exports consists of major combat equipment (tanks, fighter planes, missiles) designed for external defensive purposes, a substantial fraction involves sales of police-type equipment and weapons designed for internal security exclusively. According to documents acquired by the author under the Freedom of Information Act, the major U.S. arms producers' sold some 50,000 pistols and revolvers, 7.5 million rounds of ammunition, 155,000 tear-gas grenades and 296 armored cars to foreign police and prison agencies between 1973 and 1976. U.S. firms are also major suppliers of police computers, surveillance gear, eavesdropping devices, and other repressive systems. And despite the growing U.S. concern for human rights abroad, these weapons are being provided to some of the world's most repressive governments—including those of Chile, Argentina, Brazil, Haiti, Uruguay, Iran, Indonesia, South Korea and the Philippines. (See Klare: "Exporting the Tools of Repression," The Nation, October 16, 1976.)

When Gelb first began studying these issues, Washington observers predicted that the administration would impose a permanent ceiling on U.S. arms exports at a level considerably lower than the estimated fiscal 1977 total of $10 billion, and adopt other constraints on the export of high-technology arms. Columnists Evans and Novak reported on April 18, for instance, that a cut of 25 percent or more was being talked about. But once Carter and Vance had begun to confront all the corporate and bureaucratic interests involved in the arms trade they instructed Gelb to consider more moderate remedies. As one official involved in these discussions commented, "Initially, the guidance was all predicated on finding ways to scale back on arms sales overseas. The thesis was that arms sales are all wrong, but now that has changed, and the guidance for preparing the options is fairly balanced. The people in the White House now realize there are valid reasons for selling arms."

Most analysts agree that the surge in U.S. military sales abroad is fuel by a combination of political, military and economic considerations. On the military side, Washington finds itself obliged to keep up the flow of arms to its regional deputies—Iran, Saudi Arabia, Indonesia, Brazil, etc.—which, under the Nixon Doctrine, were assigned the job of protecting U.S. interests in troubled Third World areas where direct U.S. military intervention was considered politically unacceptable. Economically, arms sales are seen as a major instrument for improving the U.S. balance of payments position and for reducing the costs America must pay for its weapons. Such exports are also, of course, a major source of profit for U.S. arms firms and the myriad subcontractors that depend on military orders.

These and related pressures began to affect administration decision-making even before Gelb had completed his study. On April 26, Carter bowed to enormous Air Force pressure and approved the sale of five super-sophisticated AWACS radar surveillance planes to the Shah of Iran. Two weeks later, during his first trip abroad as President, he assured America's European allies that the NATO powers would be exempted from any new restrictions on U.S. military sales. At the same time, in response to intense lobbying by supporters of Israel, he affirmed that "special treatment" would be given to future Israeli arms requests.

Despite such obvious backsliding, Carter announced his new arms policy with considerable fanfare on May 19. After reviewing the Gelb study, he declared, "I have concluded that the United States will henceforth view arms transfers as an exceptional foreign policy implement, to be used only in instances where it can be clearly demonstrated that the transfer contributes to our national security interests." However, there is much skepticism concerning the effectiveness of Carter's guidelines, and one must therefore examine his concrete proposals one by one to evaluate the total potential effect of the new policy. Here, then, are all the major points raised in Carter's May 19th statement, with in each case an analytical comment.

Carter: "To implement a policy of arms restraint, I am establishing the following set of controls, applicable to all transfers except those to countries with which we have major defense treaties (NATO, Japan, Australia and New Zealand). We will remain faithful to our treaty obligations, and will honor our historic responsibilities to assure the security of the state of Israel."

Comment: During the three years (fiscal 1976–78), the "exempted" countries and Israel accounted for 35 percent of U.S. arms exports under the FMS program, so Carter has already restricted his "policy of restraint" to less than two-thirds of the potential market. Furthermore, if other countries with which the United States has "major defense treaties"—such as South Korea, Taiwan, Spain and the Philippines—are added to the "exempt" list, the scope of Carter's proposals would be limited by another 10 percent, to only 55 percent of the total market.

Carter: "These controls will be binding unless extraordinary circumstances necessitate a Presidential exception, or where I determine that countries friendly to the United States must depend on advanced weaponry to offset quantitative and other disadvantages in order to maintain a regional balance."

Comment: This waiver allows Carter to cancel out everything that follows when he determines that an extraordinary condition exists or that deliveries by another supplier create an alleged military imbalance. And as his actions on the AWACS and other cases described below testify, he is clearly prepared to interpret these exceptions in a liberal fashion.

Carter: "The dollar volume (in constant fiscal 1976 dollars) of new commitments under the Foreign Military Sales and Military Assistance Programs for weapons and weapons-related items in fiscal 1978 will be reduced from the fiscal 1977 level. Transfers which can clearly be classified as services are not covered, nor are commercial sales, which the U.S. Government monitors through the issuance of export licenses."

Comment: Having already chopped off one-third of FMS sales by exempting NATO, etc., Carter now reduces the force of his policy even further. Since services comprise about 40 percent of all FMS contracts, Carter has limited the scope of his controls to less than two-fifths of total sales. Eliminating commercial sales further limits the controls to only about 35 percent of all military exports. And since FMS service contracts and commercial sales are expected to rise in coming years, total military exports could well rise above the fiscal 1977 level even if Carter's proposals are vigorously enforced!

Carter: "The United States will not be the first supplier to introduce into a region newly developed, advanced weapons systems which would create a new or significantly higher combat capability. Also, any commitment for sale or co-production of such weapons is prohibited until they are operationally deployed with U.S. forces, thus removing the incentive to promote foreign sales in an effort to lower unit costs for Defense Department procurement."

Comment: These are sound principles, but they are rendered meaningless by all the exemptions and waivers noted above. In keeping with America's "special relationship" with Israel, Carter has kept up the flow of new high-technology arms to that country. He also abandoned these principles by agreeing to provide Iran with the AWACS surveillance plane—a system so advanced that CIA Director Stansfield Turner argued against its export out of fear that it might inadvertently fall into the hands of the Russians. Carter approved the sale on the ground that it is essential to Iran's security, but most industry sources agree that a major motivation behind the sale is to reduce unit costs on the multibillion AWACS program and thus ease the Pentagon's own problems in getting Congress to pay for the system. (Carter initially withdrew his approval when Congress threatened to veto the sale in July, but later announced that he would resubmit the proposal.) In yet another departure from these guidelines, Carter recently approved the sale to Saudi Arabia of up to sixty McDonnell-Douglas F–15 Eagle jet fighters—a plane considerably more advanced than any other aircraft now deployed in the Arabian Peninsula.

Carter: "Development or modification of advanced weapons systems solely for export will not be permitted."

Comment: Here, too, Carter has already violated his own principles. In June, he gave Northrop and McDonnell-Douglas permission to begin discussions with West Germany and several other countries on the sale of their proposed F–18L land-based fighter. The two firms are now producing a carrier-based version of the F–18 for the U.S. Navy, but the Pentagon has no plans to develop a land-based version.

Carter: "Co-production agreements for significant weapons, equipment and major components (beyond assembly of subcomponents and the fabrication of high-turnover spare parts) are prohibited."

Comment: Once again, the exemptions carry the day. According to Pentagon documents, twenty-seven out of the thirty-eight major co-production projects now underway involve countries on the exempted list, and it is unlikely that this pattern will change

in the future. Indeed, Carter's commitment to increased arms standardization in NATO will almost certainly result in increased co-production work within the alliance.

Carter: "An amendment to the International Traffic in Arms Regulations will be issued, requiring policy-level authorization by the Department of State for actions by agents of the United States or private manufacturers which might promote the sale of arms abroad. In addition, embassies and military representatives will not promote the sale of arms."

Comment: This provision is not as far-reaching as it sounds, since U.S. arms producers have always sought an informal government go-ahead signal before initiating serious export talks with foreign officials. Now such requests will be made on a formal basis, but so long as Carter is prepared to disregard his other guidelines—as in the AWACS offer to Iran and the F–15 to Saudi Arabia—this requirement does not appear particularly significant. The ban on promotional activities did not stop the Air Force and Navy from soliciting customers at the 1977 Paris air show.

Carter: "In formulating security assistance programs consistent with these controls, we will continue our efforts to promote and advance respect for human rights in recipient countries."

Comment: Although Carter has ordered token cuts in military aid to Argentina, Ethiopia and Uruguay as a penalty for alleged human rights abuses, he has opposed cuts to other countries with equal or worse records on human rights—including South Korea, Indonesia and the Philippines—on the ground that U.S. national security precludes any diminution of American aid. Furthermore, while sales of police-type gear to a few dictators have been held up by the State Department, the United States continues to supply such hardware to many other repressive regimes.

Carter: "I am initiating this policy of restraint in the full understanding that actual reductions in the worldwide traffic in arms will require multilateral cooperation. Because we dominate the world market to such a degree, I believe that the United States can, and should, take the first step. However, in the immediate future, the United States will meet with other arms suppliers, including the Soviet Union, to begin discussion of possible measures for multilateral action."

Comment: Carter is right that reduction of the international arms traffic will require cooperation among the major supplying nations. But it is hard to imagine how he can persuade other nations to reduce their sales when the United States continues to dominate the market to such a great extent, even after Carter's guidelines are taken into account. And what "first step" is Carter talking about?—the AWACS sale to Iran, the F–15 sale to Saudi Arabia, the F–18L sale to West Germany?—surely these decisions are not going to persuade European suppliers—or Moscow—of Washington's intention to cut back on its exports to major foreign markets.

Having commented on what is covered by Carter's new arms sales guidelines, it is important to consider what is not covered. The first and most obvious omission is a serious commitment to reduce U.S. military sales. Even if Carter makes a significant cut in weapons transfers to the nonexempt nations, the total volume of U.S. deliveries will probably remain at about the same level as it was before—especially if, as predicted, sales of technical services rise fast enough to make up for the drop in sales of hardware.

Similarly, Carter has not come forward with the "very tight restraints" on future sales that he promised in his press conference of January 24. True, he has ordered the State Department to establish procedures for screening the promotional activities of U.S. arms firms, but there is nothing in the May 19th guidelines (or in Carter's subsequent behavior) that suggests such measures will constitute "very tight restraints."

Of the specific problem areas which Carter does address—co-production, human rights and the sales of advance munitions to underdelevoped countries—we have seen that his proposals are vague, incomplete and sometimes inconsistent. But there are some which Carter neglected to consider altogether, including:

Technical service contracts: Carter specifically exempts service contracts from his May 19th guidelines, and nowhere else is there any sign that he plans to restrict or control the proliferation of "white-collar mercenaries."

Payoffs: Although Carter calls for advance State Department screening of overseas promotional activities by U.S. arms firms, there is no ban on the payment of commissions or fees to agents and representatives abroad—and thus no specific measure to prevent further payoffs in connection with arms deals.

Undelivered orders: Some critics of the arms trade have suggested that Carter apply the new export guidelines to the $32 billion worth of arms that were sold during the Nixon and Ford administrations but have not yet been delivered. This issue is not raised in the May 19th statement, however, and The New York Times reported on May 8 that Carter had apparently decided to go through with these sales because Washington cannot "renege" on such contracts—even though he has called upon France and West Germany to cancel their contracts for the sale of nuclear reprocessing plants to Pakistan and Brazil.

All this suggests that Carter's "policy of arms restraint" amounts to little more than "business as usual." Perhaps there will be a slight reduction in the overall volume of sales, and an attempt to discourage extravagant purchases by some of the more ambitious Third World spenders like Iran, but in general we will be seeing a continuing flow of advanced U.S. arms to an ever growing number of countries abroad.

UNITED STATES-SOVIET STRATEGIC OBJECTIVES

HON. ROBIN L. BEARD

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 3, 1977

Mr. BEARD of Tennessee. Mr. Speaker, earlier this year Dr. William Van Cleave and Dr. Daniel Yergin appeared on the "Today" Show to discuss the asymetries in United States-Soviet strategic capabilities and strategic doctrine.

In my view, Dr. Van Cleave who was formerly a member of the U.S. SALT delegation and is presently a distinguished professor at the University of Southern California, and a prolific writer on U.S. national security issues, makes some extremely important points concerning United States-Soviet strategic trends.

As Dr. Van Cleave points out, the United States has very seriously underestimated Soviet intention, Soviet capabilities, and Soviet motivation in the post World War II period. Dr. Van Cleave also explains that the Soviet goal to achieve a decisive superiority over the United States in strategic forces is based on a fundamentally different approach from the United States as to what constitutes deterrence and what political-military objectives should be.

The Soviet is posturing his military forces, as both Drs. Yergin and Van Cleave recognize, for a "war-winning" capability over the United States. If we are to preserve our own security, if international stability is to be maintained, then we must deny the Soviet any illusion that he can accomplish this objective. We can no longer simply pretend that Soviet political-military objectives are mirror images of our own. If we fail to recognize this fundamental premise I fear we will inadequately respond to the growing assymetries in United States-Soviet strategic doctrine and military capabilities. If we fail to recognize this fundamental premise we will make concessions at the SALT II negotiations which will not adequately serve our national interest and world peace:

INTERVIEW WITH DANIEL YERGIN AND WILLIAM VAN CLEAVE

JANE PAULEY: In the '60s there was the fear of a missile gap, whether we needed more missiles to keep up with the Russians. Well, now there's the dispute over whether we really need to build a lot of new B–1 superbombers. President Carter is considering that right now. A decision is due by the end of the month.

The question then and now is whether the Russians are gaining military superiority, and if so, whether they intend to use it. And behind that question is still a deeper one: Is the U.S. military-industrial complex exaggerating its estimates of Soviet strength in order to scare us and win bigger defense appropriations from Congress?

To talk about that today we have Dr. Daniel Yergin of the Harvard University Center for International Affairs, author of a new book on the origins of the Cold War, Shattered Peace. He says Soviet superiority is a myth.

And Dr. William R. Van Cleave, a former special assistant to the Secretary of Defense and a member of the SALT I negotiating team who is now professor of International relations and director of the defense and strategic studies at the University of Southern California. Both men evidently well-qualified to talk about the issue at hand.

First of all, Dr. Van Cleave, if I could ask you: this talk of Soviet military superiority, whether it's a fact now or whether it may well be—Isn't that sure to undermine current arms control talks? Isn't that a self-fulfilling prophecy?

Dr. WILLIAM VAN CLEAVE. I don't think it's either. Matter of fact, it's curious that we're all debating the question of superiority today, which is quite a change in just a very few short years. The fact of the matter is that over the past ten or fifteen years, the United States has badly underestimated and misperceived both Soviet intentions, Soviet capabilities, Soviet motivation, to in fact deploy a superior capability and a capability that's not superior merely in quantitative static indexes, but a superiority in mobility to fight or threaten to fight a nuclear war and to survive one.

Now, whether or not that stands in the way of arms control achievements or not is up to the Soviets and their programs, not up to our identification of them, seems to me.

PAULEY. You've raised a couple of points I'd like to pursue, we'll get into a moment, how one puts a fix on intention motivation. But first of all, in terms of quantitative ability to wage nuclear war, does Dr. Van Cleave

have a point when he says that the Soviets are approaching superiority?

Dr. DANIEL YERGIN. Well, it is true that only recently we've begun to talk about superiority, or that some have begun to talk about Soviet superiority, but it's not at all clear that exists, and while we have to be very realistic and we don't want to kid ourselves about the nature of the Soviet Union or the fact that it has a very strong military establishment, realism is called for in discussing it.

And when one looks at it coldly and rationally, one does not get the type of picture that is often portrayed in newspaper headlines currently.

PAULEY. There is a newspaper story just recently over the last couple days. The Stockholm International Peace Research Institute says the United States is still well ahead, well ahead was their terminology. Are they to be believed?

Dr. YERGIN. Well, I think that they have considerable insight in evaluating these issues, and I find rather persuasive their reading of the evidence as it exists today. Of course, let me add that the evidence can be very ambiguous. I mean, you can read it one way in terms of number of missile launchers, but you read it a different way if you look at number of warheads.

Dr. VAN CLEAVE. This is a little oversimplified in the sense that there's an implication here that those of us who are professionally concerned with analyzing Soviet strategic programs and capabilities somehow or another ignore all of these types of things and somehow or another seem to make a frivolous attempt of exaggerating things.

This is far from the case. We go out of our way to make a responsible and reasonable assessment of what the Soviet Union is doing, and we do this by comparing trends, and whether or not one agrees that the Soviet Union is superior or not today of course depends upon one's definition of superiority and how broad one wants to make the definition of it.

But I don't think that any reasonable person would object to the observation that the Soviet avowed goal is the maximum amount of superiority in military forces in every achievable index, and that a continuation of past and present trends will lead in the very near future to that superiority.

Furthermore, I want to emphasize that that superiority is based upon a fundamentally different approach to planning strategic forces in preparing nuclear war than that in the United States. And the asymmetries in these approaches are going to be fraught with instabilities in the near future if we don't do something about it.

Dr. YERGIN. Can I jump in on that? First of all, it seems that there are different—first of all, what we need to keep in mind is that there is an arms race, and both sides are racing. That's what you do in an arms race. The second thing that needs to be said, I think—and I'm sorry that Professor Van Cleave took it otherwise—I think that it's a pity that this debate has become so colored now with passions and bitterness that you felt the statement I was making was an attack on you.

I'm sure that on our basic concerns about the Soviet Union, about American security, we're very close together. But I think it's in terms of evaluating evidence that the differences exist, and I do not in any way question your motives, and I think it's clear—it's important to make that clear in this type of debate.

PAULEY. All right, if I can just—in Paris yesterday, now Soviet President Brezhnev said the Soviets will never take up the sword against anyone. All they're concerned about is their own security. Believe him? Grain of salt?

Dr. VAN CLEAVE. Well, you can take it either of two ways. You can say this is only political rhetoric, or you can say, well, what's the Soviet concept of security? Turns out, at a minimum, the Soviet concept of security is a non-zero-sum gain. For the Soviets to feel secure, everyone else has to be rendered insecure, and this leads to a very aggressive, not a defensive, approach to military programs.

PAULEY. But why are we worried when this is right there on the border? Aren't the Soviets more concerned about the Chinese than they are the Americans?

Dr. YERGIN. It's true that the Sino-Soviet split is often left out of the analysis or tends to be downplayed by some of those who are focusing primarily on the Soviet-American strategic balance.

Dr. VAN CLEAVE. I don't think that this is the case. We regard all of the forces and resources that the Soviet Union dedicates to China. They're somewhat different to the ones, for the most part, that they dedicate to the strategic balance with the United States, although there's some overlap in some new systems.

This is taken into consideration and factored out in a proper way. I don't think that it's fair to say that we discount that.

Dr. YERGIN. The other thing—well, it does seem to me that that is what happens—the other thing is that Professor Van Cleave is right, that the Soviets don't have the type of explicit deterrent doctrine that the U.S. does. But it's also true that they don't have the kind of apparatus—well, how shall I put it?—intellectuals working on it, and their concept of deterrence is more in a traditional—how shall we put it?—war fighting capability. That's part of their doctrine of deterrence.

PAULEY. In any event, the decade ahead of us will be fraught with danger, whether we handle it from one side or the other. Thank you both for being with us.

HUMAN RIGHTS VIOLATIONS: AFRICA

HON. JOHN M. ASHBROOK

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 3, 1977

Mr. ASHBROOK. Mr. Speaker, recently we have heard much about denial of human rights in Africa. The two countries usually discussed are Rhodesia and South Africa. Ignored are the thousands of violations that take place in so many of the other countries on the continent.

Idi Amin of Uganda has slaughtered thousands, imprisoned more, and caused many others to flee. Asians have been driven out of several countries. Basic human liberties have been squashed in African country after African country, but most attention is paid to South Africa and Rhodesia which relative to many other African countries are protectors of life and liberty.

From time to time small amounts of attention have been paid to some other countries. Recently the barbaric practices of Equatorial Guinea have been brought to light. In that country nearly all civil servants and two-thirds of the national assembly's members have been murdered, imprisoned, or have fled.

It has been estimated that 50,000 people have been killed—one-eighth of the preindependence population. Fishing in coastal waters has been banned to cut down on the number of refugees. Families and even whole villages are wiped out.

The picture is not pretty nor is it the only example of dictatorships in Africa that are no respecters of even basic human rights.

At this point I include in the RECORD the text of a recent article entitled "Jewel Turns to a Chamber of Horrors" that appeared in the Washington Post:

JEWEL TURNS TO A CHAMBER OF HORRORS

By David Lamb

DOUALA, CAMEROON.—Less than a decade ago, Equatorial Guinia was the jewel in Spain's African crown, a prosperous, peaceful little place that the well-educated Bubi tribesmen fondly nicknamed Nanny Poo.

The carefree island of Nanny Poo—more correctly, Fernando Po—and its sister province on the mainland represented the Africa of storybooks, beautiful and partly untamed. It was roamed by gorillas and covered with jungle, and from the cathedral tower at Malabo a verdant vista of manicured plantations stretches to the mountain range and the ocean beyond.

Coffee and cocoa were bountiful, an African middle class enjoyed both health and leisure, the school enrollment and per-capita income were among the highest on the continent. It was not surprising that the coming of independence was greeted with optimism.

"Guineans do not want their independence to resemble a bottle of champagne that evaporates in euphoria," Prime Minister Bonifacio Ondo Edu said in early 1968.

But within days of independence on Oct. 12, 1968, the euphoria had given way to terror. Ondo was imprisoned and beaten to death. The roundup and execution of the educated elite, the civil servants and legislative opponents began with systematic fury. Youth gangs ran amok, killing, looting and raping. They still do, by informed accounts.

Today Equatorial Guinea is Africa's chamber of horrors, a morally and financially bankrupt country ruled by a Catholic-turned-atheist, life-President Francisco Macias Nguema, 55, who says: "The so-called intellectuals are the greatest problems facing Africa today. They are polluting our climate with foreign culture."

Since Macias took power at independence, nearly all the senior civil servants and two-thirds of the assembly members have been murdered or imprisoned or have fled into exile. An estimated 100,000 Guineans—25 per cent of the country's population—have escaped to other countries. Conditions in Malabo, the capital, are considered so intolerable that the Organization of African Unity recently took the unprecedented step of voting to close its regional headquarters there.

Knowledgeable observers place the death toll over the past nine years as high as 50,000, an eighth of the country's pre-independence population. Those known to have been killed, in addition to Prime Minister Ondo, include the vice-president, the representative to the United Nations, the president of the assembly and the minister for justice. The Bubi chief, Pastor Torao Sikara, died in Bata prison. Enrique Gori Molubela, a founder of the Union Bubi Party, died of gangrene after his eyes were gouged out.

"In many cases people have been punished or executed without even a pretense that they were guilty of a crime," writes Suzanne Cronje, an African specialist, in a report for the London-based Anti-Slavery Society entitled "The Forgotten Dictatorship."

"This is especially true of women whose only crime was that they were related to politicians or officials who had fallen out of favor.

In some cases whole villages have been destroyed when a member of the community was accused of disloyalty to Macias or such crime."

Formerly Spanish Guinea, Equatorial Guinea is about the size of Maryland and consists of two provinces: Rio Muni on the continent, sandwiched between Cameroon and Gabon, and the island of Macias Nguema, called Fernando Po until the president named it after himself. It lies about 21 miles off the Cameroon coast.

There is an almost total blackout of information about the country today. A garrison of Spanish troops was kicked out in 1969 and most of the 7,000 European expatriates went with them in fear for their lives. The United Nations mission was expelled in 1973, the U.S. embassy was thrown out in 1976. No Western journalists and few foreigners have been allowed in.

But in interviews with refugees and diplomats in West Africa, and from reports compiled by European-based human rights organizations, a picture emerges of Equatorial Guinea and its paranoid president that invites comparison with the late Francois (Papa Doc) Duvalier's reign of terror in Haiti.

Equatorial Guinea is a country on the decline, isolated and divorced from the influence of the world. There are only two doctors in Equatorial Guinea and, as a U.N. report has noted, "Medicines and drugs are virtually unavailable." Television has ceased to operate because of a lack of technicians and the only place a person can make a long-distance call to is Madrid.

Cocoa production has fallen from 34,000 tons at independence to an estimated 10,000 tons today, largely because thousands of Nigerian contract workers were harassed, beaten and finally expelled in 1975. Nigeria evacuated the last of the 40,000 workers after its embassy in Malabo was attacked by members of a youth brigade. In an effort to fill the void, Macias last year ordered all unemployed persons over 15 years of age to work the plantations and the phosphate mines.

Civil liberties are nonexistent. Macias censors the mail and has cancelled the passports—and thus the nationality—of Equatorial Guineans abroad.

Contact with foreigners is forbidden. Fishing has been banned in an attempt to reduce the flight of refugees. Photographing even a palm tree is illegal without a government permit. An armed brigade of uniformed delinquents, known as Youth March-for Macias, patrols the streets, enforcing the president's decrees.

There was little in Macias' background to suggest that he was capable of either leadership or ruthlessness. A slight, handsome man, Macias was a Spanish civil servant, the mayor of a small town, Mongomo. He was appointed vice-premier and minister of public works when the colonial administration set up an autonomous government, and from there he rose to undistinguished prominence in the pre-independence period.

A member of the majority Fang tribe, he set out as president to settle old scores with the Bubis, the best-educated and wealthiest of the country's ethnic groups. Then he moved to solidify his control through terror and dictatorial practices.

He named himself president for life. He ordered that his praises be included in the Catholic Mass and he confiscated churches for the storage of coffee and cocoa. In naming the principal province after himself, he declared a sizable part of it a "presidential zone" closed to the public.

Two years ago he celebrated Christmas Eve by ordering the shooting and hanging of 150 prisoners in Nanny Poo's football stadium. During the grisly spectacle, witness said, loudspeakers blared a recording of "Those Were The Days, My Friends."

UNITED STATES-SOVIET STRATEGIC POLICY

HON. ROBIN L. BEARD

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 3, 1977

Mr. BEARD of Tennessee. Mr. Speaker, earlier this year the Honorable Paul Nitze and Mr. Thomas Halsted had an interesting discussion on the "Today" show. In light of recent Presidential decisions concerning U.S. strategic weapons development and force deployment, and the increasing publicity about the inadequacy of the proposed terms of the Carter administration's negotiated SALT II Treaty, I think it is useful to consider the issues highlighted in this discussion. In particular, I think attention should be given to Mr. Nitze's comments.

Mr. Nitze points out what to me is both an indisputable yet incomprehensible truth, and that is that there are many people in policymaking positions in the present administration who are concerned that the United States could be "too strong" but show a remarkable lack of concern for the growing strategic capabilities of the Soviet Union.

Mr. Halsted says we would want to do nothing to violate the "spirit" of the SALT I Treaty. Yet the Soviets have shown a constant disregard for any SALT I "spirit." Mr. Halsted expresses opposition to the U.S. deployment of the MX missile, but he fails to express concern over the growing Soviet capability to destroy an unacceptably large number of U.S. offensive strategic forces, including the silo-based Minuteman. Mr. Halsted assumes that it is somehow possible to "freeze" technology and turn back the wheels of time, when, in fact, DOD analyses categorically refute this mistaken belief.

Mr. Speaker, I deeply regret that the views of the Honorable Paul Nitze, who is one of this country's most experienced statesmen, negotiators, and defense experts, are not being adequately appreciated by this administration, and I am concerned that this administration appears oblivious to the very real national security problems we face, and apparently has come to believe its own rhetoric about what SALT II can hope to accomplish.

I submit that unless the Soviets recognize that we are quite prepared to forgo a SALT agreement that does not adequately address U.S. national security objectives, and that we intend to proceed with those strategic programs we believe necessary to preserve our own security, then they will not acquiesce to a balanced and equitable SALT treaty that will preserve stability and stand the test of time:

INTERVIEW WITH HALSTED AND NITZE

TOM BROKAW. After reviewing the current status of military strength in the Soviet Union and the prospects for the future of the military in Russia, the Carter Administration has concluded that the situation is not as grim as it was portrayed by the Ford Administration. And still there continue to be differences between the superpowers, of course. The Soviets cancelled a speech on Russian television this week by our ambassador because he had a line referring to human rights. Soviet President Brezhnev fired off a letter to President Carter saying he doesn't think that there is any point to a summit talk this summer or even this fall.

So, arms control and human rights, what the Soviet Union sees as an internal matter, are putting tension on Soviet-United States relations.

In our Washington studio this morning are two people with opposing points of view on these matters, and they're there with NBC News Correspondent Tom Pettit for a discussion of what is going on.

TOM PETTIT. With us here in Washington this morning are Thomas Halsted, Executive Director of the Arms Control Association, and Paul Nitze, former Deputy Secretary of Defense, former U.S. negotiator, now active with the Committee on the Present Danger.

First of all, gentlemen—and I'll address this to you, Mr. Halsted, first—is nuclear war with the Soviet Union thinkable today?

THOMAS HALSTED. I think it's thinkable by some people. I think the practical aspects of the matter are that at the present stage both sides have enormous nuclear forces. The balance between the two sides is fairly stable. It's likely to stay that way for some time to come provided certain decisions about weapons are not made on both sides.

PETTIT. Mr. Nitze, is nuclear war thinkable with the Soviet Union?

PAUL NITZE. It's certainly thinkable. Certainly the Russians think it's thinkable. I think neither side wants it. I don't think either side will want it.

But I think the essence of policy is to make it even less likely than it would be otherwise. And I think on this, probably we are agreed, Mr. Halsted and I, that the object of policy is to reduce the risk of nuclear war.

Now, the question at issue is: How do you do that? Do you do that by considering that the real threat to the peace of the world is the U.S. Government and the armaments which it has under its control, or is it the enormous effort that the Soviet Union is putting into building up its strategic forces? And if we were to let that be unbalanced, then I think the risk would go up and it would become more thinkable.

Therefore, one has to think about it.

PETTIT. Well, you've been thinking about increasing our armament. Mr. Halsted has been thinking about reducing it, I would gather. Mr. Nitze's been proposing deployment of the MX. He says we should have deployed the B–1 as well as the cruise. You differ with that.

HALSTED. Yes, I do. I think—first I'd like to comment a little on what Mr. Nitze just said.

I think that both sides are increasing their armaments enormously. The Soviets, quantitatively, we see the numbers of weapons going up. The United States, until recently, qualitatively, increasing the numbers of warheads, increasing their accuracy, increasing the potential danger to the Soviet missile forces in particular.

Now, new weapons programs, like the MX, make no sense at all, it seems to me, for a number of reasons. The MX missile is a very large, very powerful, very accurate mobile intercontinental ballistic missile. It would cost a enormous amount of money, almost as much as the B–1 program. Each missile, just like each B–1 bomber, would cost on the order of $100 million, by the time the whole program was costed out. Up to 6000 miles of the United States would be carved up into trenches for these missiles to slide up and down in, supposedly to conceal their presence from the Soviet Union. This would raise questions about verification, increase doubts about the—what our intentions were,

what our capabilities were, raise the sort of hairtrigger nature of the confrontation with the Soviet Union; and, incidentally, I think would be in violation of the letter of the present SALT I agreement, and certainly in the spirit of it, if and when that expires, where both sides agreed not to undertake measures to conceal what their strategic forces were doing from the national verification capabilities of the other side.

PETTIT. Well, Mr. Nitze, we know . . .

NITZE. Let me just intervene for a minute. It seems to me Mr. Halsted has clearly demonstrated the truth of what I started off by saying, and that is that the thing that worries him is the strength of the United States. That is what worries him. He said not a word about anything that the Soviet Union is doing. He did not . . .

HALSTED. I'd be happy to talk . . .

NITZE. Wait a minute. Wait a mniute. Let me continue this.

He said not a word about the fact that the SS-19, which the Soviets are now deploying in substantial numbers, is in fact as large or larger than the MX, which we might deploy by 1985. So that already this has been deployed by the Soviet Union.

He said not a word about the fact that the MX, if deployed, would in fact have a much higher degree of survivability than any missile that we now have, any ICBM, that this should contribute to the security. to the stability of the situation, should reduce the risk of war.

What he's talking about is cost, U.S. shouldn't do these things; not one thing about how you achieve balance, how you really reduce the risk of war.

PETTIT. Well then, how do you reduce the risk of war?

HALSTED. Well, let me bring up a funny little two-word expression that we hadn't raised before, and that's arms control. And I think that both sides are worrying—I think our side is clearly worrying and the Soviets, although not publicly, should be worrying about the results of the next spasm in the arms race; and that is the increased vulnerability of their land-based missiles.

If we're worried about what the SS-19 and SS-18, which are very large missiles, can do to our missiles once they're very accurate, which they're not yet, why aren't we taking steps to control those steps forward on both sides?

PETTIT. Gentlemen, let me ask you this: Which is damaging our prospect for peace more, the Carter human rights issue, which has antagonized the Soviet Union, or our decision to deploy the cruise missile, which we had promised that we would try not to do?

NITZE. What do you mean by damaging the relationship?

PETTIT. Well, I mean exacerbating relationships between the two countries.

NITZE. I don't believe this is how one exacer—I mean I don't think these things bear upon exacerbating relationships between the two countries.

The Soviet Union isn't a country—their leaders are not people who get angry. Their leaders are very competent people who are running—know how to run a competition, how to fight a poltical battle. They are not upset by such things.

You remember when Mr. Khrushchev took off his shoes and pounded on the desk over the U-2 incident. He did that only after the Soviet Union had shot down a U-2. During the five years while we were flying U-2s and they weren't able to shoot them down, he was calm as he could be.

PETTIT. He kept his shoes on all the time.

NITZE. He kept his shoes on all the time.

Now, this was—with respect to the human rights thing, human rights is at the basis of the American character and the political system. We cannot forgo believing in the freedom of the individual, in the restriction of governmental powers, in decency with respect to people. We just can't look at it differently than that.

HALSTED. I think we're in agreement there.

BROKAW. Mr. Nitze, I have a quick question for you. Were you surprised by the Carter Administration's review that we're hearing about this morning, that the Soviet military buildup has now eased off and that the United States is in a much stronger position relative to what the Ford Administration thought that it was not many months ago?

NITZE. I would love to see the evidence that is behind this. Frankly, I doubt very much that there is any.

BROKAW. You're saying that they're making these conclusions without any hard evidence. That's a fairly serious charge.

NITZE. I believe it to be true.

HALSTED. I haven't seen the report to which you're referring, Mr. Brokaw, but if this is, as I believe it is, the result of this large interagency review that's been going on since the Carter Administration took office, where I think the views of many, many people with many different points of view were taken into account, all the intelligence sifted and evaluated, a good careful look at our own forces taken and a net asssesment made with a result that we can be a little more sanguine about the problems of the confrontation with the Soviet Union, I think we're . . .

PETTIT. Thank you, gentlemen.

HARMONIA AND OSWIATA CLUB

HON. RAYMOND F. LEDERER

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 3, 1977

Mr. LEDERER. Mr. Speaker, it is with a great deal of personal pleasure and pride that I call to the attention of my colleagues in the House a community organization of long and outstanding recognition. The Polish American Citizens Harmonia and Oswiata Club of 2404 Orthodox Street in Philadelphia, has had a long and distinguished history. For many years, this well-known local organization has performed admirably both in the musical arena and in the arena of humanitarian efforts. It is good to know that such wonderful groups exist in the Third Congressional District.

Mr. Speaker, I insert into the RECORD the history of this organization for all to read:

SHORT HISTORY OF THE HARMONIA AND OSWIATA CLUB

Seventy-five years had elapsed since persons who loved songs of their native Poland, gave rise to the thought of organizing a Choral society in Frankford and Bridesburg. Pursuant thereto, they met in Polish Falcons Hall, Bridesburg, on the 2nd day of September, 1902; after exhaustive discussion relative to the aims of a Singing Society and pursuit of such aims as an organizational entity, the name Harmonia Singing Society was adopted, with membership restricted to males.

The concept of a Singing Society enjoyed a full measure of popularity at the very outset. Its first headquarters was located in Nugent's Park, later moved to 2404 Orthodox Street, where for a period of time, competent choral directors gave lessons in group singing.

In the year 1911, The Harmonia Singing Society became affiliated with the Citizen's Club, in order that the community might be better served through combined effort.

Joseph Sibinski was elected first President of the merger. Because of excellent management of affairs of the organization, membership increased by leaps and bounds, necessitating the acquisition of a larger structure as a permanent home. On the 5th day of September, 1914, pursuant to actions by the members, calling for the building of a new headquarters, the first meeting was held in their new home.

The year 1915 marked the acceptance into the organization of Towarayatwe Oswiata (a library Society) and the transfer of its library with appropriate ceremonies to the new building. The name, after the last merger, was changed to the Polish American Citizens' Harmonia and Oswiata Club.

The Club, from its very inception, enjoyed whole hearted support of the community. It participated in all patriotic and civic ventures, and gave material aid to churches, hospitals, orphanages and charitable institutions generally.

A page in the history of the Club, written in gold, can be devoted to the names of many members who served in the armed forces of the United States in World War I and World War II. Banquets were held to honor returned veterans, financial aid extended where needed, and memorials arranged in memory of those who gave their all in service of their country.

In matters humanitarian in nature, the Club always extended a full measure of cooperation. By resolution of the members, ten families who were victims of the World War II tragedy and found themselves displaced and unable to return to their homes, were brought to this country upon the Club's assurance that they would be provided for. Today they are a praiseworthy asset of the Club and community.

Although during the past 75 years, the members welded together in one organizational entity, may have experienced trials and tribulations, in this year of the Diamond Jubilee they can look unabashed and with pride on the praiseworthy contributions they have made to the life of our community.

MANUFACTURED HOUSING MILLENIUM

HON. ROBERT L. LEGGETT

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 3, 1977

Mr. LEGGETT. Mr. Speaker, it seems that each new day brings us another unpleasant indication of the meteoric rise in the cost of new housing to our citizens. The American dream, the detached house standing on its own lot, is rapidly moving out of the financial means of all but a small percentage of American families. Particularly in reaction to this phenomenon and partly as a cure, mobile homes and prefabricated dwellings are assuming increasing prominence in the American housing market. I insert into the RECORD at this point a recent article from the Washington Star on the burgeoning popularity of this alternative housing option.

The article follows:

MOBILE HOMES GET RESPECT

(By Reginald Stuart)

Mobile homes are beginning to receive increased attention from planners around the

country and many segments of society as a potential alternative to conventional housing.

Young newlyweds, retirees, couples whose children have grown and left home and middle and lower income persons with few or no children appear to be the primary groups interested in mobile homes.

There is no sharp shift in attitudes about mobile homes, but there appears to be a slowly emerging trend of receptivity as the industry improves its product and the cost of conventional housing continues to increase.

Zoning and financing continue to be the major obstacles to the growth of the mobile home industry, but there are some signs that each of these situations is changing in favor of broader use.

Planners, courts and lawmakers are slowly beginning to assign new importance to mobile homes and in some cases equate the newer products to conventional houses.

Lawmakers in Bloomington, Ill., for instance, will decide soon whether to approve a controversial zoning change which would allow a local developer to establish a 91-lot mobile home park.

There is considerable opposition, mostly from nearby residents who argue that their property values will drop. Despite this, city and regional planners have endorsed the change and it is considered likely that it will be approved by the City Council.

California's Department of Housing has embraced mobile homes as a necessity, concluding in a study that those built after Sept. 15, 1971 are equivalent to conventional dwellings in quality, strength, fire safety and durability.

In the spring, a Michigan appeals court ruled in favor of a couple sued by neighbors for locating their mobile home in a resort area that had a covenant prohibiting trailers. The 1,056-square foot home, which was set on a permanent foundation, was equipped with electricity, water and gas.

In this case, the court said it did not believe that the unit "can be accurately described as any less permanent than any kind of sectional prebuilt dwelling currently on the market." The court found that the mobile home would not hurt property values of the other cottages any more than they would hurt its own value.

In Elkhart County, Ind., where several major manufacturers make it the capital of the mobile home industry, the government of Middlebury recently approved a zoning change for a mobile home park because of the growing demand for affordable housing in that area.

"The attitude is still pretty heavy about mobile homes, that you just tow them around," said Walter L. Benning, president of the Manufactured Housing Institute, the District-based association that speaks for the industry.

"Zoning boards still have their archaic rules on the books. In one area there is a law that mobile homes must have their wheels inflated at all times in case they have to be moved in an emergency. What people don't understand is that now very few mobile homes are moved, once they are sited.

"It's coming more and more that states and municipalities are taking a hard look at what we are trying to do, and we're finding more and more builder developers using mobile homes as part of their plans."

With the establishment a year ago of uniform federal safety standards for mobile homes and recent Congressional approval of an increase in the limits on Federal Housing Administration guarantees for mobile home loans, the industry appears to be ready for a public re-examination.

There are 4.5 million mobile homes in use today, according to the Manufactured Housing Institute. The average cost of one in the first half of 1976, it said, was $12,250, with some units selling for as much as $30,000.

In contrast, the average price of a conventional home in that same period was estimated at $43,300 by the Department of Commerce.

RECOGNITION OF "BEN" McLAUGHLIN

HON. RAYMOND F. LEDERER

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 3, 1977

Mr. LEDERER. Mr. Speaker, on July 4, 1977, in San Francisco, Bernard J. "Ben" McLaughlin was elected to the U.S. Soccer Federation National Soccer Hall of Fame. This was the culmination of a long and brilliant career that extended from 1940 through 1965.

Born in the Kensington section of Philadelphia, the son of a former Scottish soccer player, Ben commenced his career with the Lighthouse Boys Club, the Pennsylvania incubator which has contributed so many fine soccer players. Ben, as a youth, lived within the shadows of McVeigh Recreation Center in Kensington where he thrilled many area soccer fans with his outstanding play. He attended Northeast Catholic High School, and for 3 consecutive years, 1944–46, was unanimously elected to the all scholastic team.

In 1946, Ben joined the professional Philadelphia Nationals of the American Soccer League during the heyday of that club's successful run of triumphs in the National Open Challenge Cup, Lewis Cup, and in the American Soccer Leagues, 1949–51 and 1952 and 1953 championships.

He also played for such other American Soccer League teams as Brookhattan, 1955–57, Uhrick, 1958–60, Hokoah, 1961–62, New York, German Americans, 1963, and Erzebridge of Philadelphia in 1963–65.

Ben's soccer activities were not confined solely to the United States. In 1948, Ben was selected for the U. S. Olympic team and distinguished himself against Italy, Norway, and Ireland in those games played in London, England. That team also traveled to Norway after the Olympics for additional play.

In world competition, Ben played for the United States in 1949 against Menico in Mexico City. In the United States upset of England at Belo Horigente, Brazil, by a score of 1–0, although selected, he could not play due to a previous injury. In his long career, this is his only regret.

Other international honors were attained while a representative of the U.S. National Team. In 1952, he played against Scotland at Hampton Park before a crowd of more than 107,000, the largest amount of fans ever to witness a U.S. team. In 1954, he represented the United States in clashes against Menico in Mexico City; in 1955 against Iceland. He also played on the U.S. Select Teams against Canada, Haiti and Hawaii.

During his playing career, he was on all the American Soccer League All-Star Teams. Against foreign competition, the name of Ben McLaughlin was an automatic choice.

Ben, married and the father of four boys and two girls, currently resides at 9041 Convent Avenue in the northeast section of Philadelphia, and for the last 7 years, has been an employee of the Philadelphia Redevelopment Authority in the appraisal division.

As a result of the foregoing, a tribute to honor him on his induction into the Hall of Fame was held on October 28, 1977, at the New Room of the Boulevard Pools at Princeton Avenue and Roosevelt Boulevard, Philadelphia. Representatives of the U.S. Soccer Federation, The Olympic-Selection Committee, the Eastern Pennsylvania Soccer Federation, the Philadelphia Old-Time Soccer Association, city of Philadelphia, and various soccer associations and clubs attended as did a crowd in excess of 400 people. Some of the other distinguished citizens in attendance were:

Thomas E. Segar, Sr., Past President, United Soccer Association and Chairman of Olympic Selection Committee.
State Representative Clifford Gray.
Joseph Sullivan, Sheriff.
Mike Wallace, Candidate for Judge.
Thomas E. Segar, Jr., Director of Parking and Housing Authority, and Bernie Crumlish.

There were also many other distinguished persons and friends too numerous to mention.

Highlights of the program were the presentation of the Hall of Fame plaque, a replica of the 1948 Olympics, a diamond-studded ring in the shape of a soccer ball with appropriate inscriptions and various trophies and commendations from virtually every soccer-connected league in the Delaware Valley area.

We wish for Ben, his lovely wife and six children continued success and good health.

HAIG KAFAFIAN—SERVING THE DISABLED

HON. GEORGE E. DANIELSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, November 4, 1977

Mr. DANIELSON. Mr. Speaker. It is with great pleasure that I bring to my colleagues' attention the name of my good friend, Haig Kafafian of Washington, D.C., who has been awarded the degree of doctor of science, honoris causa, from Upsala College of East Orange, N.J.

Born in Summit, N.J., Haig Kafafian is the founder, president and director of research of Cybernetics Research Institute of Washington, D.C., a nonprofit organization dedicated to servicing the communication and control needs of persons who are severelv disabled.

Haig studied electrical engineering at Newark Technical Institute, Newark College of Engineering; taught calculus and radio for Rutgers University, and mathematics and cybernetics at Rutgers, University of Alaska, Johns Hopkins University, Universitv of Maryland, and the Catholic University; is an international

lecturer on cybernetics and communicatory systems for the handicapped; and has served as a consultant to the Bureau of Education for the Handicapped and to the National Academy of Sciences.

He is also an inventor, whose inventions include a family of man-machine communication and control systems for the severely disabled, the handicapped and the blind. He holds numerous U.S. and foreign patents related to communicatory aids for the severely disabled.

Haig is a charter member of the American Society of Cybernetics. Other organizational affiliations include: Washington Operations Research Council; New York Academy of Sciences; U.S. Joint Chiefs of Staff Joint War Games Agency; Interagency Group Strategic Studies; American Astronautical Society; Navy League of the United States; and the Cosmos Club of Washington, D.C.

Mr. Speaker, this is just a small sampling of the many and varied interests and achievements of this outstanding American. Upsala College, as evidence of their high regard for Haig Kafafian and his work, has awarded him the degree of doctor of science, honoris causa. I ask my colleagues to join me in congratulating Haig Kafafian, and his wife Rose who assists him in his efforts, for this highly deserved honor.

AUTHORITY TO DISPOSE OF THE PANAMA CANAL

HON. JOHN H. ROUSSELOT

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, November 4, 1977

Mr. ROUSSELOT. Mr. Speaker, yesterday, November 3, the Southern Division of the California Federation of Republican Women held their biennial convention in Los Angeles. It was my pleasure to be there to introduce the principal speaker of the afternoon, Congresswoman MAJORIE HOLT, who shared with the women her views on defense and the economy. Those in attendance enjoyed her comments because they are deeply concerned about the serious issues currently facing our country.

To demonstrate that concern, they overwhelmingly passed a resolution calling for participation by both Houses of Congress in the disposal of any U.S. property in Panama and supporting those of us who have filed suit to bring about such participation. Printed below is the resolution enacted by the Southern Division of the California Federation of Republican Women in convention at Los Angeles on November 3, 1977:

AUTHORITY TO DISPOSE OF THE PANAMA CANAL

Whereas the Attorney General of the United States has given his formal opinion, in testimony to the Senate Foreign Relations Committee, that approval of the House of Representatives is not necessary to turn the Panama Canal over to the Republic of Panama; and

Whereas the President's constitutional authority to dispose of the Canal Zone without permission of both Houses of Congress is being challenged in the United States Supreme Court; and

Whereas by constitutional means through Congressional authorization the United States purchased all the privately owned land and property in the Zone, making it the most costly United States territory; and

Whereas the United States Supreme Court examined our title to the Canal Zone, and in January, 1907, upheld our ownership and the entire 1904 Treaty; and

Whereas the Constitution of the United States clearly states in Article IV, Section 3, Clause 2: "The Congress shall have power to dispose of and make all needful Rules and Regulations respecting the Territory or other Property belonging to the United States,": Therefore be it

Resolved, The California Federation of Republican Women, Southern Division in Convention November 3, 1977 strongly supports the efforts of the Senators, Congressmen and States in their Supreme Court suit and their determination to uphold the provisions of the Constitution of the United States relating to the disposal of United States property; and be it

Resolved further, There be no relinquishment of any United States property or territory without authorization of the Congress (House and Senate).

MENTAL HEALTH SYSTEM

HON. ROBERT K. DORNAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, November 4, 1977

Mr. DORNAN. Mr. Speaker, since coming to the Congress, I have become increasingly concerned about the problems facing the psychiatrically ill and the developmentally disabled. In my home State of California I have come across a great many parents and professionals dedicated to their cause. They seek two vitally important goals: First, to improve the care, treatment, and training of these handicapped individuals so that they may accept more individual and societal responsibilities, and second, to combat the social stigmas and misconceptions which surround this handicap.

The task is not an easy one but, rather, a struggle requiring the marshaling of enormous amounts of patience, determination, perseverance, and support. Yet, we have come a long way since the days of incarcerating the mentally handicapped in jails, poor farms, almshouses, and insane asylums. The Federal Government has made a massive commitment to this cause with passage of Public Law 94–103 and Public Law 94–142. Among other things, these laws mandate deinstitutionalization, protection from inappropriate institutionalization, independent advocacy, individual habilitation plans, and resources for clients in institutions and the community that are appropriate for their developmental needs. Likewise, the State of California has guaranteed similar rights, protections, and obligations with enactment of the Lanterman Act.

Whenever we engage in such a massive endeavor, as this one surely is, it is incumbent upon us to insure its proper implementation and maintenance. To leave this responsibility solely with the bureaucracy is, in my opinion, a dereliction of our duty. For the sake of the patients and out of respect for the taxpayers, whose Federal tax dollar provides a substantial amount of the necessary funding, we must continue to monitor our mental health system—especially when there appear to be problems.

In this instance, we should want to find out: Is there proper medical, nutritional, and sanitary care? Is the patient's safety in any way jeopardized? How is medication controlled and used? Are patients aware of their rights and are these rights being protected? Are Federal funds being properly used? Are our institutions and community centers worthy of accreditation? Are the treatment personnel qualified? Are administrative costs unnecessarily high? Is the emphasis on deinstitutionalization? Are patients making progress, and is there any monitoring of this progress and of the programs as well?

I, for one, am seeking answers to these and other questions.

THE 50TH ANNIVERSARY OF THE ROTARY CLUB OF ARCADIA, CALIF.

HON. JOHN H. ROUSSELOT

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, November 4, 1977

Mr. ROUSSELOT. Mr. Speaker, it is with pleasure and pride that I call upon my colleagues in the U.S. House of Representatives to join me in extending congratulations to the Rotary Club of Arcadia on the occasion of its 50th anniversary. The members of this club have truly lived up to their motto, "Service Above Self," and I am grateful to have this opportunity to express appreciation for myself and the citizens of the 26th Congressional District in California for the many benefits that our community has derived from their good works. Indeed, the members of the Arcadia Rotary Club have been a model of excellence to show what a few can do for the benefit of all.

Because the members of the Rotary Club of Arcadia go about their volunteer activities quietly, that is without fanfare and public show, their accomplishments are oftentimes not given the full recognition which they so richly deserve and I am, therefore, happy to make these remarks a part of the public record.

Chartered on October 27, 1927, the Arcadia Rotary Club began its first organized effort with the youth of the community by working with crippled children. They later pioneered the establishment of a hospital in Arcadia. They sponsored a Boy Scout Troop in 1929, and also later formed a student loan fund that has made it possible for many students to complete their schooling. The club members also make scholarship donations each year to deserving high school students to encourage them to go on with their education. The club was instrumental in founding the city

of Arcadia Youth Center. The members have donated both dollars and labor for this outstanding center.

While I cannot in this space of time list all of the ways in which the members of the Arcadia Rotary Club have served others over the years, I can list a few, such as entertaining servicemen during World War II, helping orphanages in Mexico, serving the Indians in Arizona, the flood victims in Ohio, the war victims in France, and international service through matched clubs in East London, the Republic of South Africa, and Newcastle North, Australia.

From founding president, Hudson Proctor, to 1977–78 president, James Brewer, service has been the watchword and the members of the Rotary Club of Arcadia, Calif. have performed their duties with love for and dedication to the welfare of their community.

NATIONAL WATER POLICY—OR, WE MUST TAKE A LONG LOOK BEFORE WE PLUNGE IN

HON. MAX BAUCUS

OF MONTANA

IN THE HOUSE OF REPRESENTATIVES

Friday, November 4, 1977

Mr. BAUCUS. Mr. Speaker, I would like to spend a few moments discussing the need for House Joint Resolution 619, a resolution I introduced last month which expresses the sense of the combined House and Senate with regard to establishment of a national water resources management policy.

Basically, House Joint Resolution 619 states that no new national water resources management policy shall be implemented by the administration without congressional concurrence, and no proposed regulations for such a policy shall take effect for a period of 6 calendar months during which Congress is in session. It also expresses the sense of the House and Senate that the States should be provided with copies of the proposals and the materials on which they are based, and that the States should then have 2 months in which to respond and make input and recommendations to the administration and the appropriate committee in Congress.

After that the States would have 1 more month in which to meet with regional and river basin commissions to make recommendations which would also go to Congress and to the administration. Finally, Congress would have 3 months in which to hold hearings on the matter.

We are becoming increasingly aware of the importance of our great national resource, water. Water is of major concern for agriculture, domestic consumption, for commercial and industrial uses, and for environmental, recreational and other uses.

Recent droughts in several parts of the country, including Montana, have dramatically emphasized the importance of water.

Under authority delegated to it by Congress (1965 Water Resources Planning Act, Public Law 89–80), the Carter administration is planning for the establishment of a new national water resources management policy.

On June 28, the Water Resources Council announced that regional hearings would be held around the Nation on July 28–29 and August 1–2. Unfortunately, issues and option papers that were to be the subject of these hearings did not appear in the Federal Register until July 15. The States and the public had less than 2 weeks in which to prepare comprehensive responses.

The States are very concerned about some options that are being considered, and the effects these might have on State rights and water laws. Resolutions or policy statements which oppose the current proposals and procedures of the administration to establish a national water resources policy have been adopted by the National Governors' Association, Western Governors' Conference, and the Interstate Conference on Water Problems.

I believe that House Joint Resolution 619 should be a noncontroversial bill. Indeed, an identical version of the resolution passed the Senate overwhelmingly last month.

Certainly there are differences of opinion as to what the national water resources policy should be. But that is precisely why this resolution is important. It provides a formal mechanism for all interested parties to provide input to the decision process.

Congress, in its 1968 act, gave the administration authority for establishing a national water policy. Since 1965, we have gained new insights not only on the importance of water, but also on the workings of the executive branch of the Federal Government.

This resolution is significant because it puts the administration on notice as to the intent of Congress and is the first official step by Congress to regain some of the policy authority it delegated in the 1965 act.

I urge my colleagues to work toward quick passage of this resolution when we return for the second session of the 95th Congress.

SERVICE IN THE PEACE CORPS

HON. BENJAMIN A. GILMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, November 4, 1977

Mr. GILMAN. Mr. Speaker, the Peace Corps, founded in 1961, has afforded Americans of all ages the opportunity to serve their country by lending their knowledge and expertise in development projects around the world. A constituent of mine, Ted Cheslak, has just completed 2 years of duty in Nairobi, Kenya, and has forwarded to me his observations of the Peace Corps which I would like to share with my colleagues at this point:

THE U.S. PEACE CORPS

(By Ted Cheslak)

A job is being done in the underdeveloped world by a group of dedicated Americans. Often dismissed as idealists, these people not only tolerate but thirve in conditions which most would shun and in which most of the inhabitants of this earth live.

There is action in the Peace Corps; action in response to the real and basic needs of the larger part of humanity. Peace Corps volunteers see firsthand the enormous problems and suffering with which humankind is afflicted. And they are standing up to these challenges. They act; they are out there doing something about the lack of education, health care, technical knowledge and a long list of other matters which to most people in the underdeveloped world are matters of dire urgency. Idealists they may be, because of their selfless sacrifice, but they have also a very broad and realistic idea of what our world is like.

Their job is difficult and challenging. How, for example, do you convince people to grow sorghum—a drought resistant crop—instead of maize, when they and their ancestors always grew maize? Or how do you get people to cull their herds—the greatest wealth in rural Africa—to prevent overgrazing and so desertification? Largely, the struggle is not only against material forces and a lack of knowledge; but also against deep-seated traditions. And one soon learns that to bump against tradition is to bump against a very hard wall. In such cases, intelligence, persuasive tact, and perseverance are the only means for success.

The fact that there are nearly 5,000 Peace Corps Volunteers still welcome in the rural areas of the impoverished world is evidence enough of these qualities and of the volunteers' success. They indeed reflect the very best in the American character, and they are a credit to their country. They deserve our continued support in their work by which all people in this increasingly smaller world, not just the recipients, benefit.

LITTLE LEAGUE WORLD SERIES

HON. SILVIO O. CONTE

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Friday, November 4, 1977

Mr. CONTE. Mr. Speaker, baseball fans this year were treated to a dramatic finish to the major league season. In my hometown of Pittsfield, Mass., where baseball is taken seriously by residents of all ages, a Little League team provided local fans with the same kind of high sports drama when the South All Star team came within two games of participation in the Little League World Series.

The Pittsfield South Little League All Star team began its playoff season on July 19 and a month later had reached the highest rung in the nationwide playoff ladder ever reached by a team from the Bay State. The South All Stars first captured the Berkshire County championship and next clinched the State crown. They went on to win the top spot in the New England regionals and came within two games of the Eastern regional championship, the preliminaries to participation in the World Series.

As my colleagues know, I am a baseball devotee myself and served as coach of this year's victorious GOP congressional baseball team. I am always pleased to see my hometown teams do well and I am proud of the accomplishments of the South Little League All Star team. I am delighted to see that they are going to be recognized at a banquet in their honor in Pittsfield on November 18. The team members, coaches and parents involved have earned my congratulations, not only on these feats, but on the good sportsmanship that was displayed by all during this long championship season.

Pittsfield South Little League All Stars include: Allan Bishop, Tim Brennan, Mike Britten, Sean Carroll, John Drennan, Angelo Forte, Joe Kamienski, John LeBeau, Alex Lomaglio, Brian McCusker, Pick Rabideau, Ira Suckman, Craig Turmbull, and Kevin Yerrick. They were under the direction of Coaches Jack Brennan and Jeff Drury, along with president of the South Little League, Alfred Bradley.

PRESIDENT CARTER AND THE TRILATERAL COMMISSION: ARTICLE VIII

HON. LARRY McDONALD

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Friday, November 4, 1977

Mr. McDONALD. Mr. Speaker, in recent months a number of articles have been published in large circulation newspapers and magazines examining the operations of a large and powerful special interest group, the Trilateral Commission, within the Carter administration. At the 1976 Democratic National Convention, Alex Garnish, a member of the Massachusetts delegation attempted to warn the American people of this entrenched special interest group's manipulation of candidate Carter. Mr. Garnish took the opportunity during his speech nominating right to life representative Gary Benoit to the Vice Presidency, to reveal the facts about this matter.

Attempts were made to prevent Mr. Garnish from making this speech. He was cut off while speaking even before he had completed the nomination of Mr. Benoit. Delegates on the floor hooted and booed. Very few were able to hear him. Yet, in recent months the facts that Mr. Garnish attempted to put before the Democratic Party convention have been published in the mass media.

Gary Allen, a journalist and author was present at the convention and provided an account of that aborted attempt to put the Trilateral Commission into the public spotlight. The article was first published in the September 1976 issue of American Opinion and I commend the following and pertinent extracted from it to the attention of my colleagues:

". . . An hour late, the Vice Presidential nominating proceedings get under way. Alex Garnish, the bulldog, is first. He is dressed in white and somewhat resembles Will Rogers. In a clear strong voice he begins his speech:

"My fellow delegates: It is an old cliché in politics that a good ticket is a balanced ticket. We need to balance our ticket. Now, what I am going to tell you is not going to be very popular. I hate to be the bearer of bad tidings on this joyous occasion. But, I plead with you to judge what I am going to say on whether it is true, not on the fact that it makes you uncomfortable.

"A powerful, big-money group wants to take over the Democratic Party. Behind the scenes the fat cats and 'Limousine Liberals' of the Eastern Establishment have moved in to manipulate our party."

Suddenly, and it is one of the few times during the Convention, the audience is paying close attention. There are cheers, boos, and war whoops. Something is happening at last. Delegate Garnish continues: "The grim truth is that the Carter bandwagon runs on Standard Oil, not peanut oil. While the people mistakenly believe the grassroots have spoken, it is a small cabal of men closely tied to the Rockefeller Empire who engineered the nomination of Jimmy Carter."

There are groans and boos, but the Convention is now listening intently to the speaker.

"The Rockefellers want the American people to have the choice only between the Rockedems and the Rockepubs. The Rockefeller Establishment is not content just to own the G.O.P. Because the Rockefellers own assets in 125 nations, they need to control American foreign policy whether the Republicans or the Democrats are in the White House. The organization they use to control the government is called the Council on Foreign Relations, referred to as the C.F.R. The Chairman of the Board of the C.F.R. is David Rockefeller."

Somebody shouts, "So what if it is true." A man sitting in front of me in the press section yells, "Let him speak!" But everything grinds to a sudden halt as the Chairwoman hurries to the rostrum and stops Alex Garnish in mid-sentence. A conference takes place and the man in front of me who had shouted to let Garnish speak turns around and says, "The funny thing is that he is telling the truth." It's an interesting remark, since that reporter doesn't know me from Adam's ox. More interesting was the fact that they didnt stop Alex Garnish until he mentioned David Rockefeller.

Meanwhile, Delegate Garnish is being told that it is against the rules to attack other candidates. She tells him the rule was established in 1848. I wonder how many times it has been applied in the last hundred and twenty-eight years. But Alex Garnish is informed that he cannot continue to deliver his prepared address. He comes back to the microphone: "I thought that I would be permitted to speak about what I believe to be true. Now, if you people don't want the truth, it's okay with me." (Loud cheering, huzzahs, and clapping.)

Poor Alex. Here he is before a live audience of many thousands, with millions watching on national television, and they have just taken away a speech that took many hours to prepare. But he is good and angry, dead sure he is right, and starts to extemporize:

"Let's get down to some specifics, okay?" Some yell Okay, and some shout No. "How about spending ourselves to destruction? We are and you know it. If you want it, you vote for it. I don't want it and I won't vote for it.

"How about Communism?" (The biggest cheer so far. Communism is a word that has not been previously uttered at this Convention. It doesn't exist in the minds of some.)

"Cuba?" (An even bigger cheer. Apparently Castro is so popular that if he had been a citizen he might have been nominated as Jimmy Carter's running mate.)

"Angola?" (Hooray!)

"The U.N.?" (More of the same.)

"How about abortion?" (The Women's Libbers are cheering in ecstasy.)

"How about bussing?" (Yes, scream the radicals. The crowd is having a good time.)

"And taking away your kids?" (Hooray!) "Do you like that?" (Yesss!) "Can't you take care of them yourselves?" (Noooo!)

Alex Garnish, a quiet and decent man with the courage of his convictions, is at once enraged and disgusted. "I want to apologize to this audience," he concludes, "for telling the truth."

He was gone now. But, for all of the heckling, the man had touched something in the delegates and he received an enormous ovation. One can only imagine what would have happened if he had delivered the rest of his speech. Here, for the record, is what Delegate Alex Garnish was going to say:

"Membership [in the C.F.R.] is by invitation only. There are 1,650 members in this semi-secret, powerful fraternity, made up of the elite of banking, industry, the owners of the mass media, and the government. Yet less than one American in a thousand has ever heard of it, although key men from both parties are members. This is government by the elite, not government by the people. When asked, C.F.R. apologists say it is just a study group. Actually it is the Rockefeller mechanism to control both parties.

"On May 13, 1976, the Washington Post revealed that, two years ago, David Rockefeller met secretly with Jimmy Carter in London and put him on the Trilateral Commission, which David had just created to manipulate foreign policy. Heading the Trilateral Commission is Zbigniew Brzezinski who is now Jimmy Carter's foreign policy advisor.

"At least twenty-five key Rockefeller C.F.R. men were turned over to the Jimmy Carter campaign and the unknown peanut farmer became an overnight household word. Rockefeller lieutenants like Brzezinski, George Ball, and Cyrus Vance are widely reported by the press as headed for key Cabinet posts in a Carter Administration. Of course, nothing is said about them being David Rockefeller's boys.

"What is the goal of the Rockefellers and their allies? The Rockefellers themselves refer to it as 'The New World Order.' Because his foreign policy speeches are written by men assigned to Carter by David Rockefeller, Carter often uses the phrase 'New World Order.' That is not the phraseology of a Georgia peanut farmer, it is the code phrase for World Government used by the Rockefellers and their hirelings like Henry Kissinger. No wonder Kissinger has such praise for Carter. Jimmy Carter's speeches are written by fellow C.F.R. members.

"The press hasn't the courage to tell this story, although many top reporters know it is true. Many of the hierarchy of the mass media are members of the Rockefellers' C.F.R. If the press had the guts they would go after this story because it is bigger and more important than Watergate. But, there are no Diogeneses in the pussy-cat press when it comes to exposing the Rockefellers.

"Jimmy Carter got our nomination by making promises to labor, blacks, women, Chicanos, and every conceivable group. But the promises he will keep are the ones he made to his sponsor, David Rockefeller. He owes his soul to the company store. To paraphrase President Kennedy, 'Ask not what Jimmy Carter can do for you, but what Jimmy Carter will do for the Chase Manhattan Bank and Standard Oil.'

"The party of Jefferson and Jackson has been grabbed by monopolists and socialist One Worlders. The Carter clan does not want you to know that they sold out to the Estab-

lishment in order to get the nomination. A Jimmy Carter Administration will be controlled by the big money boys, not grassroots Americans. There will be no real tax reform; and our foreign policy will be tailor-made to suit the Rockefeller empire, just as under Nixon and Ford.

"Don't let the Rockefellers turn the Democratic Party into a flock of sheep. Get the Rockefeller power boys out of the Democratic Party and send them back to the Republican Party where they belong.

"We can balance our ticket by having one candidate who belongs to the Rockefellers and one who belongs to the people. Therefore I place in nomination, for the Office of Vice President, Gary Benoit of Massachusetts."

OLDER AMERICANS ACT

HON. HAROLD E. FORD

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Friday, November 4, 1977

Mr. FORD of Tennessee. Mr. Speaker, since its inception in 1965, millions of older Americans have experienced the benefits of the Older Americans Act, a social service program designed solely for this country's senior citizen population. The act set forth 10 objectives for assisting older Americans, and established the Administration on Aging as a focal point agency for older people at the Federal level. The programs and departments created by this act have become an integral part of the social aspect of life for participating seniors and, for many, have become synonymous with life itself.

Unless extended by Congress, the Older Americans Act will expire on September 30, 1978. In keeping with congresional budget deadlines, legislative committees must report the extension for this act by May 15, 1978.

The necessity of the Older Americans Act is evidenced by the interest systematically shown by Congres through the years in the seven revisions which have occurred to match the act with the changing needs and characteristics of the elderly population. The success of each revision is unquestionable and, thus, the time is ripe for additional recommendations to insure that the best possible decisions are made to serve the elderly at this time.

In order to provide information and policy direction to the Congress, the Select Committee on Aging, on which I serve, has begun an indepth probe into the programs under this act. We have held four hearings so far this year.

In keeping with this trend, I have scheduled hearings in my district of Memphis, Tenn., in order to include the reactions of this region in recommendations to the Congress. The response to this move, I may add, has been overwhelming with "aging" enthusiasts in my district who are anxious to have their voices heard.

The hearing will be open to the public and will cover each title of this act so as to secure a comprehensive overview. Older Americans will be encouraged to participate as they are the most informed as regards their special needs. Also, as a significant number of seniors are inclined to retire to the South, I feel that my district is a vantage point for tapping the opinions of older Americans on this issue.

As chairman of the Congressional Black Caucus' Subcommittee on the Aged, I am particularly concerned with the implications of this act on the population of older black Americans—a double minority. Secretary Califano, in a workshop which I held in conjunction with the congressional Black Caucus last September, assured us of the administration's interest in fulfilling a provision in title III of the act which directs States to place emphasis on low income and minority older persons in analyzing the needs of the elderly. This objective, as well as identifying the varying needs of minority elderly groups, should also become a priority of this Congress.

The Older Americans Act covers a multiplicity of disciplines including nutrition, community service employment, training and researh, and as of 1973, multipurpose senior centers, a fast-growing program funded through title V of the act. All facets of the act, I assure you, have a warm spot in the hearts of some precious senior American.

Mr. Speaker, I feel that it is vitally important that we keep in touch with seniors who will be directly affected by this act at every level and that such communication become an integral part of the mechanics of this body. Therefore, I encourage other Members, as well, to use similar resources in behalf of this major legislative revision.

REPUBLIC STEEL CALLS FOR IMPORT QUOTAS

HON. JOHN BUCHANAN

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Friday, November 4, 1977

Mr. BUCHANAN. Mr. Speaker, on Wednesday, November 2, 1977, I received a letter from Mr. W. J. DeLancey, president and chief executive officer of Republic Steel Corp. which clearly and succinctly expressed the grave situation which now faces the American steel industry as a result of massive foreign imports. I urge my colleagues to examine with care the frightening statistics on foreign steel imports and the proposed solution included in this communication. The text of the letter follows:

REPUBLIC STEEL CORP.,
Cleveland, Ohio, November 2, 1977.

Hon. JOHN BUCHANAN,
U.S. House of Representatives,
Washington, D.C.

DEAR CONGRESSMAN BUCHANAN: As you may have heard, steel imports for the month of September amounted to 2,057,413 tons, bringing the total for the year to date to just over 13,500,000 tons. On this basis it now appears likely that 1977 steel imports will exceed 19 million tons and account for better than one out of every five tons of steel consumed by American fabricators. As you know, 19 million tons of finished steel represents the output of nearly 100,000 steelworkers.

During the past several weeks Republic Steel has been intensively studying options available under the 1974 Trade Act to protect ourselves from unfair pricing practices by foreign steelmakers and we will be determining in the very near future what course we plan to take. But under the most favorable conditions litigation is a lengthy process and the dimensions of the steel import problem are growing at such a rate that we cannot depend solely on long-term solutions.

The alarming level of steel imports in September, the highest monthly level of the year and representing an annualized rate of 24 million tons, spotlights the need for immediate remedial action if further harm to steel industry employment is not to result later this year. The most effective immediate response to this situation would be action initiated by the Administration but, unfortunately, this has not been forthcoming. Accordingly, these disturbing circumstances make more important than ever the strong support in Congress for quotas provided by members of the Steel Caucus. We are grateful for that support.

In the absence of any effective move by the Administration to provide prompt relief from the import invasion, we hope you will continue to press for import quotas.

Yours sincerely,

W. J. DELANCEY.

CANCER CLAIMS WILLIAM O. "BILL" STANLEY

HON. DAVID R. BOWEN

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

Friday, November 4, 1977

Mr. BOWEN. Mr. Speaker, it is with a great deal of sadness that I rise to bring to this body's attention the recent death of a good friend and distinguished labor leader, William O. "Bill" Stanley, who lost a 7-month battle with cancer. The tragedy for Bill's family, friends, and associates is that he was still in his prime, a vigorous 53 years of age, when he learned this spring of his situation. Bill Stanley did not voice self-pity for himself, but only concern for those who looked to him for leadership, and to his devoted family.

Bill Stanley had served 19 years as Mississippi director for the Communications Workers of America, and in addition to his trade union activities he also participated actively in local and State Democratic Party affairs. In fact, at the time of his death last week, he was serving as chairman of the Hinds County Democratic Executive Committee, in our State's most populous county.

During his 30 years as a worker and official of the CWA, Bill Stanley earned a reputation as an effective champion of the working people of his State and Nation.

It was my privilege to know Bill Stanley personally for nearly two decades, and to know the outstanding contributions he made in labor-management relations.

Since I have been in the Congress, Bill and I have worked together on legislation and other matters concerning the CWA and organized labor.

The Communications Workers of America deserve commendation as one of the outstanding labor unions of this Na-

tion and especially so for promoting a man of this caliber to a key leadership position. Bill Stanley was such a man and I am sure that I speak on behalf of thousands of his friends in Mississippi and elsewhere when I say that we are poorer for his passing, but richer for the contributions he made to his fellow Americans.

THE DREAD LEGISLATIVE ITCH

HON. JOHN P. HAMMERSCHMIDT

OF ARKANSAS

IN THE HOUSE OF REPRESENTATIVES

Friday, November 4, 1977

Mr. HAMMERSCHMIDT. Mr. Speaker, as we approach the waning days of legislative activity in the 1st session of the 95th Congress, I feel it is most appropriate to take time out and ponder a discriminating article by the astute columnist, Mr. James J. Kilpatrick, entitled "The Dread Legislative Itch." Once again, Mr. Kilpatrick exhibits a great knowledge of the inner workings of Congress. I certainly hope my distinguished colleagues will share my enthusiasm for this timely editorial:

THE DREAD LEGISLATIVE ITCH

(By James J. Kilpatrick)

Among the political ailments that afflict Washington, in season and out, through every administration, is the virus known as the legislative itch. Mr. Carter is down with it now. His new version of a consumer advocacy bill indicates that the condition is serious.

The syndrome is characterized by an irresistible urge to pass a law—any law!—just so long as one is passing a law. Caught in its throes, the victim tosses judgment to the wind. Parliamentary restraints are abandoned. Common sense takes to the hills. Nothing matters in these dreadful spasms but the passing of a bill.

Thus H.R. 9718, the ill-begotten son of H.R. 6805, which was in turn the illegitimate offspring of the consumer bills of bygone years. In times past, we have seen proposals to create an Office of Consumer Advocacy, an Agency for Consumer Protection, an Office of Consumer Affairs, and so on. Some of these proposals had fearsome teeth; some of the bills would have given us an omnipotent administrator possessed of impressive clout.

In this latest version, nothing much remains. The president's bill would create an Office of Consumer Representation. The office would serve three purposes only: It would fulfill one of Mr. Carter's campaign promises; it would provide employment for an army of faithful bureaucrats and papershufflers; and temporarily it would relieve the legislative itch. Beyond these functions, the OCR would perform no useful service whatever.

It is embarrassing. Mr. Carter is the president who hates bureaucracy and promises to reduce its oppressions. His new bill provides for an administrator, a deputy administrator, five assistant administrators, a general counsel, and all the employees that could be hired with an initial appropriation of $15 million. The White House says defensively that this new army of bureaucrats would be offset by the closing of 20 separate consumer offices in existing departments, but this is nonsense. Every one of these 20 existing offices would have to be maintained and staffed, if only to forward mail to the new agency.

The effect of thus centralizing the complaints and inquiries of consumers would be to delay effective action for five or six months while memoranda flew like paper airplanes among the agencies of government. Nothing would be gained in efficiency. The handling of correspondence would simply take more time.

In some curious ways, this watered-down bill [which Speaker O'Neill now has decided not to bring to the floor this session] is worse than its predecessors. The new OCR could not touch any federal action having to do with organized labor or the farmer; every federal activity that involved the national security would be exempt. Even so, the administrator would be given formidable powers to throw his weight around among the regulatory agencies. All federal agencies, under this bill, are "directed" to serve the OCR promptly "to the greatest practicable extent within their capability."

The bill says at one point that the administrator is not authorized to establish a consumer testing laboratory. At a dozen other points the administrator, in effect, is ordered to do precisely that. The administrator also is directed "to develop" complaints. What are the meanings and implications of that verb? He is to develop complaints "concerning actions or practices which may be detrimental to the interests of consumers." Does Mr. Carter wonder, now and then, why he makes businessmen nervous?

The "interests of consumers" are to be determined, apparently, by the unrestrained judgment of the administrator. The term is defined back on page 30 of the bill, but in terms as broad as the prairies of Kansas. The administrator's naked edict will suffice. The OCR would have no authority to regulate, but it could litigate to the end of time—litigate, and promulgate, and publicize, and summarize; it would appoint dozens of advisory committees, conduct conferences, secure data, support studies, submit recommendations, disseminate statistics, and all the rest.

That is what comes of the legislative itch. Will Congress never go home?

NATIONAL VOLUNTEER FIREMEN WEEK

HON. DAVE STOCKMAN

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Friday, November 4, 1977

Mr. STOCKMAN. Mr. Speaker, last spring, I cosponsored a joint resolution asking President Carter to designate the week of November 6, 1977, as National Volunteer Firemen Week. I did so because I sincerely believe that there is no other group in America that gives more of their time and energies to their communities, often at great personal risk, than do these valiant men. And they do so voluntarily, not for payment but out of commitment to their towns, communities, and neighbors. Such dedication and selflessness should be recognized and honored.

Mr. Speaker, more than 85 percent of all firemen in this country are volunteers. They number more than 1 million. Every town has its volunteer firefighters and every town depends upon them.

My hometown, St. Joseph, Mich., is no exception. One particular fire company, the Tri-Unit Co., at Royalton Station, is very special to me. For years, my father, Al Stockman, and his friends Lloyd Both, Bob Koebel, Bob Kubsch, Vic Radtke, Carl Mathews, Don Kratchman, Mike Koebel, Gale Hartline, Bill Eisenhart, Art Duschek, and Ed Klug have volunteered their time to protect the lives and property of their neighbors.

It is men like those of the Tri-Unit and their counterparts in towns all across America whom we honor during National Volunteer Firemen Week. They have freely given so much for our safety, it is only fitting that we take this opportunity to show our appreciation.

MANDATORY SENTENCING FOR VIOLENT CRIMES

HON. ROBERT W. KASTEN, JR.

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Friday, November 4, 1977

Mr. KASTEN. Mr. Speaker, several months ago, two young men were convicted of attempted murder of a Milwaukee police officer and two counts of attempted armed robbery.

Although one felon was sentenced to a total of 35 years in prison, he was eligible for parole after serving only 2 months. His accomplice, who faced a 25-year maximum sentence, was already eligible for parole when he began his term in a State reformatory.

This unbelievable aspect of Wisconsin's criminal justice system is the end product of a 4-year-old law and a recent decision of the State Supreme Court. Convicted felons, sentenced to consecutive terms are credited with double time for days spent in jail before admission to the State prisons. Consequently, because the two young convicts had served several months in jail prior to their trial, their prompt parole eligibility was not only imminent but legal under the "double-time" system.

TOUGHER CRIME CONTROL

There is only one instance which has stirred controversy and raised probing questions, not only in Wisconsin but across the Nation, about the effectiveness of our criminal justice system. Outraged citizens and public officials at all levels of Government are demanding tougher crime control measures, longer prison sentences, and an end to unrealistic, lenient parole laws. Central to the debate is the unending problem that threatens the entire criminal justice system and contributes to growing fear among honest citizens: The system's inability to keep known criminals off the streets.

Although the FBI's most recent Uniform Crime Index shows a decrease in violent crimes for 1976, few Americans can feel comforted in this knowledge when career criminals are rearrested for new crimes committed while they are out on bail, parole or probation.

REPEAT OFFENDERS

A study conducted by the FBI of 256,000 persons arrested between 1970 and 1975 showed that 64 percent had been arrested two times or more. The subject group of offenders had been accused of more than a million crimes. The Insti-

tute for Law and Social Justice also conducted a study of serious crimes committed from 1971 to 1975. Only 7 percent of those arrested for violent crimes in Washington, D.C., accounted for 24 percent of all such arrests. Some were arrested as many as 10 times during that period.

This is hardly a commendation of our criminal justice system, which exists for the purpose of preventing, controlling, and reducing crime. Yet, law enforcement agencies and the courts—troubled with overloaded dockets, limited and crowded facilities and burdensome paperwork—can do little to convince the criminal offender that if arrested, he will be appropriately punished.

Obviously, the criminal justice system is having a hard time coping with criminals, but so are the American people. Studies indicate that more than half the Nation's citizens are afraid to go for an evening walk in their own neighborhoods for fear of being mugged or robbed. Yet, it is the innocent victim who is often overlooked in our zeal to protect the rights of the accused.

It is time to take a hard look at a criminal justice system that allows hardened criminals to go free, only to prey on honest citizens again and again. It is time to develop practical, rather than ideological, solutions to crime. It is time to confirm to the criminal that, in fact, crime does not pay.

SWIFT AND CERTAIN PUNISHMENT

As a positive first step, criminals must know that their actions will result in swift and certain punishment—that they will face a locked door, not a revolving door. Logically, our efforts must concentrate on the sentencing process—the very heart of the criminal justice system. By imposing mandatory minimum sentences for violent crimes, we could provide law enforcement officers, and the courts with the necessary tools to deter potential offenders from criminal conduct while, at the same time, keep violent offenders off the streets, hopefully to be rehabilitated within the prison system.

Although the Constitution limits Federal legislative activity in the criminal law area, as the elected leaders of this country, we must do all we can to coordinate the national crime control effort. Therefore, Federal legislation incorporating mandatory minimum sentences is necessary to assist and guide State and local governments in the development of responsible and effective law enforcement measures.

MANDATORY PRISON SENTENCES

Today, I am introducing the Domestic Crime Control and Prevention Act which meets this need by requiring mandatory minimum sentences for certain cases of violent crime. Individuals convicted of burglary or aggravated assault, murder in the second degree, robbery, where the victim suffers serious bodily injury, or crimes where a handgun or other dangerous weapon was used, face a minimum of 2 years imprisonment—without the possibility of parole or probation. In addition, the bill imposes a minimum 4-year sentence for those convicted of one of these crimes a second time.

However, if the defendant was under 18 years old, suffering from a mental disease, acted under duress or was merely an accomplice and not the principal offender, the legislation would waive the mandatory sentence requirement. A posttrial hearing would be held to determine the applicability of these exceptions.

Enactment of this important and long overue legislation could result in a major reduction in the incidence of violent crime. While there are no simple solutions to this complex and far-reaching problem, continued delays in taking the first step toward the development of strong and effective enforcement procedures will leave us with little more than well-meaning rhetoric and a rising crime rate. The American people deserve much more from those who are entrusted with their protection.

TAX DEDUCTIONS FOR FAMILY DAY CARE PROVIDERS

HON. DONALD M. FRASER

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Friday, November 4, 1977

Mr. FRASER. Mr. Speaker, I recently received a letter from Jean Wald, a family day care provider in Minnesota. Ms. Wald wrote to let me know of the impact of our efforts to allow the home as a business deduction when used to provide family day care services.

We inadvertently eliminated this deduction in the 1976 Tax Reform Act in our attempt to limit deductions for business use of the home. I believe Jean Wald's letter should lead us to see the wisdom of our corrective action:

COLUMBIA HEIGHTS, MINN.

DEAR REPRESENTATIVE FRASER: A letter of thanks from a Family Day Care provider. I should have written this letter in February when I became aware that you initiated efforts to amend the 1976 Tax Reform Act to allow us legitimate Family Day Care business deductions.

A few days ago I received a letter from the IRS stating that on the basis of our Amended 1976 Tax Form, we will be refunded $800 of the $885 my husband and I were required to pay in Joint Taxes on April 15th.

This refunded amount is more than 10% of my Gross Family Day Care Income. And due to very high expenses, this refunded amount is more than 100% of my Net Family Day Care Income of $780. The financial gain is quite substantial in my case. I expect other Family Day Care Providers will recover hundreds of dollars also.

Just as important as the financial recovery was to me is the encouragement that this whole process brings to Family Day Care Providers. We are large in numbers but largely unorganized and very low in status. Our letters could have been ignored, but thanks to you, they were not. That a group of Family Day Care Providers was recognized by the U.S. Congress, I find quite remarkable and very encouraging.

Sincerely,

JEAN WALD.

JAPAN ATTEMPTS TO MAKE BREEDER REACTORS PROLIFERATION RESISTANT

HON. GEORGE E. BROWN, JR.

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, November 4, 1977

Mr. BROWN of California. Mr. Speaker, among the many issues discussed during our consideration of the proposed Clinch River breeder reactor project was the question of whether the plutonium fuel cycle could be made proliferation resistant. Some of those who participated in the debate claimed that this was an easy thing to do, and we had nothing to fear from the plutonium fuel cycle. Few who know anything about this subject agree, and it is just this type of problem that President Carter's international nuclear fuel cycle evaluation program is supposed to address. In spite of claims to the contrary, President Carter is making progress in getting other nations to reassess their plans for a plutonium economy, and in the case of Japan, new research is now underway to see if plutonium fuel can be made proliferation resistant.

Mr. Speaker, I will not go into this subject in detail. At the conclusion of these remarks I will insert two articles from the Los Angeles Times which give the details of the developments in Japan. The key point that can be gathered from these articles is that the problems of the plutonium fuel cycle have not been solved, and it is not now clear that they can be solved, or if they can be solved, what technologies will be necessary to solve the proliferation problems of this particular nuclear fuel cycle. With this level of uncertainty, moving ahead with the proposed Clinch River breeder reactor demonstration project is certainly a foolish policy.

The articles follow:

[From the Los Angeles Times, Nov. 4, 1977]

JAPAN SEEKING NEW KIND OF NUCLEAR FUEL

(By Sam Jameson)

TOKYO.—Japan is a reluctant pioneer in President Carter's search for a way to curb the spread of nuclear weapons.

As part of an agreement that allows Japan to operate a nuclear fuel-reprocessing plant for two years, Japan has agreed to undertake a major research program designed to develop a new kind of nuclear fuel that could provide energy without contributing to the proliferation of nuclear arms.

Nowhere else in the world is research being conducted on all the components of a system needed to produce such a fuel.

The fuel, which would be used in fast breeder reactors, would at no point in its production take the form of pure plutonium, the element that Carter has urged all nations to forgo producing in order to reduce risks of proliferation.

A fast breeder reactor, using plutonium as fuel, creates more plutonium fuel than it consumes. It assures a virtually endless supply of energy, but plutonium can also be used in nuclear bombs.

Japan had planned to extract pure plutonium from the spent fuel used in its light-water reactors, which are generating 8 million kilowatts of electricity throughout the country. It invested $200 million to build its

reprocessing plant for that purpose. But Washington's veto power over Japanese use of American-enriched uranium forced Japan to agree to undertake the research program in exchange for U.S. approval to reprocess 99 tons of spent fuel over the next two years.

The Japanese have agreed to try to perfect a three-stage process that would create a mixed plutonium-uranium fuel. Plutonium and uranium mixed together cannot be used for nuclear bombs. The mixed fuel could be used, however, in fast breeder reactors, which would still create more fuel than they consume.

Hiromasa Nakano, chief of planning for the nuclear fuel department of the government's Power Reactor & Nuclear Fuel Development Corp., said that success here could provide a model for the world.

It could also provide Carter with an argument to use in bargaining with other nations that have resisted his efforts to stop use of plutonium. Despite American doubts about the economic feasibility of the fast breeder reactor, no world leader other than Carter has agreed to defer the fast breeder and its promise of abundant energy.

Nakano said Japan would announce the results of its research but would not divulge the technology.

"Naturally," he added, "if other nations want that they will have to pay for it."

The challenge Japan faces, Nakano said, lies not so much in finding a way, but in finding it within two years.

He pointed out that a team of U.S. and Japanese technicians concluded in July, after inspecting Japan's reprocessing plant, that keeping plutonium and uranium in a mixed state through the three steps from reprocessing of spent fuel to production of fuel rods for fast breeder reactors was technically possible.

"Technicians do not make impossible proposals although politicians may propose things that are impossible," he said, adding that it was the political leaders of Japan and the United States who had set the time limit of two years.

"Two years is an extremely political problem," he said.

The two years run concurrently with President Carter's International Nuclear Fuel Cycle Evaluation Program, which was initiated Oct. 19 in Washington. Forty nations are taking part in the evaluation program.

Further, the United States and Japan have agreed that at the end of the two years they will resolve the question of Japanese use of American-enriched uranium.

The United States has already indicated its unwillingness to approve Japanese reprocessing that would produce pure plutonium. Nakano made that clear when he was asked whether completion of the new research was possible within two years.

"It is more accurate to say that we must come up with a conclusion within two years at least insofar as we intend to continue depending upon the United States for enriching the uranium we buy," he said. "We have been put in that position by the agreement."

At present, all of Japan's imported uranium is enriched in the United States, and Japan has few alternatives to reduce that dependence.

In Japanese laboratory tests, fuel rods containing a mixture of seven parts uranium and three parts plutonium have proved to be usable in fast breeder reactors, Nakano said. But fuel with the 7-3 ratio has been fabricated only after extracting plutonium and uranium separately from spent fuel and then mixing the two elements together.

Besides Japan, the United States, Britain, France and West Germany are known or believed to have done research in the fabrication of mixed plutonium-uranium fuel, Nakano said. But no one has yet done research into extracting a mixture of plutonium and uranium from spent fuel in the initial stage.

Nakano said that Japan possesses enough theoretical knowledge to say that the extraction of plutonium and uranium in a mixed liquid form is possible. The focal point of the next two years of research, he said, will be an effort to develop a system that is economically feasible.

That, he emphasized, means that all three stages of what is called coprocessing must be economically feasible.

The three stages, he said, begin with the coextraction of a mixed plutonium-uranium liquid from spent nuclear fuel. Then the mixed liquid goes through "coprecipitation" to be converted into a mixed plutonium-uranium oxide powder. Finally, the powder is fabricated into fuel rods for the fast breeder reactor.

Nakano said that Japan wanted to develop a fuel suitable not only for the fast breeder reactor but also for an advanced thermal reactor that is being developed here.

"We want one fuel easy to use for all nuclear power generation purposes," he said.

The challenge faced by Japanese technicians is immense, he said.

Apart from not having conducted any research on coextraction of a mixed plutonium-uranium liquid from spent fuel, they have done laboratory work on coprecipitating the liquid plutonium-uranium mixture into a powder mixture. Japan will have to develop the technology for a full-scale, production coprecipitation process, he said, And, on the final step of the process, fabrication of the fuel rods, only beaker-test fabrication has been carried out so far, he said.

Technology for mass production must be developed, facilities for engineering construction of fuel rods must be built and quality controls must be perfected, Nakano said.

It is unthinkable, he said, that such problems might be solved in less than two years.

Although the scheduled two-year operating period for Japan's reprocessing plant will produce pure plutonium—about one ton from the 99 tons of spent fuel to be reprocessed—it should also contribute to the research on the coprocessing method designed to avoid pure plutonium production, Nakano said.

Reprocessing, the step in technological development before coprocessing, would provide a base upon which to build technology for coextraction of plutonium and uranium from spent fuel, he said.

And, just in case coprocessing of a plutonium-uranium mixture fails, Japan will also acquire knowledge in the tricky art of measuring amounts of plutonium.

[From the Los Angeles Times, Nov. 4, 1977]

HOW FUEL-REPROCESSING PLANTS WORK

(By Robert Gillette)

A fuel-reprocessing plant such as the one Japan has built is, in a sense, a sewage disposal facility for nuclear power reactors. Its purpose is to extract leftover uranium and newly formed plutonium for recycling into fresh fuel for power plants.

Outwardly, the spent fuel rods that are withdrawn from a power plant look virtually unchanged from the day they went into the reactor's core. But placed under water in a cooling pond, they emit an eerie, sapphire-blue glow, a product of the intensely radioactive nuclear fission products that accumulate over a period of months in the uranium fuel. Among these products is plutonium.

Over the last 30 years, the nuclear industry here and abroad has suggested it would eventually be economical to extract this plutonium (and leftover uranium) for recycling. This could reduce demand for freshly mined uranium by 25% to 30%, it is estimated.

Moreover, the successful advent of breeder reactors—which produce a net gain in nuclear fuel by converting the unburnable bulk of uranium to fissionable plutonium—depends on the ability to extract the plutonium from spent fuel.

The technology, developed during World War II in the Manhattan atomic bomb project, is not complex, although its economic attractiveness is still a matter of intense debate.

Behind massive concrete walls that shield against radioactivity, remotely controlled machinery chops up the spent fuel and carries it in stainless steel baskets to vats of hot nitric acid. Once dissolved, the fuel is treated with organic solvents and separated into three liquid streams—intensely radioactive wastes (which must be solidified and sealed from the biosphere for centuries) and liquid compounds of uranium and plutonium.

Present designs of reprocessing plants involve solidifying the uranium and plutonium into pure, separate oxide powders—then recombining them in a fuel fabrication plant.

Carter Administration officials argue that the practice of separating out purified plutonium is an unnecessary holdover from the days when the sole purpose of reprocessing of spent fuel was to extract plutonium for weapons. Governments that stockpile purified plutonium for later use in reactor fuel, they fear, may be tempted to convert it quickly to weapons in the face of an emergency.

U.S. arms control analysts believe that by modifying the reprocessing of spent nuclear fuel so as never to separate pure plutonium from residual uranium offers a subtle but important advantage. A government that wanted nuclear weapons in a hurry, they say, could convert purified plutonium to atomic explosives in a matter of days—too quickly for international inspectors to detect and too quickly for diplomatic intervention.

Keeping plutonium mixed with low-grade uranium imposes an extra processing step, however, that is thought to lengthen the conversion time to weapons to two months or more, thereby increasing the chances of detection and somehow stopping the production of a nuclear weapon. Administration officials hope that if the Japanese find this modification acceptable that other nations interested in reprocessing spent fuel and recycling plutonium—among them Pakistan, Brazil, Britain, France, and West Germany—will follow suit.

In the United States, one small commercial reprocessing plant opened near Buffalo, N.Y., in 1967, closed in 1972 after a series of contamination incidents and will probably never reopen. The plant, owned by Getty Oil Co., has left behind about 600,000 gallons of liquid radioactive wastes, the disposal of which is likely to cost far more than the $32 million cost of the plant itself.

A second commercial plant built by General Electric near Chicago proved technologically unsound and has never operated, and a third, built by Allied General Nuclear Services of Barnwell, S.C., is nearly finished but, in keeping with the Administration's nonproliferation policy, has no immediate prospect of operating.

JOE EVINS HONORED BY SMALL BUSINESS LEGISLATIVE COUNCIL

HON. ALBERT GORE, JR.

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Friday, November 4, 1977

Mr. GORE. Mr. Speaker, recently, a distinguished Tennessean and former

Member of this body was in Washington to be honored by a small business group for his contributions and his service as a Member of this body.

The man I am referring to is, of course, my friend Joe Evins, who last year "elected not to be reelected," and has been missed greatly by his colleagues here.

Because of the great respect I have for Chairman Evins, which I know is shared by my colleagues, and because even in his retirement he has continued to be a great supporter of small business, I would like to insert into the RECORD both the text of the award that was given to Mr. Evins by the Small Business Legislative Council and his gracious remarks in accepting it. Chairman Evins has in his service and dedication set an example that all of us should be proud to follow:

REMARKS OF HON. JOE L. EVINS

I. INTRODUCTORY REMARKS

Thank you, Mr. Chairman, John Lewis. Certainly, I am pleased and delighted to be with you today.

I want to thank you, my friends of the Small Business Legislative Council, for the honor which you have accorded me—for this award. I am honored, and humbled, and complimented—I feel that this tribute should have gone to others—but I would not be human if I did not say that I appreciate you and I appreciate this award, and I am grateful.

I want to assure you that whatever service I have been able to render to you and the American small businesses over the years has been a "labor of love."

II. RE.: RETIREMENT

After 30 years of service in the Congress, as most of you know, I elected not to be reelected—feeling that it was time for others, to let young men carry the torch and serve.

While seeking retirement, I want you to know that I have not yet found it. This is my third return trip to Washington this year. In the mean time, I have found much activity outside the Committee and the Congress—much work—on the sidelines instead of the firing line.

I have often remarked that I find myself doing practically the same things each day that I did while serving in the Congress—except not having the privilege of voting.

So, being invited back to Washington to the Small Business Committee Room—to these sacred precincts—this voting precinct, is a cherished privilege. I thank you very much.

III. SERVICE ON THE SMALL BUSINESS COMMITTEE

As many of you know, I served on the House Small Business Committee from 1948 until 1976, some 28 years of my 30 years in the Congress—and I had the honor of serving as Chairman of this Committee for a period of almost 14 years.

During this time, I saw the Committee grow from a small, select committee of 9 Members to a large permanent committee with 37 Members, and empowered with legislative authority.

The Committee has grown over the years both numerically, legislatively—in stature, standing, influence, power and authority. I was pleased to witness that growth.

Today, the Committee has a duty and responsibility of overseeing the vast operations and programs of the Small Business Administration—an agency that has a loan budget of approximately $7.5 billion.

IV. THE SBA—A FEW STATISTICS

Certainly, this responsibility is great when we think of these figures:

Today, small business represents 97% of the Nation's business concerns.

Small business represents 43% of the Gross National Product.

Small business represents 64% of the total dollar volume in wholesaling.

Small business represents 72% of the total dollar volume in retaining.

Small business represents 76% of the Nation's total dollar volume in construction.

Today, there are more than 13 million small businesses in the Nation, including small farms which have been classified as small businesses and are eligible for certain types of small business loans.

These 13 million small businesses in America employ 34 million people.

Small business provides a livelihood for 100 million people. Sixteen percent of our population is represented by minorities—minorities constitute 4% of the Nation's business, and receive 10% of SBA loans and loan guarantees.

While, as indicated SBA has a current loan budget authority of approximately $7.5 billion, SBA over the years has made over 800,000 loans, totaling almost $20 billion.

These are impressive figures that show and represent in a graphic way the real service that is being rendered to American small businesses.

We all know that the problems facing small businesses are continuing today and that they are many and varied—problems in finance, management, marketing, advertising, taxation, bureaucratic forms, red tape, regulations, and others.

So, I congratulate the several Nation's small business associations for forming this council—the Small Business Legislative Council. It is a great idea and deserves support of all small businesses and their associations throughout the country.

It is interesting to know that this administration, the Carter Administration, is pro-small business. Carter, as our President, has a special, personal tie to small business. President Carter was a small businessman. He is the first small businessman to become President who was a small business loan client of the agency and received advice from SCORE, the Small Business Administration organization of senior retired business executives. So I have been told, small business is the "in thing" with the administration—this is good news.

Certainly, everyone in this group knows the importance of small business to our Nation and especially to our economy.

The owners of independent enterprises are interested in the welfare of their communities. A small businessman in his community is a leader. He contributes to the growth and stability of the town or city in which he resides.

The independent merchant is rooted in his home town and strives constantly to help it grow and prosper.

We want to preserve this climate—and maintain the small business segment of our economy—and our society.

The Congress in establishing and reestablishing this Committee many times over the years, has recognized these facts, the importance—indeed the responsibility of preserving and maintaining small business and our free enterprise system.

Both the House and Senate Small Business Committees have recognized the importance of American small businesses by decreeing in their charters that these committees are empowered—"to aid, counsel, assist and promote American small business in the interest of preserving our free enterprise system."

V. CONCLUSION

This has been my commitment and the commitment of this Committee—the House Small Business Committee—over the years and upon returning to Washington, I am so happy to see, to know, to realize, and to recognize that this commitment is continuing and is being strengthened by your work—the work of this Committee cooperating with the numerous small business associations around the country, and now with the Nation's Small Business Legislative Council.

My wish for you is that your "tribe" may increase—both in number and in usefulness—may this Committee continue its good work in serving small businesses. May you step up your efforts to enforce the Clayton Act, the Sherman Act, the Robinson-Patman Act—the Small Business Administration Act with its numerous amendments, and other statutes—to preserve and strengthen American small business.

In addition to your organizations and the Committee, I should like to mention a few only a few great men—some of whom have gone on and others who are continuing their good work in this field—Chairman Neal Smith, Silvio Conte.

Certainly, Henry Gonzalez is deserving of the award that you gave to him in fighting to preserve and enforce the Robinson-Patman Act.

Let me mention also Howard Greenberg, Everette MacIntyre, Bryan Jacques, John Lewis, John Grant, Bernie Layne, Wilson Johnson, Mike McKevitt, and the late Wilson Harder, Wright Patman, and George Burger, Sr.; and, of course, there are many, many more patriots and soldiers in the ranks—champions of American small business.

Thank you, my friends. Thank you very much.

Good luck and best wishes for the future.

IN GRATEFUL APPRECIATION TO HON. JOE L. EVINS

For 12 years as Chairman of the Committee on Small Business you served with distinction all elements of the small business community without regard to party affiliation, race, creed, or geographical area.

As Chairman you supported vigorously the need for representation of the small business community through the Small Business Administration, but you did not hesitate to bring forcefully to that Agency's attention its deficiencies when it failed to carry out the Congressional mandate.

Because of the high esteem held for you by your 434 colleagues, and due to your visionary and far-sighted leadership, the Committee on Small Business achieved the status of a legislative committee of the House of Representatives.

Under your leadership the Committee on Small Business effectively stopped a well-organized campaign to repeal or emasculate the Robinson-Patman Act.

You have been described as a man of action; a doer; a workhorse; and an expert in government highly skilled in making the wheels of government turn.

For 30 years as a member of Congress you demonstrated those qualities, and a major beneficiary has been the small business community.

For these contributions we honor and thank you.

For the Small Business Legislative Council:

JOHN F. GRANT,
Chairman.

JOHN E. LEWIS,
Executive Director.

American Association of Nurserymen
Association of Diesel Specialists
Association of Steel Distributors
Automotive Warehouse Distributors Association
Building Service Contractors Association
Christian Booksellers Association
Electronic Representatives Association
Food Merchandisers of America, Inc.
Independent Bakers Association
Independent Sewing Machine Dealers of America, Inc.
Local and Short Haul Carriers National Conference
Machinery Dealers National Association
Manufacturers Agents National Association

Menswear Retailers of America
Narrow Fabrics Institute, Inc.
National Association for Child Development & Education
National Association of Black Manufacturers
National Association of Brick Distributors
National Association of Catalog Showroom Merchandisers
National Association of Independent Lumbermen
National Association of Men's and Boys' Apparel Clubs
National Association of Plumbing/Heating/Cooling Contractors
National Association of Realtors
National Association of Retail Druggists
National Association of Trade and Technical Schools
National Beer Wholesalers of America, Inc.
National Building Material Distributors Association
National Candy Wholesalers Association
National Concrete Masonry Association
National Electrical Contractors Association
National Family Business Council
National Fastener Distributors Association
National Federation of Manufacturers Representatives Associations
National Home Furnishings Association
National Home Improvement Council
National Independent Dairies Association
National Independent Meat Packers Association
National Insulation Contractors Association
National Office Machine Dealers Association, Inc.
National Office Products Association.
National Paper Trade Association, Inc.
National Patent Council, Inc.
National Precast Concrete Association
National Small Business Association
National Tire Dealers and Retreaders Association, Inc.
National Tool, Die, & Precision Machining Association
Printing Industries of America, Inc.
Small Business Service Contractors Association
National Association of Home Manufacturers

ANDREI AMALRIK ON HUMAN RIGHTS

HON. PAUL SIMON

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Friday, November 4, 1977

Mr. SIMON. Mr. Speaker, on October 13, one of this century's heroes, Andrei Amalrik, addressed the annual conference of the American Association for the Advancement of Slavic Studies.

Mr. Almarik discussed eloquently the subject of dissent in the Soviet Union. His main theme was the inter-relationship between the persistence of the human rights movement in the Soviet Union and the support of the Western democracies. While the survival of dissent in the Soviet Union encourages supportive efforts in the West, more importantly according to Mr. Almarik, Western influence is critical to the survival of the human rights movement within the Soviet Union.

According to Mr. Almarik, the struggle for human rights in the Soviet Union is a philosophical battle that the West cannot afford to lose: "And if today you ignore our struggle," he says, "you will help destroy a bridgehead of your own freedom."

As one who has been imprisoned and exiled in the Soviet Union, and was eventually expelled, Andrei Amalrik's perspective on the human rights movement is one that all of us in the West should pay attention to. I urge my colleagues to consider carefully Mr. Almarik's remarks, especially in light of our efforts at the Belgrade Conference.

An excerpt of Andrei Amalrik's speech to the AAASS follows:

Ladies and Gentlemen: My topic is the persistence of dissent, that is, the ability—and on the other hand, the inability—of Soviet dissidents not only to assert their existence, but also to exert influence. The very term "dissident" has a rather uncertain quality about it, and far from all participants in the human rights movement agree with such a self-designation. It seems to me that the term may be used in both a broad and a narrow sense: first, to designate those who openly do not accept Soviet ideology and the Soviet way of life; second, to designate participants in the human rights movement, who defend the rights of man as they are defined in the United Nations' Universal Declaration of Human Rights.

The movement has existed for twelve years and has shown the ability to survive in spite of all the Soviet authorities' repressions. Several times in my memory wavering participants in the movement as well as hasty observers have proclaimed the movement's demise. And each time it has survived the crisis. At present it is undergoing one of its most acute crises, and this evident crisis reflects the more hidden crisis of the whole Soviet system. I want to emphasize, however, that the very length of existence of the movement within the framework of a repressive system demonstrates that it is not an accidental phenomenon, that it reflects the need of a considerable part of society to express its interests. Although you hear very few free voices from the Soviet Union, they express what many others think.

At the same time each succeeding crisis raises both within and outside the movement the question: will this remain only a moral movement, or will it create from within a political movement as well—that is, a movement which will set as its goals socio-economic and political changes in the Soviet Union and which will put forth methods for effecting these changes. I would say that it is not always easy to draw a clear distinction between the "moralists" and the "politicians." Academician Sakharov, for example, may be regarded as the most extreme of moralists. Nonetheless, he is constantly proposing in his articles projects of specific socio-economic and political reconstruction.

Each crisis in the movement also raises yet another question: if the authorities manage to destroy the movement as it now exists, will that mean the end of all opposition, or will the opposition take a different shape? The Russian experience shows that if disillusionment in peaceful forms of resistance occurs, then political terror from below follows. We now know of several scattered examples of such terror. I think that terror has not been widespread in the Soviet Union only because, for the time being, the human rights movement, which disapproves of terror, has been dominant in the opposition.

It seems to me that all of these questions are important for the West. Even now our movement exerts indirect influence on the state of affairs in the West. Let me cite two examples. First, Eurocommunism would not have appeared in its present form and at the present time if it were not for the existence of an outspoken democratic opposition in the Soviet Union. Second, the new American administration's campaign for worldwide human rights would not have begun if this problem were not so acutely present in the competing superpower. And as you know, the campaign started with President Carter's letter to Academician Sakharov.

On the other hand, the influence that the West can exert on the fate of our movement is even more considerable. The West cannot succeed in simply remaining neutral toward us: all of its actions in relation to the Soviet Union will either help or hinder its democratization.

The Soviet government attempts to portray dissidents as either direct agents or blind weapons of the West. In reality, many circles in the West—conservative as well as liberal—regard our movement rather as an obstacle. But the movement believes in such values as respect for the individual—values that were cultivated in the West and laid the foundation of Western civilization. That is why, if the West itself still believes in these values, we are entitled to expect its support.

As the interdependence of all countries and cultures increases, the question arises: which values will become dominant in the modern world—faith in the individual, in his freedom, dignity, and inalienable civil and social rights, or faith in supra-individual organizations, such as the State and the Party, and their right to manipulate the individual for their own goals. And if today you ignore our struggle, you will help to destroy a bridgehead of your own freedom.

The issue of human rights is not just a matter of helping a few incarcerated dissidents or a few people who wish to be reunited with their families. It is a question of which political philosophy will serve as the foundation of the currently evolving world order. And if American society and the American government will approach this question from the point of view of a Sunday philanthropy, like those pious ladies in the nineteenth century who dedicated their leisure to sewing bonnets for naked black children, then the principle of the individual's supression by the organization will spread throughout the world, reaching you as well, ladies and gentlemen.

UPGRADING THE QUALITY OF LIFE IN RURAL AREAS

HON. RICHARDSON PREYER

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Friday, November 4, 1977

Mr. PREYER. Mr. Speaker, I would like to bring to the attention of my colleagues a national project dedicated to helping upgrade the quality of life for Americans in rural areas. This project provides educational opportunities to people in the communities themselves where they live and work, and does so in a manner that may expand the horizons of learning and education for millions of citizens who do not have the opportunity to enter academic institutions.

The project, which has gained national attention through a recent Associated Press story, is illustrative of the blending of many talents. It is through the efforts of academicians, State government, and industry that the most advanced communications technology has made learning and educational opportunities available beyond the walls of the campus in a more convenient manner for people where they live and work.

The project embodies an exciting and innovative concept involving the applica-

tion of television and satellite communications for conveying educational material. This is being done at a time when resources are becoming increasingly limited. It is the result of a cooperative development effort involving the North Carolina Rural Renaissance Project under the direction of Gov. James B. Hunt, the ACCESS Group of Community College districts throughout the United States, the American Association of Community and Junior Colleges, and the distinguished communications scientist Dr. Peter C. Goldmark.

The potential for this innovative project is enormous, having vast implications for educational opportunities for millions of Americans. I would like to present for the RECORD the Associated Press story based on Dr. Goldmark's presentation at the 1977 Intelcom Conference in Atlanta last month:

[From the Raleigh Times, Oct. 11, 1977]

COLLEGES TO USE SATELLITE FOR RURAL ADULT EDUCATION

ATLANTA (AP).—A number of community colleges across the country are planning a cooperative effort using satellites to provide low-cost adult education courses to rural areas.

Dr. Peter Goldmark, who developed the television system used in lunar television transmissions, said Monday the colleges have joined with his Connecticut communications firm to develop a system that bypasses the already crowded television channels with a satellite capable of beaming 100 different half-hour programs simultaneously to ground stations.

Pilot programs are currently being established in areas near Charlotte, N.C., Kansas City, Los Angeles, Chicago, Eugene, Ore., and Costa Mesa, Calif.

The system could "offer health education at various levels in rural hospitals, convalescent and senior citizens' homes and penal institutions throughout the country," Goldmark said during a seminar at the International Telecommunications Exposition.

Goldmark said the system, called Rapid Transmission and Storage, or RTS, uses a one-hour video tape reel that can store up to 120 half-hour programs to be transmitted to earth by a powerful signal.

"This system permits us to make satellite transmissions available to the widest possible audience across the nation at the least possible cost by making the satellite signal strong enough to be picked up by a small and simple ground receiver," he said.

Goldmark said the sponsors include the ACCESS Group of Community College districts, North Carolina's Rural Renaissance Project and the American Association of Community and Junior Colleges.

He said the programs eventually could include courses for adults and school children in rural areas, vocational training and self-help programs.

Goldmark said he envisions 10,000 or more RTS centers around the country, but he added that the satellite system is not designed to replace or compete with conventional classroom education.

ECONOMIC BOYCOTT IN SUPPORT OF ERA

HON. PATRICIA SCHROEDER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Friday, November 4, 1977

Mrs. SCHROEDER. Mr. Speaker, the Wall Street Journal takes note today that women are exercising their economic muscle on the ERA issue. National organizations are declining to hold conventions in States that have not ratified the ERA.

The article follows:

Fury of women scorned leads to a boycott of convention cities in anti-ERA states.

At the urging of the National Organization for Women, at least 40 national groups have agreed to refrain from holding conventions in states that haven't ratified the equal rights amendment. So far, Chicago reports losses of $15 million in convention business; Atlanta, more than $6 million, and Miami, $4.5 million. New Orleans, St. Louis and Kansas City, among others, have lost business and fear the worst is yet to come. Las Vegas hasn't had any groups cancel yet, but "if this ERA situation continues, we could lose some," says an official.

Stung by the loss of business, the Chicago Convention Bureau has urged state legislators to ratify the ERA when and if it comes up for another vote. In Atlanta, cancellations "are beginning to snowball," says the head of the convention bureau. Georgia state senator Al Holloway, an anti-ERA leader, calls the boycott "blackmail." All it shows, he says, "is that the ERA can't be supported on its own merits."

IS SAFETY ENOUGH? THE CONTROVERSY OVER FDA STANDARDS FOR DRUG APPROVAL

HON. CLAUDE PEPPER

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Friday, November 4, 1977

Mr. PEPPER. Mr. Speaker, for many years, the Food and Drug Administration has been the subject of controversy. Its role in approving drugs for sale in the United States has been debated in the Congress, within the executive branch, and among private citizens.

There are some who postulate that the FDA is little more than an expensive, bureaucratic purveyor of redtape whose mission is to make life difficult for drug manufacturers and prevent drug consumers from having access to newly-developed drugs, particularly those which promise therapeutic benefit in categories of illness for which no successful treatment currently is available. I, myself, have been deeply concerned over certain actions of the FDA where I have felt that its decisions have gone beyond the bounds of reason. It has been and continues to remain my view that the actions of the Congress and of each agency of the executive branch should be dictated by reason.

It is just as imperative that the actions of the FDA in controlling drugs which are placed on the market in our country be based on reasonable judgment within the bounds of statutory law which has its foundation in reason.

It often falls to Members of Congress, as representatives of all the people, to make judgments regarding difficult and controversial questions. Such is the case with regard to a provision of the Federal Food, Drug, and Cosmetic Act, which was enacted in 1962, and which requires that all new drugs must be proven effective, as well as safe, before they can be marketed.

Legislation which would nullify the requirement that drugs be demonstrated to be effective has been introduced in the Congress with a considerable number of cosponsors. The magnitude of the issues involved in this proposal requires thoughtful, serious consideration for they could and often do affect the lives and health of all our citizens.

Opponents of the efficacy requirement argue that the United States lags behind other countries in making new drugs available as a result of the stringent regulatory requirements imposed by the 1962 law. They argue that a substantial number of the drugs developed by drug companies in the United States can be sold only in other countries and are, therefore, denied to U.S. citizens.

Those who support the effectiveness requirement have denied the credibility of this argument. Testifying before a joint Senate hearing in 1974, Dr. J. Richard Crout, then Director of the Bureau of Drugs, concluded:

There are not therapeutic breakthroughs currently marketed overseas for which an acceptable alternative therapy does not exist in the U.S. . . . when viewed in perspective, it must be appreciated that [the drug lag] . . . does not involve any drugs which are important therapeutic gains and is an expected consequence of high regulatory standards.

Moreover, it is claimed that the 1962 amendments have resulted in a drastic reduction in the number of new drugs introduced in this country each year. Statistical evidence indicates, however, that the decline in new drug introduction actually began in 1959, 3 years prior to enactment of the Drug Safety Amendments of 1962, and hit its lowest point in 1963, before regulations implementing the 1962 law were finalized.

Opponents of the 1962 amendments argue further that they have added to the cost, time, and paperwork involved in gaining approval for new drugs, with the ultimate effect of increasing the prices of drugs which are on the market.

The cost of drugs is of special concern to me as chairman of the Select Committee on Aging and its Subcommittee on Health and Long-Term Care, for the elderly, who comprise only 10.7 percent of the population, nevertheless account for some 25 percent of prescription drugs annually. Estimated personal health care expenditures for Americans of all ages totaled $120.4 billion in fiscal year 1976. Of this, $11.2 billion went for drugs and drug sundries. Those over 65 accounted for some $2.78 billion of this amount, and the largest portion of this bill, almost 86 percent, came right out of their own pockets, since medicare provides no outpatient drug coverage. It is most important that they be protected against the additional cost of developing new, but ineffective drugs.

Efforts to accurately assess the savings or increased costs brought about by the 1962 amendments have not produced definitive results, though studies based on the effectiveness of over 4,000 drugs marketed between 1938 and 1962 have indicated that removal from the market of ineffective drugs would result in

a saving to consumers of between $100 million and $300 million.

It is, perhaps, the argument generally referred to as freedom of choice which is most difficult for policymakers who are faced with questions regarding the marketing of drugs which are demonstrated to be ineffective, or taken from a different perspective, those which have not been demonstrated to be efficacious.

Respect for the sanctity of the doctor-patient relationship, and the growing belief that patients should be allowed to participate in making decisions regarding their own treatment, have led many to believe that Government is overstepping its bounds when it prohibits the marketing of drugs which are considered safe, but not effective. Yet reasonable concerns which have been voiced lead us to wonder whether an ineffective drug is not inherently unsafe. The Senate Judiciary Committee report on S. 1552, from the 87th Congress, included this comment:

Leading physicians testified that it is impossible to keep currently informed of the state of medical knowledge to be found scattered in hundreds of medical journals on the 400 new drugs introduced each year. Moreover, they stressed that the marketing of a safe but ineffective drug may well be positively injurious to the public health. When an ineffective drug is prescribed, it is usually in place of an older but effective drug. The problem is compounded by the fact that usually a considerable period elapses between the time when a highly advertised new drug is put on the market and when knowledge becomes widely disseminated among the medical profession that its performance falls seriously short of its claims.

The 1962 amendments, therefore, require the sponsor of a new drug to provide "substantial evidence" of efficacy founded on "adequate and well-controlled investigations, including clinical investigations." FDA reviews this data compiled by the sponsor over years of research, and arrives at a final decision based on this considerable amount of information. It seems reasonable to me that these scientific tests and evaluations should be required.

Mr. Speaker, throughout my career in public office I have been dedicated to medical research. I was one of the sponsors of the National Cancer Act, which created the National Cancer Institute, and I have proposed a great deal of legislation to better the health care of the American people and the delivery of that care. I remain committed to those goals. But I am deeply concerned that in our zeal to protect individual liberties that we might not instead jeopardize the public health if we allow scientific evidence to be discarded or ignored. Case after case has been cited in which patients with fatal illnesses rejected traditional treatments in favor of drugs of unproven effectiveness, finally suffering the ultimate consequence.

While I believe it is a responsibility of Government to protect the public from fraudulent claims and false hopes, I am also deeply concerned that we not impede the development and marketing of new drugs which do have the potential of curing disease. There are many diseases, many of them neurologic, such as Huntington's disease and multiple sclerosis, for which there is no effective treatment or cure. We must make every effort to promote drugs which can be effective in treating and curing these diseases. Some reform of the Federal Food, Drug, and Cosmetic Act is needed. But I do not believe it is in the public interest to discard the requirement that drugs be demonstrated to be effective.

I therefore respectfully disagree with my distinguished colleague, Mr. SYMMS, author of the "Medical Freedom of Choice Act."

It seems to me that we should take a more reasonable approach, such as that represented by the bill introduced by Mr. PAUL ROGERS, H.R. 8891. In addition to its other provisions, the bill would authorize the FDA to merge the investigational new drug and new drug application process in order to speed up the drug approval process. It would also allow the Secretary to approve, for a 2-year period, with provision for extension, the sale of a drug in the "investigational" period if the drug is found to be safe and if it offers immediate therapeutic value. Such conditionally approved drugs could be withdrawn expeditiously if long-term studies indicate that it presents a health hazard.

In my view, senior citizens are particularly vulnerable to the promotion of drugs of unproven effectiveness. Since health protections for these citizens would be severely restricted by a repeal of the requirement that drugs be demonstrated to be effective, I urge all interested organizations representing them to take a more active role in opposing the repeal of this requirement.

Mr. Speaker, it is my hope that the Congress will act quickly to resolve some of the difficulties which exist with respect to the current law. We owe it to those we represent to facilitate the availability of drugs which offer new hope in the treatment of disease.

PEACE CORPS

HON. CHRISTOPHER J. DODD

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Friday, November 4, 1977

Mr. DODD. Mr. Speaker, a number of my colleagues have recently introduced legislation which would return the Peace Corps to an independent status. As a former Peace Corps volunteer who opposed the incorporation of the international volunteer organization into ACTION in 1971, I have recently testified before the International Development Subcommittee of the House International Relations Committee that I do not believe that it is an opportune time to consider the separation of our domestic and overseas volunteer programs. I hope that my remarks can contribute to the discussion on this important topic, and I ask that they be made part of the RECORD:

REMARKS BY REPRESENTATIVE DODD

Mr. Chairman, as a former member of the Peace Corps, I welcome this opportunity to make a few remarks for the record of hearings held to date on the important topic of the purposes and perspectives of the Peace Corps.

Before I begin, I would like to compliment the members of this new subcommittee for the excellent work that is has already done in the course of its short existence, and particularly for holding this set of hearings which deal directly with the structural framework of the Peace Corps. Many of us former volunteers have been vocalizing our support for internal reforms at ACTION for a long time, and certainly the exact status of the Peace Corps is of great concern and interest to all of us who feel—as I know you do—that the Peace Corps is an organization which is as valuable today as when it was created in 1961.

While I am of course aware, Mr. Chairman, of the legislation recently introduced by members of this committee to render the Peace Corps independent of ACTION, I would like to address my comments at this point not to the substance of this legislation, but more generally to its timing.

Quite frankly, I cannot honestly either endorse or oppose a bill to separate our international volunteer programs from our domestic ones because I do not feel that I have, at this moment, enough evidence before me which can testify to the immediate desirability of such a measure.

In fact, my impression is that such a measure is a decisively premature one, and one that should not be pushed until we are in the position of determining that the locational state of the Peace Corps is in itself a concrete barrier to the successful functioning of the agency.

Let me state at the outset that I am somewhat skeptical about the proposition that it is necessary to remove the Peace Corps from the ACTION umbrella or else continue to face intractable problems of joint management and conflicting priorities. I certainly would have (and indeed did) support such a contention in the days when Peace Corps was, beyond any doubt, under fierce attack by the very heads of its mother agency, and when it appeared that the only way to save Peace Corps from eventual extinction was to give it an independent existence.

I believe, however, that we all recognize that the situation has changed dramatically since then. We now have a new deck of cards, and a new set of players—a President who is supportive of the Peace Corps, and a team of individuals at ACTION who are committed to the dynamic leadership of an agency dedicated to the concept of national voluntarism, be it at home or abroad.

Under these circumstances, it would seem to me—and again, I do not wish to "slice" this issue one way or the other, but simply to make what I trust are a few pertinent observations—that there should be no need to separate Peace Corps from ACTION. Indeed, if it were shown that the Peace Corps could not function under an ACTION that had at its helm some of President Carter's finest appointments, then we may well be in the sad situation of having to question the very existence of the Peace Corps.

But my point here is that we are not yet in a position to say that the Peace Corps has failed to make the radical progress that we hoped that it would make instantly, when the new administration took office last January. Just a few months ago, we were actively stating that the damage done to the Peace Corps under the previous administrations had been so extensive as to require lengthy care and a long recovery period. How can we now ask realistically why it is that the Peace Corps of date 1977 is not the Peace Corps of late 1963?

What I am attempting to do here, Mr. Chairman, is to argue for time. I well under-

stand the anxiousness of the members of this committee, and I respect their determination to see that changes are made at ACTION, and that a dramatic turn-around does take place at the Peace Corps. I do feel strongly, however, that it is our responsibility—as Members of Congress who are fully cognizant of the many limitations we are up against whenever we want to enact anything within short order—to recognize the dimensions of the task that faces the ACTION staff, and to give them the opportunity they deserve to make the many changes we commonly support.

I think that there are many signs of renewed commitment and vitality in the Peace Corps, and that many new directions are already being followed.

As you know, one of the fundamental obstacles to a successful Peace Corps has recently been eliminated with the creation of a new and separate Office of Recruitment and Communications which will effectively terminate the second-class status of Peace Corps recruitment. According to members of the Peace Corps staff there has already been a dramatic improvement in the quality of the individuals being recruited for overseas work—a change that is particularly evident in the selection of new country directors.

As of the end of September, the Peace Corps had fulfilled its program goals for fiscal year 1977, and had in fact exceeded its target of 4,109 volunteers. With 4,200 men and women now in the field, the Peace Corps is in a position to move more freely in the direction of reorganization and revitalization.

Successful contact with several key countries in which the Peace Corps does not currently serve has already been made, and new initiatives are in the works.

For the very first time, the Peace Corps was represented in the official delegation to a major United Nations conference, held this fall in Nairobi on the subject of desertification. The Peace Corps experience was by all accounts held to be invaluable, and 1,000 volunteers were offered by the chief of the U.S. delegation to assist in the world-wide fight against the spreading of the deserts. And following a conference sponsored by the Club Du Sahel in Paris, Peace Corps programmers will now constitute an integral part of the United States contributions to the conservation efforts underway to alleviate the threat of continued drought in the Sahel.

There is also a determined interest in an increased involvement by the Peace Corps in the development and distribution of appropriate technology—and more progress in this critical area could be made with increased funding for such purposes.

I will stop here, Mr. Chairman, in my description of some of the exciting innovations that I have seen taking place in the Peace Corps although I would like to emphasize that there is also, beyond these tangible changes, something else that is new at the Peace Corps: and that, of course, is a new spirit.

In sum, Mr. Chairman, I see all of this as strong evidence that a positive course is being followed. This is a course that I feel will continue, and should be allowed to do so, without the interventon of a new congressional mandate in the very near future. I do, nonetheless, support continued questioning of the progress at Peace Corps and continued hearings on this most important subject.

I thank you once again, Mr. Chairman, for giving me this opportunity to state my views on this matter before your committee, and I look forward to coming back at the beginning of the next session of Congress to reevaluate some of the thoughts that I shared with you today.

HOSPITAL COST CONTAINMENT

HON. HAROLD E. FORD

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Friday, November 4, 1977

Mr. FORD of Tennessee. Mr. Speaker, one of the administration's major priorities for the 95th Congress is the enactment of hospital cost containment legislation. However, to date only one of four committees of the Senate and the House of Representatives to which the bill has been referred has issued a report on this legislation. Its consideration has been delayed because many Members have not been comfortable with certain provisions of the bill and with their understanding of the bill in general.

Mr. Speaker, as a member of the Ways and Means Health Subcommittee I want to take this opportunity to renew my commitment to meaningful measures to bring hospital costs under control. The need for this type of legislation is critical—Secretary Califano has often stated that the cost of hospital care increases by $1 million every hour of every day. While the general level of consumer prices rose by about 125 percent between 1950 and 1976, the average cost of a day of hospital care increased by more than 1,000 percent.

As a representative from an urban district, my primary concern is with the type of health care available in urban areas to the urban poor. I believe that every American is entitled to first rate health care regardless of race or income. I am concerned because as I walk my district I see that this is not the case. If we are to correct this situation we must bring hospital costs under control so that money will be available to do this.

Since the introduction of cost containment legislation I have been in close contact with the Memphis health care community. We in Memphis are indeed fortunate to have the Memphis Medical Center, one of the Nation's foremost not only in terms of facilities but also in terms of research. Several cost containment methods have been submitted to me from people back home which show great insight. For example, many expensive medical facilities such as CT scanners can be shared. Shared use would eliminate idle capacity, which now increases costs by spreading them out over fewer patients. Another cost-saving device is better coordination of health care providers and facilities. Outpatient and home health care must be emphasized.

Mr. Speaker, I am hopeful that the health care industry will take advantage of the time between sessions of Congress to implement cost containment measures and come up with solutions to the hospital cost spiral. I intend to meet with more people in my district on this matter during the next 2 months, for it is only when we contain hospital costs that we can better utilize the Federal health care dollar toward new programs and better health care for all Americans.

BLACK PANTHER PARTY TERRORIST VIOLENCE CONTINUES

HON. LARRY McDONALD

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Friday, November 4, 1977

Mr. McDONALD. Mr. Speaker, at about 5:15 a.m. on Sunday, October 24, 1977, Mrs. Mary Matthew, a 56-year-old self-employed bookkeeper in Oakland, Calif., was awakened by the sound of someone trying to force open her front door. She telephoned police and took out her .38 revolver as she heard sounds of someone at her rear door. As the door was being forced, Mrs. Matthew fired her revolver striking one attempted intruder in the hand. His accomplices opened up with shotgun blasts and automatic rifles, spraying her kitchen with bullets. With commendable courage, Mrs. Matthew continued to fire her revolver at her assailants, preventing them from breaking into her house and thus saving her life; for the intruders were an assassination squad of Black Panther Party members apparently there to murder the key witness in a murder the Black Panther Party founder and leader, Huey P. Newton, is charged with having committed. Mrs. Matthew was not the witness: The terrorists had attacked the wrong house.

Dead outside Mrs. Matthew's house was Louis T. Johnson, 27, a long-time Black Panther Party member. Johnson had been accidentally hit in the back of the neck by a machine gun burst fired by his accomplices. His body, dressed in a dark blue jump suit, black ski mask and black gloves, had been carried to the front of the house by his escaping comrades. Two shotguns and an AR–16 fully automatic rifle were found abandoned near Johnson's body. Two similar jumpsuit uniforms were found discarded in a nearby alley. The AR–16 had been reported stolen from the San Diego Marine Base in 1970.

Johnson's last known address was 2230 10th Street, Berkeley, Calif., a small house which also serves as the Berkeley headquarters of the BPP. Some 12 hours after the shooting, police arrested two Black Panther Party members at the Berkeley headquarters, Norma Armour, 27, and Norman White, 25. They were charged with possession of another illegal AR–16 machine gun, a grenade launcher, and a sawed-off shotgun which police discovered during their search of the premises. Armour and White were held on $25,000 bail.

Meanwhile, the terrorist shot in the hand by Mrs. Matthew, Flores A. Forbes, 25, went to Providence Hospital in Oakland for treatment of his wound. Forbes had discarded, in his haste to escape, not only his dark jump suit, but also his identification including his BPP membership card. He used his own name at the hospital in seeking treatment, but fled when told that the obvious gunshot wound would have to be reported to police. Forbes is currently a fugitive charged with, among other felonies, the murder of his comrade Louis Johnson.

The current attempted silencing of a witness stems from a wave of violence involving Black Panther chief Huey Newton in the summer of 1974.

In April 1974, Flores Forbes was among 14 BPP members arrested in their East Oakland headquarters and charged with such offenses as possession of illegal firearms and narcotics. On July 30, 1974, Huey Newton, John H. Seale, the brother of BPP cofounder Bobby Seale, and bodyguards Robert Heard, Flores Forbes, John W. Williams, Bruce Lee Washington, Herman Smith, and Larry Henson were charged with assault following an Oakland bar brawl. Although four large caliber pistols and revolvers were confiscated by police, the Federal charges on Huey Newton as an ex-felon packing a gun were waived.

On August 6, 1974, a 17-year-old prostitute was shot on San Pablo Avenue by a male passenger in a car who got out to first beat the young streetwalker. Newton is now on trial for that murder. The principal eyewitness, another prostitute named Raphaelle Gary, lived with her two children next door to Mrs. Matthew.

Next, Newton and his 300-pound bodyguard, Heard, were charged with beating two other young women. Helen Robinson, 20, and Diane Washington, 19, whom they met in a Telegraph Avenue bar. And on August 16, 1974, Newton and Heard were charged with pistol whipping a 53-year-old tailor, Preston Callins, who had gone to Newton's luxury penthouse apartment in Oakland to show cloth samples to the BPP leader for a custom-made suit. Shortly after being released on bail on this charge, Newton fled to Communist Cuba, remaining in Havana until his return to the United States early in July.

His BPP cronies then continued their violent careers. On December 21, 1974, Newton bodyguards Robert Heard, Flores Forbes, and three other men, Lonnie Darden, George B. Robinson, and Larry D. Henson, were arrested on charges including assault with a deadly weapon, armed robbery, illegal possession of a gun by an ex-convict—Heard—and assault stemming from the pistol whipping and roberry of an Oakland man.

Two private security guards saw the group of men surrounding the victim in a parking lot. When they approached the group the victim stated he had been beaten and robbed, and that when his assailants had seen the uniformed private guards approaching, they had thrown their pistols into nearby bushes. The private guards then held the Panthers at gunpoint until police arrived who also retrieved three pistols from the bushes. The victim refused to appear in court to testify against the five men, and so all charges were dismissed. Forbes eventually pleaded guilty to earlier charges of assaulting a police officer for which he was fined $350 and placed on probation for 2 years.

Preston Callins, the tailor, testified as to the assault on him in 1975 during the trial of bodyguard Robert Heard. His memory of events at that time was clear, sharp, and detailed. Heard received a sentence of up to 5 years following conviction on three felonies and a misdemeanor resulting from the attack on Heard and from a July 1974 fight with vice squad officers in Oakland.

On Monday, October 24, following the attack on Mrs. Matthew, the neighbor of witness Raphaelle Gary, Mr. Callins lost his memory. Deputy District Attorney Thomas Orloff who is the prosecutor in Newton's ongoing trial on the 1974 charges asked witness Callins if he remembered his previous sworn testimony or the tape recorded statement he had made to police. According to the San Francisco Examiner's report:

"I don't remember," the tailor replied, his brow knit, a scar from the beating visible on his forehead.

The prosecutor then read extensive portions of Callins' taped statement and asked extensive questions from his earlier testimony. According to the San Francisco Chronicle report, prosecutor Orloff told the judge "he was going to use it to impeach the abruptly forgetful tailor because of 'the inconsistent statements and the evasive nature of the witness.' "

Preparations for the return of Huey Newton to face trial on those charges commenced with the filing of a Federal lawsuit in December 1976, on behalf of the BPP and its leaders. According to Fred Hiestand, a National Lawyers Guild attorney serving as a counsel in the suit, the extensive discovery of law enforcement investigative files from this suit, the Fred Hampton lawsuit in Chicago and other legal actions were designed to allow Newton and other BPP members charged with crimes to plead they were being "victimized" by the Government's "invasion of their privacy." This in fact has been one of the chief defense tactics during Newton's murder trial which is currently underway in Oakland, Calif.

As a July Information Digest report noted:

To develop support and financing for their suit, the BPP has set up the Committee for Justice for Huey P. Newton and the Black Panther Party which operates from P.O. Box 297, Oakland, CA 94604. A Committee pamphlet asserts, *"Contributions of $25 or more may be TAX-DEDUCTIBLE. Please write for information."* (Emphasis in original).

A statement signed jointly by Rep. Ronald V. Dellums and Morton H. Halperin of the Center for National Security Studies (CNSS) and Campaign to Stop Government Spying (CSGS) and circulated by the Committee says, *"We are personally asking you to support this crucial case with whatever resources you have. These activities must be exposed and this lawsuit won so that we may protect the rights of all of us."*

According to the Commitee, *"The Campaign to destroy the Black Panther Party still goes on. During 1976 there were over 250 arrests of Party members in the Oakland area alone."* Since there are believed to be less than 300 BPP members in the Oakland area, the arrests rate may indicate that the BPP recruits lawbreakers rather than harassment.

Sponsors of the Committee for Justice include:

Ralph Abernathy; Joan Baez; Lloyd Barbee; Julie Belafonte; Fr. Daniel Berrigan; Philip Berrigan; Julian Bond; Malcolm Boyd; Fr. Eugene Boyle; Robert McAfee Brown; Earl Caldwell; Noam Chomsky; Ramsey Clark; Congressman William Clay; James Cone; Bert Carona; Harvey Cox.

Also Ossie Davis; David Dellinger; Congressman Ronald Dellums; Congressman Charles Diggs; Diane DiPrima; David DuBois; Daniel Ellsberg; Thomas I. Emerson; Sissy Farenthold; Lawrence Ferlinghetti; Jane Fonda; Donald Freed; Charles Garry; Jean Genet; Allen Ginsberg; Dr. Carlton Goodlett; Dick Gregory; Jose Angel Gutierrez; Morton Halperin; David Harris; Mayor Richard Hatcher; Tom Hayden.

And Arthur Kinoy; Jonathan Kozol; William Kunstler; Mark Lane; Paul Lehmann; Denise Levertov; Rollo May; Russell Means; Michael and Robert Meeropol (Rosenberg); Kate Millett; Fr. Earl Nell; Congressman Charles Rangel; Annette Rubenstein; Bert Schneider; Franz Schurmann; Pete Seeger; Stanley Sheinbaum; Helen Sobell; Morton Sobell; Dr. Benjamin Spock; Congressman Fortney Stark; I. F. Stone; Paul Sweezy; George Wald; Doron Weinberg; Leonard Weinglass; Cora Weiss and Howard Zinn.

Early this summer, Elaine Brown, the BPP leader who coordinated Panther Party activities during Newton's fugitive years in Havana, warned:

The Vanguard Party still lives to fight another day. It's building a base in Oakland, by any means necessary, a base for revolution.

Now some 11 years after the armed Black Panthers marched into the California Capitol in Sacramento, the BPP continues to officially encourage violence against businesses and law enforcement officials under the guise of "armed self-defense" against the "racist, fascist government of the United States." Although under the tutelage of its Communist Party, U.S.A. and Castroite advisers, the Black Panther Party has learned to use a variety of tactics such as dabbling in local Democratic Party politics, and setting up so-called "community" programs to develop new contacts and recruits, it is apparent that the Black Panther Party still places terrorist violence high on its list of expedient tactics and remains a threat to U.S. internal security.

CONGRESSMAN NORMAN F. LENT RECEIVES ISRAEL'S HIGHEST CIVILIAN AWARD

HON. BENJAMIN A. GILMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, November 4, 1977

Mr. GILMAN. Mr. Speaker, on October 27, 1977, the State of Israel paid a high honor to our colleague from New York, NORMAN F. LENT. For his strong support of Israel during his four terms in Congress, Mr. LENT was awarded Israel's Prime Minister's Medal, the highest award the State of Israel can make to a civilian. This award is a most significant event, deserving of the attention of the House of Representatives.

The Prime Minister's Medal was presented to Mr. LENT by Ambassador Chaim Landau of Israel, who noted that this was the first Prime Minister's Medal awarded by Prime Minister Menachem

Begin. In his presentation remarks, Ambassador Landau said:

Congressman LENT, I know what you have done, serving a just cause, serving a great cause, the cause of Israel's future and Israel's security. We can appreciate, we can cherish those non-Jews who are with us. Their support is so valuable to us and so important to us . . .

Mr. Speaker, Ambassador Landau's words are very relevant. I detect a growing tendency among the less understanding in this country to assume that strong support of Israel comes only from those of the Jewish faith. How wrong that idea is. Nothing could be farther from the truth. Nothing could do more to rekindle ugly hatreds and bigotry in our Nation. Support for Israel crosses all religious, racial, and partisan divisions. It runs broad and deep through this country. That support is exemplified by Congressmen like NORMAN F. LENT, whose faith in and work for Israel has never wavered in the slightest during his four terms in the U.S. Congress.

The strength of Congressman LENT's commitment to Israel and to its future can best be understood by a study of his remarks upon receiving the Prime Minister's Medal.

Mr. Speaker, I offer the text of Mr. LENT's remarks:

REMARKS BY CONGRESSMAN NORMAN F. LENT

Reverend Clergy, Ambassador Landau, Dignitaries on the dais, fellow friends of Israel:

I must say I am overwhelmed tonight. The State of Israel has accorded me a great honor. The Prime Minister's Medal will always occupy a place of prominence in my life. It is doubly meaningful to receive this award from Ambassador Chaim Landau, a fellow legislator and distinguished party leader, who served 29 years in the Knesset.

Mr. Ambassador, I want you to know that I am deeply grateful to your Prime Minister and to the people of Israel for this Medal. I accept it in the spirit of shared friendship and of shared work in the noble cause which brings us all together tonight. Todah Rabah!

I know how much you who are supporting this dinner have done for that cause. Through your moral and financial support, you have helped greatly in the development of Israel. Still fresh in my memory, though my visit to Israel was made several years ago, is the sight of the deserts turned into gardens, barren slopes reforested, and the roads, harbors and airports, and the tools of industry and commerce which your support made possible. Truly, Israel has become a Promised Land! Your efforts have helped make her a shining example of democracy for all of the world!

During the 29 year lifetime of Israel our government has consistently given aid to the people of Israel. In time of attack, our country has furnished Israel with military assistance to help repulse the invaders, and then economic aid to assist in rebuilding afterward. Our Nation's moral and diplomatic support has been as constant as our financial and military help—that is, until recently.

As Senator Jacob Javits warned early this week in Denver, under policies recently enunciated by the Carter Administration, particularly in the joint U.S.-Soviet declaration for the forthcoming Geneva Conference, it appears Israel can no longer count on the full support of the United States at the negotiating table. Serious substantive and procedural disagreements between our two nations have surfaced during recent discussions. Along with most Members of Congress from both political parties, I am outraged at this recent turn of events. I have expressed my dissatisfaction on the floor of the House and to President Carter, himself. I feel *no* President of the United States, particularly one who subscribes to principles of morality, has the right to impose upon Israel a settlement endangering its national security.

Lately we have seen some indication of change. I welcomed President Carter's positive statement of last Saturday in support of Israel. But the President must back up his rhetoric with results. The President must reaffirm the solemn commitments this Nation has made to Israel. He must insist that the U.N. Resolutions 242 and 338, which recognize Israel's right to secure borders, and exclude the P.L.O. as a party to the Geneva negotiations, be preserved, unaltered! The United States has repeatedly assured Israel these resolutions would be the only basis for negotiations. President Carter must restore that assurance! He must use the power and prestige of the Presidency to make certain that the Arab nations and the Soviet Union clearly understand and accept that assurance! Once these essential cornerstones to negotiations are understood and accepted, we may look forward to a real chance for peace in the Middle East.

Ladies and Gentlemen, you and I believe in Israel's future. That is why we are here tonight. You and I have worked for Israel's future. Let us go from our meeting here determined to redouble our efforts for Israel's future! We have to work and pray to make absolutely sure that Israel is not betrayed! Let us make sure that, as the Ambassador has said, the United States works for Israel, not against her! Let us make sure that Israel continues to exist as a symbol of freedom for the oppressed; as a symbol of how an ideal can galvanize a people to greatness.

THE WHOLE WORLD IS WATCHING

HON. JIM MATTOX

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Friday, November 4, 1977

Mr. MATTOX. Mr. Speaker, the basic human and legal rights existing in most modern societies are intricately intertwined, and each right is in some way dependent on the maintenance of the others. And so it is when certain basic rights, such as the right to vote and to free expression, are denied, inevitably others will fall.

Such is the case in South Africa, where as we all know, a large majority of the population has for decades been denied participation in that country's government. It is without surprise, but certainly not without disgust, that we winessed in recent days further erosion of the rights of black people in South Africa—most notably the denial of freedom of the press by the government suppression of the World, the country's largest black-edited newspaper, and the imprisonment of its editor, Percy Qoboza.

Freedom of the press is a cornerstone of any democracy, and to witness its demise is a chilling experience. But to merely witness it, and to take no action, is certainly reprehensible. That is why the House of Representatives passed a resolution condemning the repressive actions of the South African Government, and that is why I now state that I stand fully behind the administration in whatever steps are necessary to signal to the regime of John Vorster and his ultra-reactionary Minister of Justice, James Kruger, that they continue such harsh measures only at the gravest peril.

There are those who caution against "hasty" action on our part in reaction to the recent repressions in South Africa. But let us not forget how quickly the dark cloud of fascism began to sweep over Europe in 1937, and let us recognize that today, in 1977, less than two generations later, another cloud threatens to make Africa, once again, the "Dark Continent."

As we Americans go about our daily business, watch our television and read our newspapers, Percy Qoboza languishes in prison, confronting unknown horrors. What kind of man is this? What kind of radical was he that Vorster and Kruger saw it necessary to imprison him? In truth he was no radical at all. He was a man of peace and nonviolence, trying to find a moderate and reasoned approach as a solution to his nation's problems.

Mr. Speaker, I would like to insert into the RECORD the following story which appeared recently in the editorial section of the Dallas Morning News, by Dave McNeely, a friend of Percy Qoboza who studied with him while they were both Nieman Fellows at Harvard University. This account expresses far better than I can the human tragedy of South Africa, and tells in moving, personal terms why we the peoples of the free world must never rest until Mr. Qoboza, and others like him, are free:

PERCY QOBOZA: A VICTIM OF SOUTH AFRICA'S REPRESSION

(By Dave McNeely)

(NOTE.—Two weeks ago South African police continued its wave of repression by banning the nation's largest black newspaper, The World, and jailing its editor, Percy Qoboza. In the following article, KERA Channel 13 reporter Dave McNeely talks about the times he and Qoboza spent together as Nieman Fellows.)

Somehow, we all knew that Percy Qoboza was special, and that he was taking a year off from his tightrope. And yet we also knew the year off would make the tightrope even tighter.

Percy was one of us. We were Nieman Fellows—14 U.S. journalists and each from France, Germany, Hungary, Japan and South Africa. We had won a year off in mid-career to go to Cambridge, Mass., to consort with each other, discover Harvard and reflect on the world.

Percy was from South Africa, 37 years old, black as night, possessing a lilting British accent stemming from his days in school tutored by nuns. By the time his five kids reached school age, the segregationist policies of the South African regime had prevented that type of learned schooling.

But to us—me, anyhow—Percy was just one of us. We swilled gin together, sang songs together, went to the flea market garage sales together. My kids learned how to pronounce the last name of Percy and Anne Qoboza, with a sort of "Ctok!" on the first syllable, produced by the tongue dropping suddenly from the roof of the mouth. The kids practiced it incessantly (keh-BO-zah; keh-BO-zah).

Percy discovered, we learned later, that he was a man instead of a kaffir. That's a word in South Africa equivalent to "nigger."

"Hey, kaffir," Lester Sloan, a black American Nieman Fellow, would say occasionally.

"Hey, nigger," Percy would respond.

The tone was light, but the undertone was not: we got to stay in the United States after the year, while Percy and Anne would return to South Africa.

Percy is—or maybe now, "was" is the word—the editor of The World, the largest black newspaper in South Africa. I say "was," because they put Percy in prison several days ago, and shut down the newspaper. No reason: under the internal security law of the all-white government, they didn't have to give any.

But his crime, actually, was being a moderate. He believed. and especially after our 1975–76 year at Harvard, that all people of South Africa should share equally in its government.

That is not a welcome stance in a country where some five-sixths of the people are black, and are shunted onto about one-fifth of the land. The whites have held most of the land for three centuries, and they have determined—and apparently more so, with an election coming up Nov. 30 and other governments of the world saying "for shame"—that there will be no compromise. The whites plan to hold the land. The problem now is that many blacks have decided that they should reclaim the birthright wrested from their ancestors. The blacks have reached the point of rejecting even the shared compromise they once sought. Now, they want it all.

Percy's house was fire-bombed recently, and he reportedly wasn't sure whether blacks or whites were responsible.

It is a bloodbath in the making, and perhaps it is inevitable that among the first casualties would be Percy Qoboza and the until-then surprisingly free press he considered a key to keeping South Africa from destroying itself.

Reports from South Africa indicate that the government says Percy will be in prison until at least August. Several blacks have already died mysteriously in prison, including "black consciousness" leader Steve Biko, who died Sept. 12. (The government initially said he died as a result of a hunger strike; an autopsy later showed he died of a massive head wound. There is strong speculation that Percy and *The World* were shut down to stop them from reporting that autopsy.)

Percy is a good, moderate, compassionate man, who believes in the worth of all human beings. I watched him increasingly realize his own worth over the course of the year. I watched him go back to Africa with a new resolve, a strengthened hope to bring some order out of that crazy chaos.

"For the first time in my life, I could distinguish between what is right and what is wrong," Percy wrote later: "The thing that scared me most during my Cambridge year was the fact that I accepted injustice and discrimination as 'part and parcel of our traditional way of life.' After my year, the things I accepted made me angry.

"It is because of this that the character of my newspaper has changed tremendously. We are an angry newspaper. For this reason, we have made some formidable enemies, and my own personal life is not worth a cent because of this. But I see my role and those people who share my views as articulating, without fear or favour, the aspirations of our people. It is a very hard thing to do."

And now Percy Qoboza is in prison. Unless some outside force intervenes. I don't expect to ever see him again, at least not alive.

THE CANAL TREATIES: DO THEY, OR DO THEY NOT?

HON. ROBERT K. DORNAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, November 4, 1977

Mr. DORNAN. Mr. Speaker, the American people have been given time to study the actual treaties which affect the future status of our Canal Zone and use of the canal. They have found little more than fine print and ambiguities. The Los Angeles Times featured a column October 5 by Attorney Douglas Hallett which expresses very clearly the contradictions involved in the treaty debates. I offer this excellent feature for study by my colleagues:

THE CANAL TREATIES: BUGS IN THE FINE PRINT—UNITED STATES, PANAMA ARE AT ODDS IN THEIR INTERPRETATIONS OF THE RIGHT TO INTERVENE

(By Douglas Hallett)

When Panamanian President Omar Torrijos told a U.S. journalist recently that he was "a little less" Communist than either Franklin D. Roosevelt or John F. Kennedy, and "a lot less" Communist than Abraham Lincoln, his purpose was clear: to spruce up his image in the United States, where he is frequently characterized as a "tin-horn dictator."

Meanwhile, the Carter Administration has paraded a long string of spokesmen and supporters through the U.S. Senate, all testifying to the benefits of our reaching an accommodation with Torrijos. All this activity is designed to defend the proposed Panama Canal treaties before the Senate and to convince the American public that risk is minimal if, after the year 2000, the canal reverts to Panama.

But what Torrijos and the Carter Administration say these treaties will do is not the question before senators and their constituents. What is to be decided is what the treaties themselves portend—and a look at the fine print reveals that the accords would not safeguard American interests.

Whether or not we continue to enjoy power as "if (we) were the sovereign," in the words of the existing treaty of 1903, is irrelevant. The important point for the United States is keeping the canal open for our own use. Of all war supplies for the Vietnam conflict, 70 percent passed through the Panama Canal. Even now the waterway is wide and deep enough to accommodate fully 96 percent of all existing oceangoing vessels, and with some modification it could handle all but the largest supertankers.

President Carter has assured Americans that the United States will permanently retain the right to defend the canal's neutrality by force of arms. Further, we have been promised the perpetual right to use the canal "expeditiously and without conditions."

But the section allegedly guaranteeing these rights, contained in Article IV of the "neutrality" treaty, actually reads: "The United States of America and the Republic of Panama agree to maintain the regime of neutrality established in this treaty, which shall be maintained in order that the canal shall remain permanently neutral, notwithstanding the termination of any other treaties entered into by the two contracting parties."

The Carter Administration's interpretation of this section—the permanent American right of unilateral intervention—apparently is not shared by the Panamanians' own chief treaty negotiator, Dr. Romulo Escobar Bethancourt. On Aug. 24 he had this to say at a press conference in Panama City: "The pact does not establish that the United States has the right to intervene in Panama. The word (intervention) was discussed and eliminated (during the bargaining), and what is stated is that Panama and the United States will maintain the neutrality of the canal . . ."

Nor does the United States, in Escobar's view, have any right to determine when that neutrality has been violated. According to Panama's chief negotiator, "There is an article which reads that Panama and the United States will maintain the neutrality of the pact . . . That is all it says. It does not say that it falls to the United States to decide when neutrality is violated or not."

The preceding week, Escobar had gone even further while presenting the treaties to Panama's National Assembly. On that occasion, he revealed that the United States had originally sought an American guarantee of neutrality for the canal. "This was another cause of discussion that kept the negotiations detained," Escobar said, "until the United States gave up on the idea of its having a guarantee of neutrality over the canal."

Escobar also announced, in the same speech, that the right of American vessels "to transit the canal expeditiously" under the treaty was the result of another American compromise. When the Panamanians refused to agree to the phrase "privileged passage," according to Escobar, American negotiators adopted the watered-down term "expeditious transit" in order to sell the treaty to U.S. military leaders. "Now they (American diplomats) could explain that this means privileged passage," Escobar told the Panamanian lawmakers, "Do not believe that we mean that . . . If gringos with their warships say, 'I want to go through first,' then that is their problem with the other ships there."

As a matter of fact, these treaties are not even likely to offer the United States a safeguard against threatened violence in the Canal Zone, which seems to be Carter's chief selling point. Several political factions associated with violent disturbances in Panama in the past have already lined up against approval of the treaties there. The leftist Socialist Revolutionary League and the Revolutionary Student Front have joined other groups in denouncing Torrijos and the accords because of the "neutrality" provisions they contain and their provision allowing an American presence to remain in Panama after jurisdiction has been transferred.

Roger Fontaine, a Latin American specialist at Georgetown University, contends that once Panamanian police gain control of the Canal Zone three years after ratification, the Panamanians "will encourage us to leave the Zone as soon as possible." Since, according to Fontaine, Torrijos is eager to take full credit for removing all Americans from Panama, the President is disheartened by the prospect of waiting 23 years to see this happen. Thus, it is in his own interest to give tacit approval of any group that presses, violently or otherwise, to hasten America's withdrawal.

Beyond this, the concept of joint Panamanian-American administration of the canal over the next 23 years, as outlined in the treaties, simply provides one more arena for continual dispute. Yet, here again, what Carter's spokesmen have told Americans about the operating principles of joint administration is far different from what Panamanian officials are telling their people.

These contradictory interpretations, each made for domestic consumption, accurately reflect the treaties themselves. Quite simply, the wording of the accords is so ambiguous that, on ratification, America risks even greater uncertainty in Panama than at present.

Similar ambiguities helped bring on the Vietnam nightmare. This time, wary of proceeding on faith alone, we should read the fine print with unusually close attention.

The first rule of conducting negotiations, whether great or small, is to make the terms plain to all parties and the best way to do this is to put them in writing that, because of its crystal clarity, is interpreted the same way on both sides of the bargaining table.

This has not happened in the present instance, and so America would be foolhardy to plunge into the morass that might well engulf it after ratification.

SOUTH AFRICA

HON. HAROLD E. FORD

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Friday, November 4, 1977

Mr. FORD of Tennessee. Mr. Speaker, on Monday, October 31, 1977, the House of Representatives passed by a vote of 347 to 54 House Concurrent Resolution 388 to register its deep concern over the repressive acts of the Government of the Republic of South Africa. Over the past 18 months at least 21 political prisoners have died while under arrest by South African police. The House of Representatives urges President Carter to take effective measures against South Africa.

House Concurrent Resolution 388 cited the death of Steve Biko on September 12, 1977, as an example of how political thought and human rights are continuously suppressed and violated in South Africa. Biko was a founder of the South African Students Organization. He also founded the Black People's Convention which tried to raise black consciousness by establishing self-help projects. He was highly regarded as a moderating influence in South Africa; he strived to peacefully transform South Africa from a minority ruled nation to one governed by the majority. Biko was detained on August 18, 1977, under the terrorism act for allegedly fomenting African unrest in Port Elisabeth. Initially, Minister of Justice James Kruger reported that Biko died as a result of a hunger strike. The South African Government made public the autopsy report on October 25, 1977, which revealed that Biko died as a result of head wounds which caused brain damage and kidney failure.

The South African Government conducted a predawn sweep on October 19, 1977, and detained individuals engaged in peaceful antiapartheid activities. More than 50 of the best known black leaders were placed under house arrest. South Africa's largest black newspaper, the World, was banned and its editor Percy Qoboza jailed without charges. At least 18 black and interracial organizations were banned including the Black People's Convention whose leader was Steve Biko. As a result of the continuing repressive acts of the South African Government of Prime Minister Vorster, President Carter has decided to support a mandatory arms embargo in the United Nations Security Council against South Africa.

Currently in South Africa there are 18.6 million blacks and about 4.3 million whites. The government of Prime Minister Vorster suppresses political expression by the majority; it espouses a homeland policy which allocates 13 percent of the land to 70 percent of the populace. Secretary of State Vance announced the recall of two diplomats from South Africa as well as a termination of sales of military and police equipment to that country. I join Secretary Vance in his characterization of the South African Government's recent suppression of black leaders, publications, and organizations as a major step backward.

A highly significant factor in the U.S. policy toward South Africa is the major dependence of the American steel and chemical industries on chromite ore, manganese, vanadium, and other metals from that country. The Carter administration has publicly stated that it is proper to enhance or reduce our trade with another country depending on its attitude toward basic human rights. As the United States proceeds through appropriate diplomatic channels it becomes apparent that time is running out for the government of Prime Minister Vorster to participate fully in a peaceful transformation to majority rule. Mr. Speaker, we cannot tolerate the consistent disregard for human rights that is the domestic policy of Prime Minister Vorster.

EUROPE LOOKS TO ALTERNATIVES TO PLUTONIUM BREEDERS

HON. GEORGE E. BROWN, JR.

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, November 4, 1977

Mr. BROWN of California. Mr. Speaker, during the recent debate on whether or not the United States should proceed with the Clinch River breeder reactor it was argued that it would be foolhardy for the United States not to build the Clinch River breeder reactor because other nations such as France and West Germany are proceeding pell mell with the development of these programs. It was further argued that other nations simply had no choice but to proceed with the breeder because their energy options were so limited. I am including in the RECORD today brief articles which point to the uncertainty behind both these arguments.

The first is a brief article from Nucleonics Week which reports that Francois Mitterand, the leader of the French Socialist Party and the possible head of the French Government after the next election, has recently called for a moratorium on the construction of the Super-Phenix plutonium breeder reactor plant in France.

The second article is an article on solar energy in West Germany from the newspaper Duetsches Allegemeines Sontags Blatt. It points out that in Germany energy experts are predicting that solar energy will produce twice as much energy for West Germany in 1990 as is now produced by nuclear energy.

These articles demonstrate that the energy sources of the future are still to be determined, and the role of nuclear power may be much less than the nuclear experts predict.

The articles follow:

[From Nucleonics Week, Oct. 20, 1977]

SUPER-PHENIX

An 18–24-month moratorium on the French nuclear program was proposed last week by Francois Mitterand, leader of the French Socialist Party and probable head of the French Left coalition with a chance of taking power at next year's election. Mitterand included the Super-Phenix breeder plant. But he added: "We cannot totally abandon nuclear energy just as long as we have no other energy sources." Despite a recent Socialist-Communist split in France, a poll last week showed than 50% of the French would vote for the Left and 47% for the ruling Right coalition. The 3% balance is held by the "ecologists." Mitterand's party denies that his moratorium statement is an attempt to woo the ecogical vote.

[From the Deutsches Allgemeines Sonntagsblatt, Oct. 2, 1977]

SOLAR ENERGY FORUM CASTS RAY OF SUNSHINE ON BLEAK OUTLOOK

(By Gerhard Taube)

Notwithstanding Cassandra warnings, government and industry are determined to use solar energy to cast a ray of sunshine on our dark future in the energy sector.

And indeed, the bloc of sceptics seems to be melting away as solar heating gains ground.

The inexhaustible, innocuous (so far as the environment is concerned) and peaceful solar energy can, according to the Work Group Solar Energy (ASE), provide some 5 per cent of the Federal Republic of Germany's primary energy requirements by 1990. This is more than twice as much as the present share of the much-disputed nuclear energy.

The ASE, an association of all collector manufacturers worth mentioning, and neutral energy experts foresee concrete chances for the use of solar energy in heating water, rooms and swimming pools as well as in the export of the necessary equipment. But only in the latter case do they foresee the use of solar energy as a source of electricity as well.

At the First German Forum for Solar Energy Research, which was attended by experts from 38 countries and held in Hamburg from 23 to 28 September under the auspices of Research Minister Hans Matthöfer (and organised by the German Society for Solar Energy, DGS), it became obvious that the use of supra-modern technology and manufacturing processes was a condition sine qua non if competitiveness with other potential sources of primary energy is to be achieved and maintained.

The installation costs are still too high at present, being about triple that of conventional installations for interior heating, double where hot water is concerned and one-and-a-half-fold with regard to swimming pools.

Due to the relatively short duration of sunshine in the Federal Republic of Germany, this country will primarily make use of flat collectors which operate even in diffused light conditions and which can meet up to 50 per cent of the heat requirements of a family home.

Polls conducted by DGS, in the course of which this country's most important manufacturers in this sector were interviewed, showed that the hitherto manufactured collectors, amounting to 50,000 square metres, are virtually all of the so-called flat collector type.

Prices per square metre range (depending on type, material and technical features) between DM200 and DM400. But simple collectors made of plastic, which have been successfully used for the heating of swimming pools, can be had for as little as DM60 per square metre.

In our latitudes, the use of thermal solar energy power stations will—if at all—be feasible to a limited extent only. This is due to the fact that such power stations, which operate by means of concentration collectors, depend entirely on adequate and direct sun rays.

In this connection it was pointed out at the Hamburg forum that the large solar towers which are under construction in the United States will provide electricity to the tune of between 100 and 300 megawatts in the eighties.

Compared with the American scheme, the concepts of German companies (among them B. Dornier, MAN, Messerschmitt-Bölkow-Blohm) seem rather modest. Their mini power stations for export—as for instance to Egypt and India—would be providing electricity in the kilowatt range.

They will initially be tested in countries amply endowed with sunshine, and only once these tests have been successfully completed will they be built in larger versions of up to 100 megawatt each, thus leading to complete independence from conventional fuel in the electricity sector.

In order to promote a rapid expansion in the use of solar energy (says Matthöfer: "We must start somewhere") the Government has decided to contribute its share.

As the research minister pointed out in connection with the presentation of a "Four Year Plan for the Promotion of Technology for the Use of Solar Energy" at the end of September, the Federal Republic of Germany, too, should be able to profit from this source of energy. The Government has earmarked DM229 million for this programme, 30 million of which will be used for solar installations in newly-erected buildings owned by the Federal Government.

Herr Matthofer also drew attention to the subsidies that are available to solar technology. These subsidies fall in the category of promotion of investments for the saving of heating energy.

The subsidies allocated by the Cabinet amount to 20 per cent of total investment costs. Moreover, planning regulations which are at odds with the use of solar energy are to be reviewed in order to avoid difficulties in the installation of the necessary equipment.

Some of the manufacturers of prefabricated housing have already adapted to the new situation. One German company offers the first prefabricated houses with a multiple heating system.

* * * * *

This multiple heating encompasses as its sources of heat the earth, water and air by means of heat-exchange pumps, solar collectors and a gas boiler.

The company describes the system as follows: "In order to make use of the earth's heat, we install some 300 to 650 metres of copper piping (depending on the size of the house) about 1.5 metres underground. A refrigerant circulating in the piping withdraws stored solar heat from the soil and the water in it. By means of a heat-exchange pump, this heat is then raised to a usable level. The principle of the heat-exchange pump is similar to that of a refrigerator: the pump withdraws the heat from the soil and conveys it to the water to be heated.

"High performance collectors with an area of between 10 and 15 square metres additionally tap the sun directly. An automatic regulator provides for the optimal use of all these converging sources of heat. Excess heat is stored in a boiler for future use."

The 50,000 square metres of collector area at present installed in the Federal Republic of Germany save between three and five million litres of heating oil per annum.

If the expansion of the solar market continues—and there is much to indicate that it will—it should be possible to sell about 500,000 square metres of collector area next year and several million square metres in the eighties. In that case the saving in primary energy would make itself really felt in the energy balance sheet.

According to one expert, solar energy must amount to a ten per cent share of the total energy consumption in the Federal Republic of Germany lest a major energy crisis paralyse our economy.

Twenty years ago, when oil heating began, there were initial difficulties and obstacles similar to those with which we are faced today with regard to solar heating.

Experts are convinced that in ten years at the latest solar energy as an additional source of heat will be taken for granted without further discussion.

SHIRKING OUR RESPONSIBILITIES

HON. LEON E. PANETTA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, November 4, 1977

Mr. PANETTA. Mr. Speaker, I have not spoken on the floor on this issue before, out of respect for the very deeply held views of Members on both sides of the question. I do not doubt the sincerity of either side. It was my hope that the spirit of reasonable compromise that so often prevails in the Congress would prevail here and would allow us to come to an agreement on this issue.

I feel impelled to speak today because it has become apparent to me that that spirit has been lost. The Senate and House conferees seem to be irrevocably at odds. Opposing sides in this House cannot or will not agree. We are shirking our responsibilities through adopting continuing resolutions over and over again.

The tragic death of a young women in Texas who sought and received a back-alley abortion in Mexico has been discussed a great deal here today and in the past week. It is only one incident, of course, and it alone should not guide our actions today. But I think the underlying reason why Members on both sides of the issue have focused on that incident so much is it reveals a basic truth about this and similar issues—no matter how much we want to or how well-intentioned we are, we cannot legislate morality. We can pass all the Hyde amendments we want to and women will still have abortions. Rich women will have safe ones, poor women will have unsafe ones and some will die.

No one here likes abortion; that is not the issue. The issue is first how do we at least protect those who choose abortions? We do that by insuring that every woman can have the resources to receive a safe abortion. On a longer-range basis, we do that by education, by teaching methods of contraception and by making them widely and cheaply available. We do that by providing care and facilities for women to bear their children if they so wish.

I do not think anyone disagrees with my second point, but of course they do about the first. But how can we say we will be caring and humane to women only if they choose to bear their unwanted children, but not if they choose to have an abortion, as many of them will. I think that is inconsistent and cruel.

I have made my points with respect to the issue facing us today. There is also a larger question here. We have debated this question for months now. By trying to decide a highly controversial public issue with a gun to our heads we have made a mockery of the legislative process in the eyes of the public. I do not think at this point that we can separate out the Labor-HEW funds from the abortion question; each Member's votes on these two things are inextricably linked at this point.

However, we must act to see that the same situation does not recur next year, as it is otherwise bound to do. Mr. Speaker, this year has seen perhaps a record number of major public policy issues thrashed out during floor consideration on budget resolutions and appropriations bills—HEW, the B–1 bomber, the breeder reactor, water projects, the list goes on and on.

Certainly it is the role of the Congress to arrive at a consensus on these issues and to articulate the questions involved. But is it really part of the legislative process to spend hours, days, and sometimes weeks thrashing out complicated issues in an up-or-down, yes-or-no environment, where people get locked into symbolic intransigent positions? I do not think so. The committee system is the place for the timely consideration of these issues, not the budget or appropriations bills.

If we come away from this painful experience with even a little awareness of the fact that we cannot legislate others' morality and that we cannot settle controversial moral issues by rollcall vote, we will have gained a great deal.

ATLANTIC UNION'S CLARENCE STREIT HAILED AS "CONSERVATIVE"

HON. PAUL FINDLEY

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Friday, November 4, 1977

Mr. FINDLEY. Mr. Speaker, no one has worked longer, harder, or more persistently in the cause of world peace than Clarence Streit. He is without question one of the towering intellects of our age, the original exponent of extending the genius of the American Federal system to preserve and strengthen Western civilization. Recently those who know him best from Missoula, Mont., his hometown, reflected upon his remarkable career in an editorial in the Missoulian, which I would like to include in the CONGRESSIONAL RECORD at this point:

CLARENCE STREIT KEEPS THE FAITH

A touch of bitterness but no sense of lost purpose marks Clarence Streit today.

Streit, a former Missoulian who has worked most of his adult life to achieve a federal union of the Atlantic democracies, faults the press for publicizing radical dissent but neglecting those who have persistently and patiently sought for decades to put across their ideas, without sensational tactics.

He has a good point. If he and his wife chained themselves to the White House fence, they would garner themselves and their cause considerable attention. Instead, they have pursued Atlantic union with a careful, lawful, step-by-step approach. Their reward is neglect, even of their successes.

The mental picture of the elderly, gentlemanly, very conservative Clarence Streit engaging in civil disobedience to foster his

cause is a thought worth treasuring. That is his bag about as much as Ernie Shavers' gig is classical Chinese poetry.

For he is very conservative. Atlantic union sounds radical because it would mean welding the western democracies into a single nation, and the dark cry of "sacrifice of sovereignty" to foreigners would ring across the land.

But Streit defends it, as he has defended it for more than 35 years, on conservative grounds. Listen:

The 13 colonies too were tied in knots by the sovereignty issue. When they chucked it and united under the Constitution, capitalism flourished. The people prospered and were free. An Atlantic union would produce the same results.

Communist doctrine is that the capitalist countries will quarrel and destroy themselves, and communism will succeed. Atlantic union "would have a bewildering effect upon Moscow," Streit told The Missoulian during a recent visit here. It would draw the democracies together in a solid front, confounding the doctrine of mutual destruction.

President Carter is right to stress human rights issues raised as a result of the Helsinki accord with the Soviets. He is wrong to talk about arms control strictly in terms of limiting numbers of this or that death-dealing weapon.

Why? Because number limits on weapons were tried after World War I and failed. Because dictators can conceal—and can be expected to conceal—war preparations and weaponry.

Dictators can deceive because of one salient factor: They are not responsible to their people. Only free people—people possessed of basic human rights—can provide effective checks upon a leadership dallying with the thought of launching war.

That is why, Streit says, the President should firmly inject the subject of human rights in the strategic arms limitation talks (SALT) due to resume soon. Human rights are the best device to check irresponsible leaders. Without rights, limiting numbers of weapons has little value.

"A government that is deceitful and ruthless toward members of its own party is not going to be less deceitful and ruthless toward foreign nations," Streit wrote in his organization's magazine, "Freedom & Union," earlier this year.

Streit's stand is conservative, his devotion to Atlantic union complete. His patience is thinning, but remains strong.

"We'll get there," he said, "but in the Lord's own time."

THE FIRST ANNIVERSARY OF THE MICHIGAN GAZETTE

HON. DALE E. KILDEE

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Friday, November 4, 1977

Mr. KILDEE. Mr. Speaker, in a time when few newspapers seem to be starting up but are instead going out of business or being bought out, I want to bring to the attention of my colleagues in the House of Representatives the successful completion of the first year of publication for a weekly newspaper in my district, the Michigan Gazette. This newspaper has a circulation of about 13,500, and is circulated in both Flint and Saginaw, serving the black community in particular of each city as well as the total communities. The first issue of the Michigan Gazette was on October 6, 1976, and its first anniversary celebration will be this weekend. I want at this time to pay special tribute to the efforts of the newspaper's two copublishers who made the paper possible, Norris Toney and Wilbert Jarrett. Both are natives of Flint, and deserve a great deal of credit for their successful publication.

FEDERAL GRANTS—A PROPOSED HEARING

HON. MAX BAUCUS

OF MONTANA

IN THE HOUSE OF REPRESENTATIVES

Friday, November 4, 1977

Mr. BAUCUS. Mr. Speaker, I would like to bring to my colleagues' attention a dilemma with our Federal grants system. Federal moneys—our taxpayers' dollars—are being spent carelessly and disproportionately on our Nation's needs.

The Federal grants system has become so involved and complicated that a specialized staff is required by a State or community to read and comprehend all the fine print that goes into preparing an acceptable grant proposal. Many States and communities—particularly in the sparsely populated Rocky Mountain West—cannot afford the "luxury" of such highly trained specialists and consequently are deprived of their fair share of Federal grant moneys.

Such is the case in Montana. And it is a shame. Because many Montana rural towns desperately need Federal moneys to upgrade their school facilities, or to provide essential community services, or to help family farmers and ranchers stay in business while competing with large agribusiness corporations.

As for our Montana cities, they also are facing problems in supplying services to their communities. There is a need for Federal moneys to alleviate unemployment, to operate senior citizens centers and to aid their hospitals. The list goes on.

Yet, Montana cannot afford to expend money to hire a phalanx of Federal grant researchers. Neither can we afford to miss the opportunity to partake in the Federal grant system.

A DESCRIPTION OF THE PROPOSED CONFERENCE

I propose to help alleviate this "catch 22" situation by sponsoring a Federal grants seminar. Together we will seek to identify solutions to our grantsmanship handicaps. Hopefully, this conference will both benefit the citizens of Montana and provide usable suggestions and ideas to the Federal agencies for improvements to their administration of grant programs.

For Montanans, this conference will provide information required to deal with the Federal grants system. It will answer the questions of what grants are available to State, county, and community levels and how to apply for them.

Thousands of grant applications are submitted to Federal agencies annually and only a relatively few are selected. This raises a number of significant questions for Montanans: First, what makes some grant applications more "attractive" than others? Second, what is the process that these Federal agencies use to select the grantees? Third, how can a small Montana community bring to the attention of the Federal bureaucracy a need that exists in their community? These questions will be addressed at this conference.

A LIST OF INVITEES

Grantmanship will be extensively covered in the conference. We are inviting expert grantsmen to attend this meeting to inform Montana citizens on all aspects that deal with grants. Representatives will be there from the Federal agencies describing their programs and eligibility requirements. Also private organizations will be represented by experts who are familiar with the problems and needs of communities and are also familiar with the problems and needs of these Federal agencies.

Representatives from HEW, HUD, Agriculture, and Commerce and other Federal agencies will also be available for questioning.

The public will be welcome at the conference. Specifically, we are inviting all concerned Montanans including city and county officials, State legislators, representatives from State departments and agencies and interested Montana organizations.

We are aiming to provide a productive forum where ideas and information will be offered and accepted by the conference speakers and Montana citizens. Changes need to be made and channels opened to fully provide for the services that the Federal Government offers her people. This conference is a step in that direction.

Mr. Speaker, I would be honored to supply my colleagues with more information on the agenda and implementation of this conference.

Also, I look forward to presenting the results of the hearing portion of the conference to the various congressional committees and departments with jurisdiction over their respective grant programs.

PAUL BOLOCK RETIRES

HON. DOUGLAS APPLEGATE

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Friday, November 4, 1977

Mr. APPLEGATE. Mr. Speaker, it is not often that one has the opportunity to honor an individual in the manner which presents itself today.

A constituent and personal friend of mine, Mr. Paul Bolock, recently retired as village treasurer of Tiltonsville, Ohio, after 30 years of dedicated and loyal service to that community.

Mr. Bolock has served well over the years and is to be commended for his service. He has demonstrated the type of concern for both his position and the village that is certainly to be recognized.

Mr. Speaker, I know I speak for the entire community of Tiltonsville in thanking Mr. Bolock for his service and in wishing him health and happiness in the future.

HOUSE MUST ACT ON PANAMA TREATIES

HON. GEORGE HANSEN

OF IDAHO

IN THE HOUSE OF REPRESENTATIVES

Friday, November 4, 1977

Mr. HANSEN. Mr. Speaker, the House of Representatives is the grassroots voice of the people of the United States. A President can be appointed. A Senator can be appointed. But a Member of Congress must always be elected.

Therefore, it is not only constitutionally necessary that the House act on the proposed Panama Treaties under the authority of article IV, section 3, but it is democratically necessary that the House should act on this matter of such importance involving the economic and national security interests of this Nation to truly manifest the will of the people.

To assure the input of the people, I have introduced legislation, House Concurrent Resolution 328, which expresses the sense of the Congress that any right to, title to, or interest in the property of the United States located in the Panama Canal Zone should not be conveyed, or disposed of to any foreign government without specific authorization by an act of Congress which involves the House as well as the Senate. This resolution now has 160 cosponsors representing 44 States and it appears that we will soon have over half the Members of the House on record demanding adherence to the Constitution with regard to consideration of the Panama Canal Treaties.

In addition, Mr. Speaker, in order to absolutely have the will of the people known on this vital issue concerning the Panama Canal, I have also introduced legislation, H.R. 8958, to establish a national referendum concerning the proposed Panama Canal Treaties to be a part of the 1978 general elections. The bill calls for Congress to be guided by the results of the said advisory referendum in making their decision on the treaty. This then would doubly guarantee the will of the people by involving their grassroots voice in government, the House of Representatives, and knowing their specific mood on the issue itself.

Mr. Speaker. to further support my premise, I include an Associated Press article from the Washington Post of November 4, 1977 reporting the expert testimony of Dr. Raoul Berger, retired Harvard law professor, before the Senate Subcommittee on Separation of Powers:

TWO-HOUSE APPROVAL SEEN NEEDED ON PANAMA PACTS

A constitutional authority who supports the Panama Canal treaties said yesterday that President Carter must obtain approval from both houses of Congress for the agreement to be ratified.

"It cannot be done without the consent to the House," retired Harvard Professor Raoul Berger said in testimony before a Senate subcommittee on separation of powers.

Conservative opponents of the pacts such as the subcommittee chairman, Sen. James B. Allen (D-Ala.), say the Constitution requires that both the House and Senate approve any disposal of federal property.

The critics believe there may be more opposition in the House than in the Senate to the agreement. It would return the Canal Zone to Panama after the year 2000 and, according to the Carter administration, would give the United States the right to defend it in perpetuity. There are two treaties but they are considered indivisible.

Attorney General Griffin B. Bell has testified that based on the precedent of treaties signed to obtain Indian lands, there is no constitutional requirement for formal House approval of the agreement.

But Berger said Article IV of the Constitution, giving Congress the power to dispose of property, must take precedence over the authority given the President to negotiate treaties with other nations.

As a constitutional expert, Berger often voiced during the Watergate scandal criticism of President Nixon's theories of executive privilege.

"Long experience has led me to be skeptical of arguments by representatives of the Executive Branch when they testify with respect to a dispute between Congress and the President," Berger said yesterday.

He urged that Congress insist that a provision he added to the treaties requiring approval by both the House and Senate.

"No agent of the people may overleap the bounds of delegated power," Berger said.

"I would remind you that congressional acquiesence encourages solo presidential adventures such as plunged us into the Korean and Vietnam wars," he added.

FULL EMPLOYMENT

HON. HAROLD E. FORD

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Friday, November 4, 1977

Mr. FORD of Tennessee. Mr. Speaker, I rise today to comment on one of the most important issues to be decided by the 95th Congress. The "Full Employment and Balanced Growth Act of 1977" (H.R. 50, S. 50) known as the Humphrey-Hawkins bill is as important now as when it was first introduced in the 93d Congress. A few statistics should be enough to convince most people that unemployment in general and among minorities in particular is a continuing problem. In September of 1977 the unemployment rate for all groups was 6.9 percent. The same period saw an unemployment rate for minorities of 13.1 percent, and for youth, 18.1 percent. Minority youth unemployment is an incredible 37.4 percent. My own State of Tennessee is a particularly striking example of the selective nature of unemployment. In 1976 total unemployment was 4.6 percent. However, minority unemployment was 13.6 percent, and youth unemployment was 20 percent.

The Humphrey-Hawkins bill is designed to be a comprehensive program rather than a series of stop-gap measures that have proved so ineffective in the past. The bill declares the right of all adult Americans who are able and willing to useful employment at fair rates of compensation.

In moving toward full employment the Federal Government is not expected to supply the bulk of jobs, but, rather to supply an economic atmosphere conducive to balanced growth so private enterprises will hire the majority of the unemployed. The Federal Government will be prepared to be the employer of last resort in order to meet the goals of 3 percent unemployment within 4 years of the enactment of the bill.

It has been charged that a devastating inflation rate will be the result of full employment. To deal with this the act has provided for various anti-inflation devices including full production goals and full purchasing power goals.

Much has been written about the economics of full employment, but very little has been written about the underlying social and moral issues involved. The caprices of our economy have caused some groups to be labeled unhirable and untrainable. Yet, during a tight job market these same groups become both hirable and trainable and a valuable productive part of society.

With a full-employment bill, such as the Humphrey-Hawkins bill, the hirable and trainable will become utilized at all times not just at the whims of our present economic system. Without a full employment bill a terrible waste in productive power will result.

Unfortunately, Mr. Speaker, the administration has not yet seen fit to endorse the views I hold. I am confident, however, the administration will soon come up with an acceptable jobs program, which will address the concerns I have raised.

THE PRESIDENT'S SALT II DILEMMA

HON. ROBERT J. LAGOMARSINO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, November 4, 1977

Mr. LAGOMARSINO. Mr. Speaker, I would like to bring to the attention of my colleagues the following column by Messrs. Evans and Novak on the SALT negotiations. Their statements raise some very serious questions about SALT.

I am dismayed by the manner in which the Carter administration has handled the entire question of arms negotiation. I strongly believe that the President has seriously jeopardized the American bargaining position. The result seems to be that the United States has clearly given up more than it has received in the negotiations with the Soviet Union.

(By Rowland Evans and Robert Novak)

THE PRESIDENT'S SALT II DILEMMA

A collision last month behind closed doors between Secretary of State Cyrus Vance and a Senate subcommittee poses a SALT dilemma for President Carter that could dwarf other difficulties.

Vance's performance before the Armed Services subcommittee headed by Sen. Henry M. Jackson (D-Wash.) bordered on the disastrous. No master of the subject, the Secretary could not reassure the senators about new U.S. concessions in strategic arms limitation talks with the Soviet Union. Not only did this clarify Jackson's role as a nearly certain opponent of a SALT II treaty (in alliance with conservative Republicans), but moreover some fence-sitting Democrats joined him.

The result: SALT II is not merely "in trouble," as the White House concedes, but surely would fail ratification in the Senate today. Since nobody believes the Russians will retreat on issues tentatively decided at

Geneva, it is impossible now to renegotiate a treaty more to the Senate's liking. So, the apparent alternative to defeat in the Senate is for the President to put SALT on the shelf for now.

But to do that, Carter would have to renege on his promise, made on the political barnstorming trail last month, of a SALT II agreement within weeks. Besides, his national security advisers believe reason and approval will ultimately come in the Senate. Obviously, the White House has no conception of the mood on Capitol Hill.

But Vance has. "I was amazed how tough, really brutal, Scoop [Jackson] was on Vance," a Republican on the subcommittee told us. Conservative Republican senators who had feared that Jackson would bow to party loyalty and support the treaty were reassured.

Jackson was not the only Democrat to upbraid Vance. Georgia's Sen. Sam Nunn tongue-lashed Vance for avowed ignorance of an alleged U.S. offer to renounce the neutron bomb. Nunn lectured the Secretary of State that he should know, even if he does not know.

Sen. John Glenn of Ohio, no hardliner in the Senate, assailed inadequate verification of Russian compliance with SALT II. Unless he can be satisfied, Glenn will be another Democrat voting against the treaty.

Only a few such Democrats are needed to reach the 34 votes required to reject the treaty in light of heavy Republican opposition—perhaps 28 out of 38 Republican senators.

The elusive Senate Republican leader, Howard Baker, has signaled which way he is going by signing up Dr. Fred Ikle, who as U.S. disarmament chief battled Secretary of State Henry Kissinger over arms control at the end of the Ford administration. In the October issue of Fortune, Ikle argues against arms control "at the price of jeopardizing the nation's independence and future"—a theme expected in a forthcoming speech by Baker.

To convince senators that U.S. concessions at Geneva do not actually endanger the nation's future, a virtuoso performance by Vance before the subcommittee was needed. It was anything but that, as seen by Vance's response to this question: Will the SALT II limit of 800 multiple-warhead intercontinental ballistic missiles insure survival of U.S. Minuteman missiles?

Yes, said the Secretary of State, a "study" proves it. Jackson directed Vance to supply it. But at the next hearing, Vance confessed there is no "study"—only separate "assurances" about the Minuteman. All right, said Jackson, bring those in. Vance agreed, but Jackson will have a long wait; reliable Pentagon sources say no such "assurances" exist.

Meanwhile, Soviet negotiators at Geneva provide no help. Administration officials months ago confided to senators they had a loophole: the 600-kilometer limit on ground-launched and sea-launched cruise missiles would not apply if these weapons were tested from planes. Predictably, the Russians found the loophole and are demanding that the 600-kilometer limit apply to such missiles, no matter how they are tested.

If the United States accepts this demand, heartsick middle-level officials at the Defense Department are poised to go public against SALT II. The President's escape hatch would be to throw up his hands at Soviet intransigence and recess negotiations.

This is precisely what would have been expected early this year when Carter was talking tough on SALT. But defense experts who had hoped for so much from him now fear Jimmy Carter is a utopian disarmer, more William Jennings Bryan than Richard B. Russell. How he handles his SALT dilemma will determine whether these fears are realized.

CONSTITUTIONALITY OF LEGISLATIVE VOTE

HON. ELLIOTT H. LEVITAS

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Friday, November 4, 1977

Mr. LEVITAS. Mr. Speaker, on the day before yesterday the House passed a resolution (H. Res. 884) authorizing the House Administration Committee to retain counsel to intervene in the case of Atkins against United States which involves the question of the constitutionality of the one-House veto in the Federal Salary Act. The Department of Justice in this case has refused to defend this provision of the Federal Salary Act, a statute validly passed by Congress. Consequently, it has become necessary for the House to obtain its own counsel to present its position to the Supreme Court on this issue.

Today, I noted in the October issue of the American Bar Association Journal an article by Arthur John Keeffe regarding the constitutionality of the legislative veto. Mr. Keeffe asks the question,

If the legislative veto is so invalid, one might ask, why haven't the courts declared it so?

Indeed, why not? Perhaps the answer will come from the *Atkins* case.

I have excerpted Mr. Keeffe's article and commend it to the attention of our colleagues.

THE LEGISLATIVE VETO: NOW YOU SEE IT, NOW YOU DON'T (II)

(By Arthur John Keeffe)

The legislative veto, sometimes called the congressional veto, stands the Constitution on its head, according to some critics who believe that it is unconstitutional. What they mean is that under the legislative veto the president or an independent administrative agency proposes what amounts to legislative action, and the Congress has the chance to veto it. And if it does, the president doesn't have a chance to veto the veto because Congress acts by a form of resolution that isn't passed on in the normal course to the president for action.

A lot of people, including respected constitutional scholars, contend that the legislative veto violates various provisions of the Constitution and the principle of separation of powers. Presidents don't like it; when he signed the Federal Election Campaign Act Amendments in 1976, President Ford instructed his Justice Department to test the constitutionality of a provision in those amendments that gives Congress the chance to veto administrative regulations of the Federal Elections Commission. I don't know what's happened to the challenge since President Carter has taken over. He had to accept a legislative veto provision, as have all presidents since the early 1930s, to get passage of the Reorganization Act of 1977.

If the legislative veto is so invalid, one might ask, why haven't the courts declared it so? The truth is that the validity of the device is one of those questions the Supreme Court has ducked. It did so last year when it held large chunks of the Federal Election Campaign Act unconstitutional in *Buckley* v. *Valeo*. 424 U.S. 1, although Justice White, speaking in a concurrence, stated that the legislative veto in that act was valid. The Court avoided the issue again this year when in *Clark* v. *Kimmitt*, 97 S. Ct. 2667, it found Ramsey Clark's challenge of the election act not ripe for adjudication. The closest the legislative veto has come to biting the dust is the three-judge dissent registered last May in *Atkins* v. *United States*, 556 F.2d 1028, by a minority of an *en banc* United States Court of Claims.

DON'T PREDICT THE COURT

Of course, one should never predict what the Supreme Court will do if and when it comes to rule on the reorganization type of veto, but there is a better than even chance that the Court will uphold it. But the more one studies legislative vetoes, the more convinced one is that there is a vast difference among these vetoes. One may be constitutional; another may not.

Take the one-house veto in the so-called Federal Salary Act of 1967 (2 U.S.C. § 352 et seq.). If the quadrennial Commission on Executive, Legislative, and Judicial Salaries is constitutionally organized, there should be no trouble in upholding the one-house veto provision (2 U.S.C. § 359(1)(B)) in the act. Just as the Reorganization Act does, the Salary Act contemplates that the salary commission, the president, and Congress will work together in fixing the salaries of members of Congress, the federal judiciary, and executive department employees.

The commission makes its salary recommendations to the president, who then transmits them to Congress, changing them as he may wish. The president's recommendations automatically go into effect at the end of thirty days unless "there has been enacted into law a statute which establishes rates of pay other than those proposed by all or part of such recommendations," or—and here comes the neat legislative veto—"neither house of Congress has enacted legislation which specifically disapproves all or part of such recommendations."

There have been three different lawsuits in 1976 and 1977 with respect to the Salary Act.

140 FEDERAL JUDGES SUE

A third piece of litigation consists of three suits in the United States Court of Claims brought by 140 federal judges, whose chief counsel is former Supreme Court Justice Arthur J. Goldberg. Count I claims that the denial by Congress of the pay raises recommended by President Nixon in 1974 diminishes the judges' pay in violation of Article III of the Constitution. Count II attacks the one-house veto. The Senate, acting alone by Senate Resolution 293 on March 16, 1974, disapproved the president's recommendations. The judges contend that this legislative veto provision is unconstitutional and but for the Senate's unconstitutional exercises of power the pay raise would have gone into effect.

On May 18 the Court of Claims (556 F. 2d 1028) dismissed Count I of the judges' suit by a vote of six to one, but it managed to dismiss Count II by a narrow four-to-three vote.

The court points out that under the veto statute the recommendations of the president go into effect unless neither house by "legislation" specifically disapproves "all or part." It interprets "legislation" to mean a one-house resolution of disapproval. Because the Senate resolution of March 16, 1974, disapproved the president's salary recommendations "in toto," the court confines its decision to that kind of resolution, thereby avoiding any discussion of a veto that disapproves only in "part."

Along the same line the court confines its opinion to the legislative veto as it appears in the Salary Act and does not consider an across-the-board veto as in the Election Act.

The court goes on to say that the Salary Act represents "legislative" power—the power of the purse. It defends the concern of Congress about the relationship of its own pay to the pay of judges and government employees, and it argues that were Congress not

to keep control of salaries, the legislation might be held to permit an unconstitutional withdrawal of money from the Treasury without "appropriations made by law" (Article I, Section 9).

The three dissenters marshaled the arguments that numerous people, including presidents, have made and protested that the Salary Act's one-house veto is unconstitutional because it violates Article I, Section 1, vesting legislative power in Congress, not in one house; Article I, Section 7, clause 3, which reserves to the president the power to veto "every order, resolution, or vote to which the concurrence of the Senate or House of Representatives may be necessary"; Article II, Section 1, which vests executive power in the president; and the doctrine of the separation of powers.

One can see that under the structure established by the Reorganization Act and the Salary Act both the president and Congress play significant roles. There is a day-and-night difference between the legislative vetoes in these acts and the one found in the Federal Election Campaign Act. The president doesn't have a role under the last act, which tells the Federal Election Commission not to put a single rule into effect without reporting it to Congress and allowing thirty legislative days to pass. If either house passes a resolution of disapproval during that period, the affected rule or rules will not go into effect.

LEGISLATIVE VETO STANDS

After the Supreme Court's decision in *Buckley* v. *Valeo*, Congress amended the act to permit the president to appoint members of the F.E.C. but allowed the legislative veto to stand. To test the constitutionality of this, in July of 1976 Ramsey Clark, who was a candidate for nomination for United States senator from New York, instituted a suit in the federal district court in the District of Columbia for a declaratory judgment.

The case was argued simultaneously before the United States Court of Appeals for the District of Columbia Circuit and a three-judge district court. On September 3, 1976, the district court certified five questions to the court of appeals.

But on September 14 Mr. Clark was defeated in the Democratic primary by Pat Moynihan. He was no longer a candidate. Then there was the matter of rules for the F.E.C. The commission, as reconstituted after *Buckley*, published proposed regulations for comment on May 26, 1976, and transmitted them to Congress on August 3. But the lawmakers adjourned for the election campaigns on October 1 before the regulations had lain before Congress for thirty legislative days.

When the District of Columbia Circuit decided the case on January 21, 1977, the majority of the en banc court held that the questions presented by Mr. Clark's suit were not "ripe," and for that reason the court did not reach the merits of the one-house veto provision.

"As to plaintiff Clark," the per curiam majority opinion said, "we are hard put to find any ripe injury or present 'personal stake' in whether or how the rules, regulations, and advisory opinions of the commission are reviewed by the legislature. Any ripe nexus arising out of Clark's position as a senatorial candidate vanished when he failed of nomination. As a voter, Clark protested no specific veto action taken by the Congress and identified no proposed regulation tainted by the threat of veto on review."

ELECTION ACT STANDING

On the question of standing, the Election Act itself provides that "any individual eligible to vote in any election for the office of president of the United States may institute such actions in the appropriate district court of the United States, including actions for declaratory judgment, as may be appropriate to construe the constitutionality of any provision of this act." The act also directs district courts to certify immediately "all questions of constitutionality of this act to the United States Court of Appeals for the circuit involved, which shall hear the matter sitting *en banc*." The district court had certified five questions, none of which the court of appeals answered.

In *Buckley* v. *Valeo* the Supreme Court left open the question whether the form of legislative veto in the Federal Election Campaign Act is constitutional. But Justice White muddied the waters somewhat by stating in a concurring opinion that for an F.E.C. regulation "to become effective neither house need approve it, pass it, or take any action at all with respect to it. The regulation becomes effective by nonaction. This no more invades the president's power than does a regulation not required to be laid before Congress. . . . I would not view the power of either house to disapprove as equivalent to legislation or to an order, resolution, or vote requiring the concurrence of both houses."

When he came to write his strong dissenting opinion in the District of Columbia Circuit in the Clark case, Judge MacKinnon was as perplexed by Justice White's statement as the rest of us. The way Judge MacKinnon sees it, this statement ignores the "actual situation created in Congress" by the legislative veto provision of the Federal Election Campaign Act, and he went on to elaborate what is the actual situation:

(1) In congressional practice, for an F.E.C. regulation to become effective "both houses must approve it by voting not to veto it."

(2) That is the legislative equivalent for that house of "passing" legislation.

(3) To state that a proposed regulation may be become effective without either house taking "any action at all with respect to it," to use Justice White's words, is to assume that Congress will act irresponsibly and fail even to consider regulations embodying "rules of law" that Congress has required by statute to be submitted to it subject to "appropriate action."

CLARK APPEALS

Ramsey Clark appealed the decision to the Supreme Court. The election act provides for an appeal within twenty days from "any decision on a matter certified." The problem was that the court of appeals had not answered any of the questions certified by the district court, and Mr. Clark did not appeal the district court's order of dismissal.

To make matters worse, the Department of Justice, which had entered the Clark case and which in the judges' case had conceded the unconstitutionality of the legislative veto provision in the Salary Act, chose not to appeal.

The solicitor general argued that the Court should not take the case even if it were technically appealable under the act. For this he cited Justice Brandeis's opinion in *Ashwander* v. *Tennessee Valley Authority*, 297 U.S. 288 (1936), and its rules for ducking issues. In fact, Brandeis even contended that the "fact that it would be convenient for the parties and the public" to have a prompt decision on the constitutionality of a particular piece of legislation should "deepen the reluctance of courts to entertain" constitutional challenges.

COURT DISMISSES APPEAL

The Supreme Court bought the "ripeness" argument, and on June 6 it affirmed the court of appeals' dismissal (97 S. Ct. 2667). Three of the justices (Blackmun, Rehnquist, and Stevens) would have dismissed the appeal for want of jurisdiction and, treating the papers as an application for certiorari, would have denied that. It may be that Ramsey Clark technically didn't have an appeal under the election act, but it is clear that the Supreme Court could have taken the case by way of certiorari.

When, if ever, will the Supreme Court resolve the issues raised by the legislative veto?

(NOTE.—This is the second of two articles on the legislative veto. The first appeared in the September issue, page 1296 of the American Bar Association Journal.)

EDUCATION AND UTILIZATION OF MEDICAL MANPOWER IN CARE FOR THE ELDERLY—THE ROLE OF ALLIED HEALTH PERSONNEL

HON. CLAUDE PEPPER

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Friday, November 4, 1977

Mr. PEPPER. Mr. Speaker. I have shared with my colleagues portions of a paper prepared by Ms. Beth Schermer regarding the education and utilization of medical manpower in care for the elderly.

In the final portion, Ms. Schermer discusses the role of allied health personnel—nurses, aides, orderlies, attendants and others—in long-term care. The need for expanded training, enhanced roles, and for policies which offer career advancement for less skilled personnel is discussed in this section.

The observations included in this paper deserve careful consideration, and I therefore request unanimous consent that it be included at this point in the RECORD.

ROLE OF ALLIED HEALTH PERSONNEL

Allied health personnel—nurses aides, orderlies, and attendants—constituted 42% of all nursing home employees in 1973.[21] These aides provide most of the direct care offered in nursing homes. In the home, an estimated 60,000 homemaker-home health aides assist the elderly in day to day activities.[22] The skills of a trained nurses aide are well suited to the nature of long term care, yet few aides view their position as a career possibility. An efficiently organized system of long-term care would have to include expanded roles and education for relatively unskilled labor—a balance which would benefit both patient and aide.

The poor use of allied health workers in the nursing home industry reflects a situation endemic to the health industry:

"There is no uniform pattern in the industry of hiring, training, or promoting. Hospitals have not moved to correct high turnover rates, job dissatisfaction, low wage scales, and limited upward mobility."[23]

Both nursing homes and home health agencies provide in-house training for aides, training which varies in scope and length from institution to institution. Women and blacks predominate in the ranks of aides, and working conditions are generally poor. In 1973, wages of nurses aides averaged between $1.75 to $2.25 an hour, and fringe benefits were negligible.[24] Federal funding has not answered either training or salary needs; of the $2.4 million allocated for the training of nursing home personnel in 1975, the majority of this money was directed to major professional organizations.[25] No major training program was organized for aides and orderlies who provide extensive patient care. A Federal policy endorsing low expenses in nursing homes must be willing to accept the consequences of its actions. Hiram J. Friedsam has observed, "... nursing homes

Footnotes at end of speech.

are paid to provide little care and then are condemned for providing so little." [26]

Currently, the position of nurses aide carries little potential for career advancement. The hierarchical career ladder is usually geared toward academic achievement rather than on-job experience, and few aides working at minimum wage in order to support families have the time, money, or opportunity to advance in this manner.

Constant attendance to the elderly patient's welfare and comfort is a psychologically and physically draining task; the nurses aide provides care which is "intimate, hard, and dirty." [27] Given low wages, poor working conditions, and minor opportunity for advancement, the nurses aide has little incentive to remain in his/her job other than for the satisfaction of providing a much-needed human service.[28]

All of these factors contribute to the turnover rate of 75 percent a year among nurses aides employed in geriatric care. Constant turnover endangers the quality of patient care and discourages high morale among staff. Little has been done to improve upon this situation; rather than gear work conditions toward an atmosphere benefitting both patient and institution, long-term care facility administrators have instead adapted their aide training programs to the expected high turnover. These programs, increasingly frequent and brief, cannot provide thorough training and orientation—and the cycle of low job satisfaction and high turnover is perpetuated. Only vigorous action in recruitment policy, training, work conditions and utilization can break this vicious chain:

"Since our funding frequently necessitates minimum wage standards for aides and since one may get what one pays for, it is important, if not mandatory, to set up standards that are not exploitive in nature and within the capabilities of the aides. A consistent, planned, and organized in service program is a must to provide continuing quality medical care. Improvement in . . . the quality of nursing care will result in decreased aide time and decreased costs as well as better medical care and that is our bottom line." [29]

Expanded recruitment activity could tap new manpower markets, bringing both the young and middle-aged of both sexes into the employment pool. Recruitment efforts should emphasize the multidisciplinary skills employed by the nurses aide during daily activity. High schools and social activity groups should be targeted as high potential areas for recruitment. Pending wage, condition, and career ladder improvements, publicity concerning the nurses aide's position should attempt to neutralize the current conception of aide as a poorly rewarded, dead end job. Both institutional and home oriented long-term care agencies have the opportunity to draw upon a wide segment of the area of social services. According to the White House Conference on Aging:

"Home maker-home health aides must be carefully selected, trained, and supervised, but they do not require extensive educational background and therefore, this vocation is proving to be a realistic choice for many educationally disadvantaged but capable individuals. Often these are middle aged or older women. The community stands to gain doubly from the service as previously unemployed individuals become self-sustaining." [30]

Vigorous recruitment, coupled with improved conditions, can further the position of nurses aide as a viable, career oriented job blending social and medical service.

Training for nurses aides must be multidisciplinary, encompassing the medical and social skills vital to primary patient care. Organizing the educational program for a job which offers a comprehensive, rather than functionally specific, service is difficult and will require a variety of instructors and subjects. Attitudes toward the elderly and the psychology of aging must be stressed as well as physical skills.

It is neither possible nor desirable for individual agencies to provide this intensive, in-depth training for nurses aides. Basic training should be removed from the individual institution, centralized and upgraded to a vocational level. The American Health Care Association's symposium on qualified personnel in nursing care recognized this need in their report:

"Training programs could be carried out through high schools, vocational schools, and community colleges. Federal and state funds should be sought to support nurse aide training programs. On a for-fee basis, community hospitals having established aide training programs could enlarge their training programs to include the training of nursing home personnel. The American Nurses' Association and the National League for Nursing should take responsibility for the training and on-going education of nurses aides as well as for licensed personnel." [31]

Centralized training programs should provide a core of needed skills and philosophy leading to certification as nurses aide.

Training courses should be compact and specific, combining work and study. Because individual institutions vary in procedure, additional training beyond the core program could be provided through in-service classes. In-service programs are also of value in keeping veteran aides current in nursing techniques and in providing incentive for the aide to approach her job with a professional outlook. Both of these factors, skill and attitude, will have direct impact upon the quality of patient care. Care must be taken to provide funding though stipends and scholarships for low income trainees who can only engage in future training by cutting their working hours. Work experience should be given increased value in the educational system.

Educational grants coupled with a personnel reorganization provide the foundation of a much needed career ladder for nurses aides:

"There are many people now working as aides who have been doing so for years with no opportunity for upward mobility. Federal legislation which proposes grants and loans to graduate students and researchers should also make provision for the training of persons now working in the field at lower levels with the goal of establishing career ladders. This would provide an incentive for persons to seek careers in health professions and would tend to reduce the rapid turnover of staff in hospitals and nursing homes." [32]

At present, the position of nurses aide is considered a "dead-end" job. A program providing for upward mobility, such as a work-study program upgrading the aide to LPN or medical-social worker, would cut turnover rates, improve patient care and result in efficient use of health manpower in meeting the needs of the elderly:

"Ways must be found to utilize more effectively those who already have allied skills. This investment in allied health manpower—a significant one for both society and the workers—tends to have a relatively low rate of return because few of the workers can use their experience and earlier training to advance to more skilled occupations." [33]

Present nursing hierarchy could be restructured to include new positions ranging from traditional nurses aide to skilled paramedic. Reorganization of this nature, however, will require full cooperation of physician, nurse, and allied health worker in order to open career lines. Physicians and nurses must be willing to delegate appropriate responsibility to aides; aides must demonstrate their ability to accept additional responsibility. The need for team cooperation cannot be underestimated, for, "More short-term training and higher pay for these people will not, of itself, improve patient care. Each member of the nursing team makes a contribution to nursing care, and, as with any team, each member is dependent on the other to achieve the goal—good patient care." [34] In addition, consumers must be educated to accept care offered by allied health workers.

The greatest challenge facing allied health workers will be to achieve new training programs, working standards, and career opportunities without creating professional blocks—jealousies and factionalism—which tend to isolate manpower resources rather than to unite them.

The field of geriatric medicine will require many changes in our present system of training and utilizing health care personnel. Action is imperative, for we are fast approaching the time when the needs of the elderly will overwhelm existing resources. It is not simply numbers which are at stake in this reform; we must strive to establish a high quality of care befitting our elderly—or any human being.

The following recommendations for the improved education and allocation of medical personnel skilled in geriatric care depend upon the cooperation and action of Congress and the medical, nursing, and allied health professions for their enactment and success.

Recommendations:

RECRUITMENT

A Manpower Data Center, providing a centralized listing of programs for training in geriatric care, as well as a listing of personnel available in the field, should be established within the Administration on Aging. The Data Center—as well as individual programs—should be publicized nation-wide in an effort to broaden the population's exposure to this field.

Funding for recruitment into geriatric care should be increased, in order to encourage the development of new programs as well as participation in these programs. Nation-wide recruitment publicity, such as that used for VISTA, would help to establish geriatric care as a recognized career field, while neutralizing much of the anti-elderly bias in the country.

Recruitment efforts should range from high school students to older persons able to provide a service part time.

EDUCATION

Practicing doctors and nurses should have the opportunity to develop skills in serving the elderly through graduate courses or seminars.

Multidisciplinary Training Centers, as recommended in the Older Americans Act should be established. These centers, offering education in geriatric care to all levels of personnel, would further the development of the field while promoting interprofessional training and awareness.

Training must start with the development of a positive attitude toward the elderly patient.

EDUCATION

The educational experience must extend beyond medical personnel to all people involved in the care for the elderly. The public, too, must be sensitized to the needs of the elderly and the services available through volunteer programs and public information services.

The principles of geriatric care must be integrated into the basic training for doctors, nurses, and aides, and the opportunities for specialization must be developed.

Education in both medical and nursing schools should shift its emphasis from acute care to include exposure to long-term care needs and skills.

Formal education should be combined with work experience, particularly for the nurse and nurses aide.

Footnotes at end of speech.

Training for nurses aides should be centralized by area and upgraded to vocational status. Completion of training should result in certification.

The development and use of in-services in individual institutions should be expanded. In-service, in some cases, may be a reimbursable item under a federal training grant.

Funding for continuing education, as well as primary education, should be made available, particularly for those who cannot undertake further training because of family demands.

ALLOCATION AND UTILIZATION

Medicare coverage should be expanded to include the nurse and nurses aide offering home services. Expansion in these two areas can occur only when they are no longer financially tied to the physician.

Wage increases, improved working conditions, flexible scheduling and increased fringe benefits, such as day care for the children of nursing home personnel, must be established. These physical improvements are not a total answer to the present difficulties in geriatric care, but there is little doubt that they would have a positive impact in attracting and keeping personnel.

Geographic distribution of personnel trained in geriatric care should be improved through the use of salary structures, fringe benefits, training grant contracts, and tax incentives.

STRUCTURE

There is a real need to institute a collaborative rather than hierarchical health system for the care of the elderly. This will involve the changing of professional lines and the establishment of a new system of protocol between the medical professions.

A career ladder should be established for the nurses aides as well as for nurses, allowing for experience as well as formal education in determining promotion and rank. The new positions must be clearly defined and hiring standards adjusted to fit. Geriatric care must become a career possibility rather than a dead end job.

Because the nurse and nurses aide provide a caring-oriented service which predominates in long-term care, their roles should be expanded toward greater independent service, particularly in the area of home services. Expanded responsibilities are contingent upon proper education and supervision.

PHILOSOPHY

Medical personnel must develop a new sensitivity and awareness to the needs of the elderly. The medical structure must change to fit these needs—with the introduction of alternate modes of care and staffing patterns—rather than forcing these needs into established structures.

Cooperation between professionals is essential in all efforts dedicated to establishing the highest quality of care possible for the aged.

FOOTNOTES

[21] "Special Issue: Working with Older People," *Occupational Outlook Quarterly*, Fall, 1976, p. 8.

[22] "Special Issue: Working with Older People," *Occupational Outlook Quarterly*, Fall, 1976, p. 63.

[23] Harold M. Goldstein and Morris A. Horowitz, *Health Manpower Report*, (Boston, Northeastern University, 1976).

[24] "Special Issue: Working with Older People," *Occupational Outlook Quarterly*, Fall, 1976, p. 49.

[25] Horn, p. 41.

[26] Hiram J. Friedsam, "Some Issues in Manpower for Parallel Services," *The Gerontologist*, February, 1974, p. 23.

[27] "Special Issue: Working with Older People," *Occupational Outlook Quarterly*, Fall, 1976, p. 58.

[28] American Nurses' Association, p. xvii.

[29] Joyce Burt, RN, and Robert Pullman, MD, "Staffing by Patient Classification," *American Health Care Association Journal*, Vol. 2, No. 4, July 1976, p. 78.

[30] White House Conference On Aging, *Toward a National Policy on Aging, Final Report*, Vol. II, (Washington, D.C., 1971), p. 117.

[31] Horn, p. 41.

[32] National Center on Black Aging.

[33] United States Department of Labor, Manpower Research Monograph No. 25, *Meeting Health Manpower Needs Through More Effective Use of Allied Health Workers*, (Washington, D.C., 1973), p. 11.

[34] American Nurses' Association, pp. 12–13.

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PERSONAL EXPLANATION

HON. LESTER L. WOLFF

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, November 4, 1977

Mr. WOLFF. Mr. Speaker, when the House voted on the question of agreeing to the Senate language on abortion with respect to H.R. 7555, rollcall No. 739, November 3, 1977, I was necessarily absent by reason of my Presidential appointment as a member of the U.S. delegation to the 32d session of the United Nations General Assembly. At the time the debate on this question was taking place in the House, I was addressing the General Assembly on the need for that body to take strong action against international terrorists.

I wish to state for the RECORD that had I been able to be present for that vote I would have voted "yea" in support of the Senate language. Although my office requested a pair "for" on the motion, by error the RECORD indicated my pair as "against" the Senate language. It is my sincere conviction that the Senate language represented a legitimate compromise on the question of utilizing Federal funds for abortion purposes.

TRAFFIC CONTROL TOWERS MAY BE LOST AT 73 AIRPORTS

HON. GOODLOE E. BYRON

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Friday, November 4, 1977

Mr. BYRON. Mr. Speaker, I am sure that many of my colleagues share my concern over the plans of the Federal Aviation Administration to consider the termination of the FAA airport traffic control towers at 73 airports around the country. One of these airports, the Hagerstown Regional Airport, is located in the Sixth District of Maryland.

I believe the FAA is being shortsighted in wanting to close all towers which do not meet a rigid cost/benefit ratio or some other inflexible national criteria. Instead, the impact of each closing on the appropriate local community should be considered.

Ending the operation of the FAA control tower in Hagerstown would reduce the air safety in western Maryland. The adverse effect this would have on commercial and general aviation would make Hagerstown and the surrounding areas less attractive to business and industry. Furthermore, the A–10 airplane is being built for the Air Force at the Fairchild Industries plant located at the Hagerstown Airport and A–10's are tested and flown extensively in this area. A recent editorial from the Hagerstown Daily Mail summarizes this matter well and I would like to include it in the RECORD following my remarks.

I was pleased that the FAA earlier this week extended the comment period on their proposal from October 15, 1977, to December 31, 1977. An additional hearing has been scheduled as well. It is my hope that the FAA will reevaluate its criteria in this regard. For the information of other Members who might be concerned about this matter, I am also including a list of the 73 airports at which the FAA is considering terminating its air traffic control towers.

CONTROL TOWER VITAL HERE

Seventy thousand takeoffs and landings of commercial and private airplanes at Hagerstown Regional Airport should be sufficient reason for continued operation of the air traffic control tower at the airport.

When it was dedicated a few years ago and Hagerstown had a practically new passenger waiting room, the addition of the control tower was considered a long step in the city's continued progress in serving the area with speedy transportation.

In fact, the growing use of the airport prompted the Federal Aviation Administration to provide funds for the construction and maintenance of the control tower at the western part of the airport.

The FAA is reported to be considering closing down some 73 towers in the nation as an efficiency move, claiming tower cost operations were too high when compared to public benefits.

Tower operations here were beefed up after two near collisions above the field. There have been no such collisions since and the safety factor can be attributed in large measure to tower personnel. Certainly 70,000 takeoffs and landings a year are sufficient reason to continue the federal service.

In any event, a public hearing should be held before any action is taken. Air traffic safety is too important to be measured in dollars.

NAMES OF 73 AIRPORTS

Alaska: Kodiak, Valdez.
Arizona: Flagstaff, Goodyear.
Arkansas: Pine Bluff, Texarkana, West Memphis.
California: Chico, Fresno (Chandler), Imperial, Marysville, Merced, Redding, Salinas.
Florida: Jacksonville (Craig), Key West, Miami (Dade), St. Petersburg (Whitted).
Georgia: Athens, Brunswick, Valdosta.
Idaho: Twin Falls.
Illinois: Bloomington, Danville, Galesburg, Marion.
Indiana: Bloomington, Muncie, Terre Haute.
Kansas: Hutchinson.
Kentucky: Owensboro, Paducah.
Louisiana: Alexandria.
Maryland: Hagerstown.
Michigan: Benton Harbor, Traverse City.
Mississippi: Greenville, Jackson (Hawkins), Meridian.
Missouri: Cape Girardeau, St. Louis (Spirit of), St. Joseph.
New Mexico: Hobbs, Santa Fe.
New York: Ithaca, Poughkeepsie.
North Carolina: Hickory, Kinston, New Bern.
Ohio: Cleveland (Burke).
Oklahoma: Ardmore, Enid, Lawton.
Oregon: Pendleton.
Puerto Rico: Mayaguez.
South Carolina: Florence, Greenville, Myrtle Beach, Spartanburg.
Tennessee: Knoxville (Downtown).
Texas: Brownsville, College Station, Harlington, Laredo, McAllen, Plainview.
Utah: Ogden.
Washington: Olympia, Tacoma (Industrial), Walla Walla.
West Virginia: Lewisburg, Wheeling.
Wisconsin: Appleton.

EDITORIAL COMMENT ON H.R. 7700

HON. JAMES M. HANLEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, November 4, 1977

Mr. HANLEY. Mr. Speaker, this week I have been pointing out the broad range of editorial opinion throughout the country in support of H.R. 7700, the Postal Service Act of 1977. This editorial opinion accurately reflects the frustration which a large number of our constituents face when dealing with the Postal Service.

Most of us in Congress are fully aware of the many problems our constituents face, since we receive a daily flow of complaints in our mail. The people they have to convince are the people in the administration. Therefore, I would strongly urge that whenever any of us receive a constituent complaint about poor postal service, we write back to the constituent and suggest that he or she also communicate with the President. It is not just Congress which should bear the brunt of citizen frustration.

In the meantime, I commend the following editorials to my colleagues.

[From the Gilmer (Tex.) Mirror, Sept. 29, 1977]

POSTAL PUBLIC SERVICE

For some time nationally there has been concern about the Postal Service.

About eight years ago the Congress, for some reason, ordered that from thence on the Postal Service must stop going in debt and start making money.

We said at the time this was a grave mistake, and it has proved so true.

Each year since 1971 the Congress has provided a "public service" appropriation of hundreds of thousands of dollars to keep the "businesslike" Postal System from showing a deficit. It is subsidy, of course, and the Congress historically has subsidized our postal system. Why? Because it was seen then and now, we hope, as an essential public service.

We are delighted that Congressman Sam Hall has also seen the postal system in this light. He has submitted the following which all of us should welcome as majority sentiment in Congress today.

Congressman Hall's Statement to the Congress on May 24, 1977:

"Mr. HALL. Mr. Speaker, it will come as no surprise to the Members of this House when I report that the vast majority of my constituents in east Texas are thoroughly disgusted with the manner in which their Postal Service is now being conducted.

"I can offer no instant and comprehensive solution that will satisfy everyone, but I would like to make these several statements on fundamentals which should be built into the substructure of whatever changes are adopted by the House.

"First, I reject the idea that the Postal Service is a business which must be self-supporting.

"Second, I hold to the traditional view that the Postal Service is like the cement that holds the building blocks of our Nation together. It must be properly maintained at whatever cost.

"Third, the House must resist the temptation to penalize rural areas and smaller communities simply because their volume of postal business falls below the national norm.

"Fourth, I strongly urge we not be trapped by the assumption that all we need is a new layer of bureaucrats even if they are hand picked by the new administration.

"Fifth, to my mind the Postal Service is similar to our national defense. They cost lots of money, but they are both necessary to preserve a free democratic society. We are nevertheless obliged to make sure that they are cost-effective.

"And sixth, 5-day delivery is a simplistic delusion. It is clearly the worst of both worlds—obviously, we get less service, and by reducing commercial efficiency we would also decrease our ability to maintain that service with tax dollars."

Today we find the Postal Service business leaders wanting to continue to cut service, even to as little as once a week on rural routes, and continue to raise the postal rates. This, they insist, is the way to make money and show a businesslike profit, as they were once ordered to do.

There is a Congressional proposal, called HR 7700, which if approved, would restore most of the control of the post office to Congress. And the most important part of HR 7700 would, if approved, tell the postal officials that the postal service is to return to exactly that, a public service. Mr. Hall has joined the others in Congress in support of HR 7700.

[From the Tabor (Iowa) Fremont-Mills Beacon-Enterprise]

I am not a fan of the U.S. Postal Service. For a small town weekly newspaper publisher to be a fan of the U.S. Postal Service is akin to a 19th century English prostitute being in love with Jack The Ripper.

Compared to the U.S. Postal Service, I think dove hunters are terrific.

That's how much I like the U.S. Postal Service.

Which is not to say that I am going to run down to the Tabor Post Office and bite Lyle Van Scyoc.

My quarrel is not with our local postal employees. They are as much victims of the system as anyone else.

Remember the Postal Service wants to eliminate their jobs too. They want to eliminate their jobs, my job and anyone else's job that depends on the delivery of mail in the U.S. of America.

No, my quarrel is not with the employees, those people still struggling against all odds to give service. "Service" is the last thing that the postal bureaucracy is interested in giving.

What it is interested in is something of a mystery. Perhaps what it really has is a death wish. A death wish that will certainly be fulfilled if nothing is done to change the structure of this behemoth created by the Nixon Administration.

In the last five years the second class postal rates (for newspapers and magazines), have risen over 500 percent.

And now, with a twenty percent increase only last month, the Postal Service has filed for a new thirty percent increase.

In addition the postal service is seeking to impose a surcharge in the amount of two cents per copy for all publications receiving "newspaper treatment" or "red tag" delivery.

All of this is outrageous. But that isn't enough for the postal service. In addition to the rate increase the postal service plans to cut back on service.

You may think you already know about this part, the elimination of Saturday delivery. Hope, that's not it. One new plan calls for three-day delivery. Another plan offered calls for the slowing of overnight processing of mail—the peak period of mail volume—to save money.

As rates skyrocket and service deteriorates, more and more large volume mail users will find alternative delivery systems. And the postal service will shrink and shrink, until it is no more.

What does all this mean to the average American citizen? It means that he (and she) will be at the mercy of private delivery mail companies and the telephone companies. There will be no alternative. There will be no way to communicate except by these methods.

What does this mean to a large segment of of this country's free press? Absolute disaster.

The small weekly newspaper will be a thing of the past. In fact the only newspapers that will survive will be those large enough to afford private carriers.

Out of county and out of state delivery will be so expensive that it will be prohibitive. Besides, it will take so long for delivery that it would hardly be worth it at the present price.

And when your small newspapers go, what will replace them?

Who will gather the local news, write it and present it in a permament easy to understand form?

Who will put legal notices before the public?

How will you know when there is a special meeting of the school board or the town council, or any other governmental body, club or group?

How will you learn what the county, school and town budgets are to be?

Where will you see referendums, and ballots, biographies of local candidates and their stands on the issues of the day? How will you inform yourself as a voter?

Where will you find the birth, marriage and death notices? Sure, you can go to the courthouse, but will those records tell you what color the bridesmaids gowns were—or the contributions to the community made by the deceased? Each story, in its own way, is important, to the families involved, to the people of the community who want to be kept informed of the important moments in the lives of their neighbors and friends.

Where will the local merchants of the town advertise? With the death of the postal service, with the death of the local print media—radio and television will have eliminated a major competitor and the cost of their advertisting will increase dramatically. Your local businessman may very well be shut out of the market, unable to advertise his wares, unable to compete against large chain stores, with high advertising budgets.

The small town newspaper is the voice of its community. In one issue it tells more about the high school sports program, the 4-H achievements, the honors bestowed on its citizens, the tragedies that befall them, the happiness they may be experiencing, than you could gather by yourself in a month.

And all this is being threatened. Why?

Because the so-called reform of the postal service has created a bureaucracy that cares nothing for service. It has been commissioned to consider only "cost" in setting postal rates and in carrying out mail delivery.

Now everyone wants to be aware of cost, but the postal bureaucracy is not accountable for the cost it creates—such as the huge salary increases it granted to postal workers.

It is not accountable for its fat administrative costs or for the inefficient use of its equipment and personnel.

We have to stop the postal service from destroying itself. The only way to do that is to 1) insure continued and increased appropriations from the public treasury to maintain the basic system and ensure continuation of adequate public service 2) overturn a federal appeals court ruling that sets postal rates according to "cost accounting" techniques exclusively, and to establish rates which reflect public policy judgments and realistic market factors and 3) we must restore postal service public accountability.

Congress should have some say in major rate and service matters, and the President should have some mechanism for input into basic management of the postal system.

We certainly don't advocate a return to the old political postal system but we should have, must have, some control over the service and the decisions made by the service which will have such drastic effects on our American way of life.

Help save your post office; help save your local newspaper; keep the "service" in postal service.

Write to your congressmen and senators and tell them you support H.R. 7700, a bill now before the House, which will accomplish those three steps just listed.

If you don't have time to write, clip this article and send it.

Do it now, while you can still mail a letter and expect it to arrive before the end of the month.

[From the Woodbury (Tenn.) Courier, Sept. 8, 1977]

We are now confronting an extraordinary situation of the utmost urgency.

We speak of the nation's postal system. For 200 years the system has served this complex, diverse nation in many and varied ways. It has played a vital role in building America, and an equally vital role in building America's free press.

It has been regarded from the earliest days of the Republic as one of the most basic and necessary services a nation can provide its people—a unique communications network binding America and Americans together, in the words of George Washington, "in a chain which can never be broken."

As we all know too well, the unbreakable chain is breaking. The Postal Reorganization Act which put the "corporate" Postal Service into business in 1971 has been an unmitigated disaster for America's mail system. Rates for all classes of mail have skyrocketed, services have been slashed and the deficits for the "business-like" postal corporation are now counted in the billions of dollars. Only emergency appropriations from Congress have saved the Postal Service from completely going under.

The situation is becoming increasingly grave for the countless publishers and subscribers who rely heavily on the mails for delivery of their newspapers and magazines. Second-class postal rates have already risen over 500 percent in the last five years. And now, the Postal Service has filed a formal request to raise rates by another 30 per cent over this already inflated base.

Also, for the first time, the Postal Service is now seeking to abolish the traditional uniform rate for editorial matter, and "zone" it just as the rate for advertising material is zoned. In addition, again for the first time, the Postal Service is now seeking to impose a surcharge in the amount of 2 cents per copy for all publications receiving "newspaper treatment" or "red-tag" delivery.

Coupled with these rate increases are the Postal Service's plans to further reduce basic services. We all know of the plan to eliminate Saturday delivery of mail by early next year. Even more frightening is the section of the new rate filing in which the Postal Service relates how much money it could save by going to three-day delivery. Still another plan calls for the slowing of overnight processing of mail—the peak period of mail volume—to save money. Overnight delivery could become yet another relic of the past.

The rush to disaster has been even more accelerated by a decision last December of the U.S. Court of Appeals in Washington which endorsed the Postal Service's "business" posture, and ordered the earliest possible implementation of a totally cost-based rate system, with no consideration of public policy or market factors permitted.

What has gone wrong? What has happened to the centuries-old concept of the postal service being a public service—an institution existing to serve the fundamental needs of the nation and its people? What has happened to the unique and universally accessible communications network which promoted and guaranteed the dissemination of news and information throughout this huge and diverse land?

Blame can be laid at many doorsteps. But the fundamental problem is this: in its hellbent and hopeless rush to fulfill the "self-supporting" mandate given it by the Postal Reorganization Act, the Postal Service has totally forsaken its fundamental service mission.

With all public service appropriations from Congress due to cease in just a few more years, and with the Court of Appeals decision prodding it down the "self-supporting" road, perhaps the Postal Service should not be condemned for its actions.

No matter who is to blame, one fact is clear: unless something is done—and done quickly—total ruination of America's two-centuries-old postal system is inevitable. Perhaps a "self-supporting" shell of a system will remain, but the system which has served the personal, social, economic and political needs of the nation and its people so well, for so long, will be gone forever.

What can be done? In our opinion, change must be grounded upon the recognition of the one fundamental principle: the Postal Service is a public service. Flowing from this are three basic needs:

1. Appropriations from the public treasury must be increased to maintain the basic sys-

tem and ensure continuation of adequate public service.

2. The Court of Appeals decision must be overturned, to ensure that postal rates are not merely the product of cost accounting techniques, but also the public policy judgments and realistic market factors.

3. The Postal Service must be restored to public accountability. The old, political postal system will never be restored, but Congress and the President should have a role in setting postal policy, which is so closely interrelated with public policy. Congress should have some say in major rate and service matters, and the President should have some mechanism for input into basic management of the postal system.

These goals are attainable. There is a bill pending in the House of Representatives which would achieve these objectives and restore the postal system to its rightful role in our society. The bill is H.R. 7700, cosponsored by Representatives James Hanley (D-NY) and Charles H. Wilson (D-CA). As you may know, NNA and ANPA jointly testified on this bill last month and give it full support.

H.R. 7700 would overturn the Court of Appeals decision, increase public service appropriations to an amount equal to 15 per cent of annual Postal Service expenditures, give Congress veto power over Postal Rate Commission decisions and restore to the President the power to appoint the Postmaster General.

Until the last few days, it appeared H.R. 7700 would be passed by the House this year. The bill has generated broad support from all quarters in the House, because of its obvious merit, and its obvious necessity. Now, however, it appears all may be lost, and the Postal Service will be permitted to continue down the road to disaster. Which brings us to the central point of this letter.

For the past several weeks, the Carter Administration has been formulating its postal policy. Now, they are ready to speak. On September 8, OMB Director Bert Lance will testify on H.R. 7700 and, according to published reports (e.g., Wall Street Journal; July 29) at the present time he plans to oppose H.R. 7700. This, effectively, will kill the bill.

The President's basic posture on postal policy—despite the grim facts we have outlined—appears to be "business as usual."

Three days before his election, then-candidate Jimmy Carter issued a statement calling for restoration of the public service character of the Postal Service. He advocated abolition of the Postal Rate Commission, and said he wanted the power to appoint the Postmaster General. President Carter, it now appears, has done a complete about-face.

Acording to reports, the President plans to oppose any increase in public service appropriations for the Postal Service, evidently because of his desire to balance the federal budget by 1981. He also will oppose any move to give him the power to appoint the PMG, evidently for political reasons. because power means responsibility, and responsibility means potential blame. The President's only substantive proposal, evidently, will be the extremely controversial "citizens' rate" first-class stamp—a proposal which has already generated a massive volume of charges that it is nothing more than transparent political gimmickry.

In our opinion, announcement of the President's "status quo" policy would be the death knell for the traditional American postal system—final, total abandonment of the concept that the Postal Service is a public service.

Once the Administration "goes public" with its policy on September 8, there will be no turning back. In our view, the President must be convinced within the next three weeks to change his mind and take a broader look at the ramifications of his intended policy.

We urge you to write immediately to the President, to Mr. Lance, and to your U.S. Senators and Representatives asking their support for the principles and positions we have espoused here. Special letters should also be sent to Representatives Hanley and Wilson thanking them for their efforts thus far and urging them to push ahead with H.R. 7700.

Express your support for the public service concept, for sufficient and continuing appropriations, for reasonable rates and adequate services, and for public accountability. If you agree, express your support for H.R. 7700.

Most importantly, express your opposition to doing nothing.

In closing we would only remind you of the urgency of this situation, and the impending deadline. If anything is to be done, it must be done now.

[From the Dublin (Ga.) Courier Herald, Aug. 12, 1977]

POSTAL SERVICE AND YOU

(By W. H. Champion)

The average person has a greater stake in the Postal Service than the cost of mailing a first class letter. Many of us have seen the postage for sending a letter go from 2 cents up to the present 13 cents, and the promise of still greater increases in the future. (That 2 cent letter business really dates us.)

Maybe there is talk now about charging businesses 16 cents to mail letters, but leaving the cost to individuals at 13 cents. But if they can change one, be sure they will, in a short while, change the other.

But back to your interests in the Postal Service and the things that loom in the future.

Take newspapers, either small dailies or weeklies. While many of us have developed other means of delivering small daily issues, but weekly newspapers and small dailies, in a large measure, are still dependent in more or less degree on the Postal Service.

On July 6th rates for mailing newspapers increased again. Newspapers are charged by the pound and by the piece. The pound rate went up 16.3 per cent. The per piece cost went up 26.5 per cent. The above applies to newspapers we mail outside the county in the Dublin trade area.

For the newspapers mailed inside Laurens County, the pound rate went up 16⅔ per cent and the per piece charge by the same percentage.

Naturally, the costs thus far have been absorbed by newspapers, but the time will soon come when this can no longer be, and subscription rates must be increased.

The problem is much greater with weekly newspapers whose 52 issues a year cannot be increased in price indefinitely—just as small dailies cannot continue to up prices and expect people to continue their subscriptions.

We attended a hearing of Senator John Glenn's subcommittee on the postal service law now being studied. Save for the National Newspaper Association, none of those who testified was interested in second class mail or Saturday mail delivery. In fact, we got the idea that some who use what is commonly referred to as "junk mail" would be satisfied with three or four deliveries a week.

So, where do we go from here? If the present trend continues, the time may well come when weekly newspapers will fold their tents and give up. The fatalities among weeklies, until now among the strongest publications in this country, will leave voids that no media can fill. Where will the pictures of brides be published? The larger newspapers are no longer interested. The weekly newspapers are the ones who provide this now, along with the small dailies. Who will carry the obituaries of people in the smaller communities and counties in the state and the nation? Who will carry pictures of little Johnny's championship baseball team in the Bantam League, or the list of honor graduates, the valedictorian and the salutatorian of the small high schools?

Kill off the nation's weekly and small daily newspapers and you kill off the publications of much of the things that make up the lives of small communities over the entire nation.

Georgia's Tom Watson, who spent a great deal of energy and wrote many articles and worked long hours to bring about the Rural Free Delivery (RFD) system in this nation, never visualized the system as a business that could so much as break even. In fact, he was so certain that it ought to be a service of government, that he used the word "Free" in naming it.

While we are convinced that users of the mail should pay reasonable and realistic prices for using the mails, we are not yet convinced that the Postal Service can be operated as a business—not by the government, at least. Thus we can see only two aspects, unless the Congress wants to face the ire and vindictiveness of a populace minus second class mailings of their favorite small newspapers: the postal service shall continue to be just that—a service of the government, and people will seek public officials who consider their best interests.

House Bill 7700 is now before the Congress. This bill would establish that Postal Service is a service and should be so considered. If you want to help stop the escalation of postal rates on letters and newspapers, magazines, etc. write your Congressmen and Senators. The only thing these people respect is the antagonism of their constituencies.

[From the Tuscola (Ill.) Review, Aug. 25, 1977]

NEED FOR H.R. 7700

(By Robert D. Hastings)

This week the National Newspaper association warned every member publisher that the media is now confronted with an extraordinary situation of the utmost urgency . . . the nation's postal system.

For 200 years the system has served this complex, diverse nation in many and varied ways. It has played a vital role in building America, and an equally vital role in building America's free press.

It has been regarded from the earliest days of the Republic as one of the most basic and necessary services a nation can provide its people—a unique communications network binding America and Americans together, in the words of George Washington, "in a chain which can never be broken."

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Also, for the first time, the Postal Service is now seeking to abolish the traditional uniform rate for editorial matter, and "zone" it just as the rate for advertising material is zoned. In addition, again for the first time, the Postal Service is now seeking to impose

a surcharge in the amount of 2 cents per copy for all publications receiving "newspaper treatment" or "red-tag" delivery.

We all know of the plan to eliminate Saturday delivery of mail by early next year. Even more frightening is the section of the new rate filing in which the Postal Service relates how much money it could save by going to three-day delivery. Still another plan calls for the slowing of overnight processing of mail—the peak period of mail volume—to save money. So overnight delivery could become yet another relic of the past.

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With all public service appropriations from Congress due to cease in just a few more years, and with the Court of Appeals decision prodding it down the "self-supporting" road, perhaps the Postal Service should not be condemned for its actions.

No matter who is to blame, one fact is clear: unless something is done—and done quickly—total ruination of America's two-centuries-old postal system is inevitable. Perhaps a "self-supporting" shell of a system will remain, but the system which has served the personal, social, economic, and political needs of the nation and its people so well, for so long, will be gone forever.

There is one slim hope. The passage of H.R. 7700, which would overturn the Court of Appeals decision, increase public service appropriations to an amount equal to 15 percent of annual Postal Service expenditures, give Congress veto power over Postal Rate Commission decisions and restore to the President the power to appoint the Postmaster General.

Sponsors of H.R. 7700 are Representative James Hanley (D-NY) and Charles H. Wilson (D-CA).

If you feel strongly about this matter, we urge that you write to the President of the United States, and to your United States Senator and Congressmen, telling them of your feelings in the matter.

YOUNG SOCIALIST ALLIANCE: TROTSKYITES IN THE HIGH SCHOOLS

HON. LARRY McDONALD

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Friday, November 4, 1977

Mr. McDONALD. Mr. Speaker, the Young Socialist Alliance—YSA—is the youth group and principal recruitment device for the Socialist Workers Party—SWP—the U.S. section of the Trotskyite Communist Fourth International which is actively engaged in terrorism in many countries. In order to inflate its membership and thus its influence within the Fourth International—FI—the SWP recently took almost 600 YSA members directly into the SWP. This evisceration of the YSA has caused considerable organizational problems. Nevertheless, the SWP is trying to rebuild the YSA with an increased concentration on the recruitment of high school age members by teachers who are SWP members.

The YSA has scheduled its 17th national convention to be held in Detroit, Mich., from Wednesday, December 28 through Sunday, January 1, 1978, which will review 1977 activities, establish the lines for 1978 organizing and select a new national committee of some 57 persons. The body that exercises real control in the YSA is the national executive committee which has levied a $5 fee on each YSA member to defray convention costs.

In her May 6, 1977, report to the YSA national committee, Cathy Sedwick, a YSA leader who is also an alternate member of the new SWP national committee, said, "Understanding the role that young people can play in the coming socialist revolution is the foundation on which the YSA stands." She continued by elaborating the SWP/YSA youth strategy:

> The key to our strategy is a program of democratic and transitional demands arising from student struggles that are organically linked to the program for a socialist revolution.
>
> Our ultimate objective, as A Strategy for Revolutionary Youth explains, "is to link the student struggles with the struggles of the workers and national minorities at their present levels of development and to orient them toward a combined drive for state power, bringing into the struggle all the forces opposed to the capitalist or bureaucratic regimes."

Ms. Sedwick emphasized that by playing on "a genuine anti-authoritarian attitude among students that rebels against any form of injustice or inequality," the YSA can direct them "in the most effective way against the institutions and authorities." "At the same time," she noted, "we provide a valuable training and testing ground for future cadres of the revolutionary party, like the Socialist Workers Party. * * * This makes it easier for young people to acquire the political and organizational skills required for serious revolutionary activity."

In her report to the same May 6, 1977, meeting of the YSA national committee (all these reports cited were published in the internal confidential YSA discussion bulletin, vol. XXI, No. 1, September 1977), Betsy Farley stressed:

> "* * * the future of the YSA is linked inextricably with the Socialist Workers Party. * * * The gains the party makes in this period will be important gains for the YSA as well. Likewise, as the YSA is able to educate students and lead student struggles, we will be able to give support to and help provide the cadres to lead the workers' struggles to come. * * * We are involved in the same struggles, the same campaigns, though in different arenas.

Farley, who had been assigned to Canada to aid in the unification of rival Fourth International groups, noted:

> Like the SWP, our primary task is to recruit and educate the forces that will lead a socialist revolution in this country.

Farley commended the YSA high school recruitment programs being conducted "in collaboration with the SWP" in "cities like Houston, Detroit, Chicago, San Francisco, Washington, D.C., St. Louis, and others." The target in the city high schools are the "national minorities" defined as "black, Chicano, and Puerto Rican youth." Although Farley conceded that only about 10 percent of the YSA's 556 members in chapters—there are another 150 at-large members—some 56 persons—were high school students and that "high school students are not automatically going to come to us. We will have to go to them," she underscored the need to concentrate on this area:

> Stepping up the high school recruitment to the YSA will be the key to building the kind of revolutionary youth organization that will be able to meet the test of the struggles to come.

The tactics for recruiting high school students were spelled out by YSA organizational strategist John Linder in his national committee report. His solution: use the members of the Socialist Workers Party who are employed as teachers in the high school and who thus have access to the students plus grading authority over them as recruiters. In his May report to the national committee, Linder said that the YSA's national executive committee had decided to concentrate on high school recruitment. "There are 23 million junior and senior high school students in this country. Urban high schools, which are the ones we want to get into, are predominantly black, Chicano, or Puerto Rican in most major cities.

Linder then went on to describe a strategy decision taken at the SWP national committee meeting in April 1977:

> The SWP's largest trade union fraction is the teachers fraction. These comrades are already inside the high schools, and they're paid to talk to students eight hours a day.

Linder then provided an example of how an SWP member who is a teacher should go about conducting what Lenin termed "workplace organizing:"

> Eric Martel, a party member who teaches at Cardoza High School in Washington, D.C., was able to sell more than 100 Militant [SWP weekly newspaper] subscriptions to students in his school last fall, and 23 subscriptions to the YS [Young Socialist, YSA's monthly newspaper]. He helped to get a SCAR [National Student Coalition Against Racism] chapter going which is how we met the two students who just joined the YSA.

As Betsey Farley had pointed out in her report, "our involvement in NSCAR," a front of the SWP and YSA, "is one of the best ways to meet radicalizing black, Chicano, and Puerto Rican youth."

Linder then outlined work in Houston, Tex.:

> In February of 1975 the Houston SWP held a Militant Forum commemorating the assassination of Malcolm X. One of the branch members who was a junior high school teach-

er announced to her class that anybody who wanted to come to the forum could get a ride from her. Ten to fifteen students went.

A SCAR speaker at the forum gave a talk on school desegregation and the May 17 march in Boston that was coming up. A number of students got interested in SCAR, started coming to citywide SCAR meetings, and helped build May 17. None of them had been involved in political activity before * * *.

The SWP was running a mayoral campaign at the time and was also running Dan Fein, a high school teacher, for school board. One rally was held outside the school where Dan taught, and a number of students helped build it and pass out literature there. Downtown rallies and Militant Forums also involved students.

Over a period of time the YSA and party [SWP] came to be seen by a fairly large group of high school students as organizations that were fighting for the right things.

Two of the high school students who became SCAR leaders also joined the YSA. Then, in the spring of 1976, the SWP set up a branch in northeast Houston "partially because of the openings created by having two high school comrades in that community." The high Trotskyites helped the SWP organizers meet the parents of students and start recruiting among them:

These two comrades built a SCAR chapter in northeast Houston which played a big role in protesting a brutal police murder. When the YSA convention came around [December 1976], Renee Fontenot tells me, they went around to contacts in their school and told them that if they wanted to check out the YSA they should come to our convention. About fifteen came and joined the YSA right when they got back.

As Linder said, "This chronology offers a wealth of lessons for us (about) the role that teachers can play."

The SWP/YSA move into the high schools and junior high schools where their recruitment targets are children between the ages of 13 and 18 is partially due to these preliminary successes in Houston, Washington, Chicago, where "there are three high school students and one junior high schooi student who joined the Westside branch of the SWP;" and other cities. The second reason is competition from the Socialist Workers party's rivals; the Maoists of the Revolutionary Communist Party—RCP—which have recently combined its campus-based Revolutionary Student Brigade—RSB—with its "community" based Youth in Action to form a revolutionary Communist youth organization; and the International Socialists—IS—a rival Trotskyite organization whose youth group, Red Tide, which is active in Detroit, Chicago, Los Angeles, and other cities and which the SWP admits has more high school members than the YSA.

In summarizing the reports of SWP/YSA informants who have penetrated both the IS's Red Tide and the RCP's RSB/Youth in Action examining the organizational weaknesses and mistakes, Linder noted that "most of the initial recruitment to Red Tide is done by IS members who are teachers."

The YSA move into the big city high schools was delayed for almost a year as the result of a disasterous reorganization in which most of the experienced and disciplined cadres were "released" to the SWP leaving YSA in a condition similar to New York shops after the summer blackout. The YSA's internal woes, now being controlled by the assignment of experienced SWP members to oversee YSA work, are detailed in the following article citing internal Socialist Workers Party publications which appeared in the Information Digest, a newsletter of analysis and commentary on current political and social movements:

YSA CRIPPLED BY REORGANIZATION

The Socialist Workers Party (SWP), the U.S. section of the Trotskyist communist Fourth International, has circulated a confidential report on the disastrous results of the complete reorganization of its youth group, the Young Socialist Alliance (YSA), which commenced in 1976.

In order to inflate the membership figures of the SWP in advance of the Fourth International's World Congress to be held next year, the SWP coopted almost 600 YSA members directly into the SWP. At the same time, YSA recruitment was directed primarily at black, Puerto Rican and Chicano high school and college students through the SWP/YSA front group, the National Student Coalition Against Racism (NSCAR). Many of these newly recruited revolutionists have little organizational experience and little inclination to strictly implement the National Committee's directives. The result has been chaos.

As a report by SWP/YSA leader Cathy Sedwick, revised from her speech to the SWP National Convention and circulated in the SWP Internal Information Bulletin [September 1977, No. 7 in 1977] states, YSA membership has been reduced from 1,150 to 556. Her report continued:

"The average chapter in cities where an SWP branch exists went from 30 to 35 members to 6 to 10 members. In some cities that have had long-established YSA chapters, the YSA has been greatly weakened. The question of whether a YSA will even exist at all has been raised on some cities.

"The YSA leadership is newer and less experienced and has many new political and organizational problems to cope with. * * * The YSA leadership has to think out the best way to carry out the increasing number of YSA campaigns in the framework of smaller chapters. Chapters have to decide what their political priorities will be: how they can carry out sales, have campus forums, set up literature tables, recruit to the YSA, and integrate new members.

"This has been made more difficult, because when the YSA moved out of the branch headquarters and onto the campuses, we left behind some of the important norms and responsibilities of the YSA.

"YSA meetings, for example, don't always happen every week on a regular basis. The smaller chapters, where comrades see each other every day, have created a tendency to feel that there is little to discuss at a chapter meeting. The executive committee meetings in many cases have either substituted for the chapter meeting or ceased to take place at all."

Sedwick went on to chronicle the woes of YSA: The campus-based chapters are exerting too much independence and are neglecting to carry out programs, particularly "women's liberation work" and "antiracist work."

"YSA finances have suffered. Many of the more experienced financial directors were part of the more than 500 comrades released to the Socialist Workers Party. This has affected the professionalism of YSA finances. Sustainers and dues often go uncollected.

"National fund drive income is less, because of the smaller predominantly student membership of the YSA. This has necessitated certain cutbacks, including a smaller national office staff and a Young Socialist of 12 pages."

The remedies proposed are to simply close out smaller YSA chapters and assign designated SWP members to closely oversee YSA activities, to bring YSA members to work with the SWP in joint fractions "such as women's liberation or antiracist work, election campaigns, strike support, etc." Experienced members of SWP branches will also supervise the recruitment of new YSA members.

Of the present 556 YSA members, 10% are high school students and 78% are in colleges. Despite its preferential recruitment of racial and ethnic minorities, there are only 84 Blacks, 13 Chicanos, 3 Puerto Ricans, 6 other Latinos, and 4 Asian-Americans in the YSA. Twenty-four of the fifty-seven members of the YSA National Committee are "members of oppressed national minorities," and the YSA Executive Committee is "half Black and Latino."

The SWP's strident "antiracist" efforts in recruiting minority cadres and capitalizing on various incidents of racial tension has apparently not eradicated racial and ethnic animosity among their own members. SWP National Committee member Richard Garza, who has been calling himself Catarino Garza for the past several years to emphasize his ethnicity, has reported on incidents at the SWP National Convention in August.

First, on Monday, August 9, Spanish-speaking representatives of Fourth International parties in Mexico, Colombia, the Dominican Republic, Martinique, Spain, "the Latin American community in Israel," the SWP, Puerto Rico and of the U.S. La Raza Unida Party (LRUP) met to hold an informal "mini-conference." Some of those attending decided "to tell some comrades that they were not welcome at the meeting. The convenors did not know this. I as the chair did not know this."

"A real problem soon grew. I was invited to attend what I thought was to be a social affair of Black and Latino comrades on Wednesday. I have always enjoyed parties and said, sure, my companion and I would be there. My companion is neither Black nor Latina. One of the comrades who invited me indicated that it might not be cool if she attended. Since it was presented as a social affair I didn't think I'd enjoy myself as much as I would at some other social where my companion could also be present and said so."

Garza confesses that he had merely shugged off the incident and continues his report with his own consciousness raised:

"Comrades of our party and other Trotskyist parties were 'invited' to leave the Black and Latino social on Wednesday night by some comrades of the SWP. * * *

"Among the comrades asked to leave this affair was a comrade of the Mexican Partido Revolucionario de los Trabajadores [PRT], because he originally came from the United States and is white. He was called a 'gringo' by a comrade of the SWP. This is particularly offensive because 'gringo' means not just Yankee; it also means stranger, invader. Imagine, a comrade from another section [of the Fourth International] called an invader at a function held at our convention!

"This caused some Israeli comrades who had been exiled from Argentina to protest. And it led to the comrades of the Mexican PRT, the Israeli comrades, and some other comrades leaving. They strongly protested the uncomradedly treatment of the PRT member.

"Another incident at the Wednesday night party involved some Asian-American comrades. One of them is not a party member, but she is married to an SWP comrade who is white, and he was asked to leave. It reached the point where an SWP member was going around the room asking people what their race was and asking people, as it was put, 'to respect the feelings of non-white comrades by leaving the social.'

"You heard me correctly. Leninists at a large social affair at this convention went

around telling workers of one race that the only way they could 'respect the feelings' of other comrades was to get out of the social affair. These are people who in theory are going to go into combat side by side—not necessarily as friends but as comrades in arms who may have to entrust their very lives to each other."

Garza then went on to denounce a planned homosexual and lesbian social on similar grounds. One homosexual SWP member was not invited to the "social" because he is a supporter of the party-line on "gay liberation;" yet "a comrade who isn't gay but opposes the majority's position on gay liberation was invited because he had a car and could get liquor for the party." Garza's solution to prohibit "exclusive" meetings and socials except for fractional meetings to discuss implementation of the SWP's program was then adopted.

PERSONAL EXPLANATION

HON. GILLIS W. LONG

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Friday, November 4, 1977

Mr. LONG of Louisiana. Mr. Speaker, due to official business in my district Thursday, November 3, 1977, I was unable to be present for the rollcall vote No. 739, concerning Senate compromise language on the matter of Federal funding for abortion.

Had I been present, I would have voted against the Senate compromise and in support of the House position, as I have in every instance in the past.

COMMENTARIES ON THE CONSTITUTION BY DR. PAUL WEISS

HON. PHILIP E. RUPPE

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Friday, November 4, 1977

Mr. RUPPE. Mr. Speaker, the Angelican Bishop Hoadley once remarked:

Whoever has absolute authority to interpret any written or spoken laws, it is he who is truly the law giver to all intents and purposes and not the person who first wrote or spoke them.

A recognition of the role which the courts play in the determination of law, particularly the Supreme Court as it interprets the U.S. Constitution, suggests the need for periodic stocktaking by examination of the Constitution itself. A most important contribution to such an examination has been made by Paul Weiss. Mr. Weiss is Heffer professor of philosophy at the Catholic University of America where he regularly offers a course on the U.S. Constitution. Among his 21 books are 3 which deal specifically with the lawmaking process: "Our Public Life," "Man's Freedom," and "The Making of Men." At a recent meeting of the Capitol Hill First Friday Club, he reviewed some of the problems encountered by the Supreme Court when interpreting the Constitution. Since his remarks have a value beyond the context in which they were made, I wish to include in the RECORD a transcript of his remarks:

COMMENTARIES ON THE CONSTITUTION

BY DR. PAUL WEISS

The students I teach are those who have had a course in Constitutional Law. They take the course with me because the course they had does not involve a reading of the Constitution. All they do is read cases. It is a great surprise to them when they see what the United States Constitution covers. It takes me an entire term to do no more than deal with the Preamble of the Constitution and the first fourteen amendments.

A few preliminary remarks: The Constitution constitutes the United States. It is therefore wrong to think we are now celebrating the Bicentennial of the United States of America; there was no United States of America before 1789. In 1776, there were only colonies.

The United States Constitution has a preamble. According to some jurists, that preamble is not part of the Constitution. Since it does tell us the purpose of the Constitution it should be read with care. It begins with "We the People". There are many kinds of we's—editorial "we's", social "we's", authoritative "we's" are the more familiar. Which is intended? 'The people' provides little help—and has ambiguities of its own. Children and women presumably are persons, loci of rights, but "we the People" here is not intended to include children, women, or indentured servants, slaves or Indians.

We the people, it says, are going to establish a more perfect union. The reference to a future more perfect is that we have a less perfect union now—the Confederation where states opposed states, where there were a number of armies in different states, and taxes on imports from other states. And then we had this most amazing outcome, the formation of a new unity, a perfect union. Each of the States was sovereign in a way. To get the more perfect union each had to give up some of that sovereignty to a single unity. At that time the units, The United States of America, was not a power greater than the several states. Since the Civil War, it has been. One has almost swallowed up the many despite the ninth amendment.

Mr. Justice Black often spoke as though we had to pay attention only to the First Amendment. He said he read it just as it was written, and needed nothing more. When it says "Congress shall make no law. . . ." it means simply that no legislation limiting freedom of speech etc. is constitutionally valid. But that supposes either that other provisions do not have any weight or never conflict with this.

The amendment doesn't say Congress shall make no law abolishing freedom of speech, but that it shall make no law abridging it. That means that we already have freedom of speech.

The fourth amendment speaks of "the right of the people". Does 't mean the kind of people who signed the Constitution? Does it mean the men who are able to vote in their respective states? The signers represented only a limited number of people. The others were to be counted as fractions of those who are qualified to vote and who alone had all the privileges and rights given by the constitution.

Madison in the "Federalist Papers" takes the United States to be a republic with ownership of land as a precondition for voting. Even today an alien who wishes to become a citizen must say that we have a republican form of government. But what we in fact have is a democracy. Suppose an applicant for citizenship said this? Perhaps he would be denied citizenship.

The fifth amendment protects us against double jeopardy. But it is not clear whether the jeopardy is for a crime or relates to a particular jurisdiction. Today it is held that you could be tried twice for the same crime, once by the state and once by the United States. The Constitution has other loopholes. We are supposedly protected against cruel and inhuman punishment. A recent Supreme Court decision says that the protection does not extend to school children. Apparently you can hang children up by their thumbs and scare them out of their wits in school, but you will not be subjecting them to a cruel and inhuman punishment which the Constitution prohibits. The Constitution didn't say whether or not it applies to children.

The thirteenth amendment says that you are not allowed to have slavery or involuntary servitude, except under certain circumstances. Involuntary servitude—I suppose if you were drafted into the army that's involuntary servitude—demanded by the United States is apparently permitted. If so, the thirteenth amendment is a time-bomb. We have not had decisions telling us that under no circumstances whatsoever is slavery not permitted.

The sixth amendment says we are entitled to a speedy and public trial. What is a speedy trial? "Speedy" is like "unreasonable searches." Neither has definite boundaries. The only way you can determine what a speedy trial is, is by being reasonable. Being reasonable I suppose is understanding what is relevant as understood by a mature member of this society. That's the idea behind the jury system, where we take the ordinary citizen, not necessarily educated or trained, and look to him to know what it is proper to expect of a member of our society.

The seventh amendment says that in commonlaw suits where the controversial value is more than twenty dollars you have a right of trial by jury. But twenty dollars then is closer to a hundred than twenty today. Here's an indication of what happens when we're too precise. Yet we do not determine precisely or exactly what it says we are going to be forced as to what our rights are and what they are not.

The ninth amendment has rarely been used. It's very important. It says: The enumeration of certain rights in the Constitution shall not be construed to deny or disparage others retained by the people. What enumeration? The Bill of Rights? But these are amendments to the Constitution. What are the rights that we have retained? In the case of *Griswold* vs. *Connecticut*, Mr. Justice Goldberg said that in the penumbra, in the shadow or dark places of the amendment he discerns a right of privacy. If you can find that there you can find anything. Mr. Justice Goldberg went on to say that the right was implied. What else is implied? Over the years the Supreme Court or other courts have discovered implied rights; immigration, parenthood, against starvation, education, some kind of public existence. But we have no expressed formulation of the rights we are supposed to have retained.

This is rather sad and strange, for apparently we have many rights but nobody seems to know what they are. How are we going to find just what rights we retain? We must, I think, know what it is to be a person. A person is a locus of rights, but not necessarily a living human being. A corporation, the Court has said, is a person or a quasi-person, but a fetus is not. To find out what rights we have, we have to understand what are the essential dimensions of a person. A right is a claim. If it's something we retain it is native following from the fact that one is a person independent of the Constitution.

The fourteenth and part of the fifth amendments seem to be duplicates. Both

say we cannot be denied life, liberty, and property without due process. The fourteenth says that no state may deprive you of these rights without due process; and the fifth presumably says the U.S. cannot do so.

Question: What are the implications of of the amendment that guarantees women their rights?

In one way, of course, those rights are already guaranteed by the thirteenth and fourteenth amendments, since women are persons. I'm not confident the ERA is desirable. By emphasizing one special group it opens up the question to whether or not we need special amendments for the rights of Puerto Ricans, for the aged, and for children. We run a risk if we insist on amendments for special groups. It is one thing to insist that women have not been given their full rights as persons, and another to hold that they have equal rights only because of an amendment. We want to argue against the Supreme Court again.

Question: Do you think there will be an amendment to guarantee the right to life for the unborn?

No, for almost the entire administration is against it. So is the Supreme Court. The abortion case by the way was badly argued, particularly by the lawyers for the Catholic Church which entered as amicus. Instead of arguing on behalf of the fetus as a person, they offered medical evidence about viability. They were answered a fetus is not a person according to the fourteenth amendment. The issue isn't, "is the fetus alive?" or "Is it a human?" Slaves are humans. The issue is, is the fetus a person according to that amendment and they should have therefore addressed the point. You would have thought that an amicus, knowing the history of discussion in theology from the middle ages on, would have the sense to talk about the nature of a person. The decision was dumb; the people who argued it were dumb. It's really a dreadful exhibition of incompetence, on both sides of the bench. You cannot know if someone is a person just by knowing he's human. There was no doubt that blacks were humans. You couldn't kill them with impunity or eat them. They were chattels, could be bought and sold. But we had to have an amendment to tell us that they were persons.

Question: How would you discuss the President's declaration of human rights?

I think that Mr. Carter and Mr. Breshnev are talking at cross purposes. For Russians, fundamental realities are classes—economic, historic, dialetical in which the individual is a delimited region. From such a pont of view, one who stands away from his class is what the Greeks would call an idiot, one who is alone, solitary, who somehow does not fit. The Russians view deviants and they treat the people in this way. Mr. Carter, on the other hand, is arguing, without expressingly saying it, about native rights which individuals possess, and which presumably Mr. Carter believes are given by God. We have here a confrontation between having rights which are possessed by numbers of a class and those which are native. We start the other way around from them. Our ninth amendment says we have native rights. They know nothing of these. A deviant for us retains his native rights, even while he is acting against the government. For them, a deviant violates or contradicts the very source of rights, and therefore, is mad to some degree. The Russians are as consistent as we are. There will never be a meeting of minds on this issue unless this difference is understood. In the He'sinki agreement to be sure the Russians seem to acknowledge private rights, while some of our rights are bestowed by the State.

Question: What is your opinion on the cases involving cruel and inhuman punishment?

What is cruel and unusual punishment? It might be cruel and not be unusual. Even though you may hurt children for life by what you might say to them, or how you might expose them to certain kinds of unjust and unusual treatment, the Supreme Court says that the children are not constitutionally protected. It might say that capital punishment is certainly not unusual, and perhaps is not particularly cruel. I don't think there's much to hope that the present Supreme Court will grasp the subtleties of the Constitution.

Question: How many areas of the constitution could be made more explicit?

It has to be stated in very general terms so as to be able to apply widely. Yet in some places, as we have seen, it's over explicit. In others it must be understood in a very loose sense. When it refers to freedom of speech at a time where there is no film, television, radio, or sky-writing it can still be said to include these only if 'speech' is given an extended meaning—general statements take care of the variations and modifications in the course of the development of this country. But in the area of rights we want greater specification.

Question: Do you think these should be defined by means of amendments or by the Court itself?

The Court, when it implies something like the right of privacy, should indicate the principles it uses, and not allow the matter to be decided by the individual perceptiveness of a Justice. The amendment process is too slow. I think we need either to have a better understanding of the basic rights, or to find some device by virtue of which we're able to determine just what rights we in fact have. Of course, I prefer the first method—but then, I have no decisions to make.

ARTHUR CLARKE LOOKS AT OUR TECHNOLOGICAL FUTURE

HON. ALBERT GORE, JR.

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Friday, November 4, 1977

Mr. GORE. Mr. Speaker, at a dinner for Members of Congress on October 19, several of our colleagues were privileged to hear remarks made by Arthur Clarke, author of "2001: A Space Odyssey" and of many fiction and nonfiction works about the future. The dinner was part of the "Dialogues on America's Future" series sponsored by the Congressional Clearinghouse on the Future.

Mr. Clarke has the uncanny ability to foresee many technological developments which, although apparently fantastic at the time, have become reality far more quickly than even he expected. It was Arthur Clarke who first conceived of space satellites. Another idea of his—the replicator, a device which can reproduce exact copies of objects in three dimensions—has recently been developed and patented in this country.

Mr. Speaker, I believe that Arthur Clarke's vision must be heeded by us all. The touchstones which he provides can help guide our way as we head toward an uncertain future. I had the honor of introducing Mr. Clarke at this dinner, and I commend the following remarks of his to my colleagues:

THE DISTANT FUTURE APPROACHES QUICKLY

(By Arthur Clarke)

I appreciate this invitation to appear before you, but I should warn you that you've invited me here at your peril. And I'm not referring to the rather interesting coincidence that in my last novel, "Imperial Earth," I demolished this very building in a most cost-effective manner, which I leave to you to discover for yourselves.

I'm referring to the fact that I've never been interested in the near future, but only in the long-range one. This of course is very wise of me; I won't be found out so quickly.

Still, the far future has an unsettling habit of becoming the near future and then the present, often much sooner than anyone expected. I can give a splendid example from my personal experience. It's thirty-two years ago this month that I published my notorious paper on communications satellites. In 1945, I thought this sort of thing would happen around 1990. Essentially everything I predicted occurred by 1970, twenty years ahead of schedule.

And incidentally, I see that you refer to me as the father of communications satellites. Dr. John Pierce, instigator of Telstar, is the father. I am the godfather.

I've tried to sum up my abilities as a prophet—or rather as an extrapolator—by the warning: If you take me too seriously, you'll go broke. If you don't take me seriously enough, your children will go broke.

Timing is the essence in these matters, as in everything else. It isn't really difficult to foresee technological developments, given a modicum of scientific background and a little imagination. But it's incredibly difficult to predict when they will occur, and just how important they will be. I'm sure you will remember how that great and wise man, Dr. Vannevar Bush, told a congressional committee not to waste any time bothering about long-range rockets.

ACCURATE PREDICTION PERHAPS NOT DESIRABLE

Still, I sometimes wonder just how useful a really accurate knowledge of the future would be, if such were possible. While I was preparing these notes, I had a rather amusing fantasy. Suppose Ben Franklin had been able to appear before the first Congress and show some of the wonders that we now take for granted.

I think his revelations might have had a very negative effect. His colleagues would have been pretty mad, as they sweated in the Washington summer, to hear about air conditioning. Their aches and pains would not have been alleviated by the most eloquent description of twentieth-century medicine. As they wore out their eyes trying to read by smokey candles, they wouldn't want to know about electric light.

It's very true that the better is the enemy of the good, and it can be very inhibiting to realize, when you are struggling to solve some problem with existing tools, that far superior ones will be along in ten or twenty—or a hundred—years. What has been called "nostalgia for the future" can become an enervating disease.

So, I'm going to aim for relevance, until the effort becomes too painful. I'll try to remember one of Stanley Kubrick's favorite remarks, when people started to take off into the wild blue yonder: "The only important thing is what to do next." I'm sure many of you will echo that sentiment.

BENEFITS FROM THE SPACE PROGRAM

Now, my main interest, and identification, has always been space. The relevance of that is often challenged—though I'm happy to detect an upsurge in interest nowadays. So I'd like to do a quick run-through of the ways in which space has started to pay for itself. Although much of this will be familiar to you, I think I have a number of new angles as well as some rather pretty pictures. A number of these points I made when I appeared before Representative Don Fuqua's Space Committee last year, and you'll find my testimony in its proceedings, Future Space Programs 1976 (Subcommittee on

Space Science and Applications of the House Committee on Science and Technology).

(At this point, Mr. Clarke presented some slides from the American Institute of Aeronautics and Astronautics' program called "Via Satellite," illustrating such developments as the ATS-6 experimental satellite loaned to India by NASA on a one-year contract to conduct mass education programs; aeronautic, maritime, and weather satellites; and the Earth Resources (Landsat) satellites which provide invaluable information about the resources, animal life, vegetation, agriculture, geological patterns, settlements, and pollution of the earth.)

(Mr. Clarke's remarks continue:)

One of the major results of the space program has been to give us an appreciation of the earth's place in the universe—an appreciation of its beauty, its uniqueness, its fragility—especially as compared with the barren, lifeless moon.

I think the Apollo program will be the one for which this country will be more remembered in centuries ahead. In the natural course of events, we might have gotten to the moon by the year 2000. We got there forty years ahead of schedule. We will go back there when the shuttle and its successors are fully developed, and we will start new civilizations and new cultures there and elsewhere in the solar system.

We must keep these frontiers, these prospects, ahead of us when we strive for relevant long-range goals.

There are other technologies, besides those applied in space, which are important for the future. One of these is thermonuclear fusion power; if that comes about in the next few decades, our energy problems would be enormously alleviated and, in the long term, solved. There would be no energy shortage. Unfortunately, development will take a long time, and I don't think we can expect anything for another thirty years. I suspect in the long run fusion power will come on line during the next century, and the energy shortage will be a thing of the past.

ANOTHER IDEA BECOMES TECHNOLOGY: THE REPLICATOR

Another technological development which—if it becomes widely used—will have even more revolutionary consequences is the replicator. This is a machine that can make a copy of anything in its three-dimensional form, in all its detail. Suppose we could manufacture an object all in one operation. It would put all the mechanics out of work, all the lathes, all the machine tools. I discussed this twenty years ago in a book called "Profiles of the Future," never imagining it would come to pass in my lifetime. Imagine my astonishment when I learned that the first patent for the replicator had been put out by a company in California called OMTEC. It's all still very crude; I have the patent if anyone is interested in seeing it. There is an article about it in the London Financial Times, September 14, 1977. I have no idea of how long it will take to develop the replicator, but if it comes quickly, the social consequences will be absolutely fantastic. It would make the changes introduced by, say, the cottonpicking machine, look absolutely trivial in comparison. Practically all mechanics would be put out of work; production lines would be closed.

NO LIMITS TO GROWTH

Finally, let me say a few words about the gloom and doom brigade which has been galloping off in all directions since the famous report of the Club of Rome on the Limits to Growth. I'm sure that this controversy has been of great value, because it focused attention on vital issues. But as far as all foreseeable human activities are concerned, there aren't any limits to growth. The limits are to the rate of growth.

Despite the mess we have made of it, we have barely scratched the earth's surface. I could show you some Landsat photographs showing unsuspected mineral resources, oil fields, water resources. And remember, too, that we never use anything up, except a few nuclear processes. Everything else is recycled.

In principle, we have answers to all our problems—often too many answers, which is part of the problem. It is difficult to decide which to choose, and I don't envy you this task.

When I was here the last time, I lamented the dearth of engineers or scientists in Congress. I'm happy to see some improvements in that respect. It's exciting to see two astronauts here, and an engineer in the White House.

Finally, here is some advice about the future, which I would like to leave with you to ponder: Trust Science, but beware of Technology. For in the long run, Science is always right. But if your technology isn't right, there may not be a long run.

QUESTIONS AND ANSWERS

Q. Who set up the programs seen by the Indian people via the ATS-6 satellite?

A. The Indians set up the programs, and NASA provided the satellite service.

Q. Would you comment on the space shuttle?

A. The space shuttle is the key to the future. It is the transportation system that we hope will open up space.

Q. Do you really believe in immortality, and that there are intelligent beings in outer space? And why does a person that has spent his whole life in Western technology become interested in Eastern philosophical thought?

A. I went to Ceylon because of my interest in underwater exploration, which is linked to my interest in space. I love the people and the climate there. I am interested in their religious and philosophical views, even though I don't go along with them.

I take it for granted that the universe is full of living creatures, many of which are far superior to us. In the long run, the greatest goal of space exploration is contact with extraterrestrial intelligence. I hope that in my time I may see the first contact, probably in the form of radio signals, but maybe in a form we cannot imagine today.

URGENT NEEDS VS. LONG-RANGE BENEFITS

Q. If the Congress gave you a few billion to devote to immediate increases in space exploration, what would be the most urgent thing you think ought to be done?

A. The most urgent thing is finding solutions to our domestic problems and problems here on earth. By definition, this cuts out long-range space exploration, which in the long run may be more important, but not urgent. This is always a problem—balancing immediate needs against future benefits.

We must not forget our long-term priorities in space. Some satellites will create industries that we cannot imagine today—industries which will make General Motors look like a backyard firm.

But if we try to answer the question of urgency, I'd say priority should be given to the Earth Resources satellites and the infrastructure to support them. There is no use putting up a satellite and deluging the earth with information if you don't have the plant to process the information, or if it takes three or four months to get the information out of it. This has to be seen to.

The applications satellites are the obvious immediate things. Communications satellites have been a problem. NASA was pulled out of this business on the grounds that communications satellites are in use, and it is now up to private industry to make the next step. But private industry can't always afford the new investment in experimental techniques, and is likely instead to make the best use of what already exists. Therefore the program is limited.

If I were asked what to do with money in space—if I could forget the urgent questions—I'd like to see the continuation of the planetary exploration program and of the space telescope program, and a floating station in the atmosphere of Venus—a balloon that could orbit around Venus with side-scanning radar to see what's beneath the clouds.

Q. What is your concern about the waterholes in space, in reference to extraterrestrial intelligence?

A. My concern is this: if we listen for radio signals from space, where should we listen? Are there natural radio stations in space? There are some, because various atoms and molecules in space do have characteristic frequencies, the most famous of which is the hydrogen frequency. There is also an OH frequency. These radio frequencies tell us a lot about the universe.

Q. Would you comment on UFO's?

A. I'm bored with UFO's; UFO's are common. They are natural phenomena which have not been explained. I don't believe they are spaceships, because they wouldn't spend thousands of years looking for a place to land. However, I do see the possibility of spaceships in ancient times.

Q. Why don't we place more money into space solar power satellites?

A. A number of problems exist. First, space solar power satellites (SSPS) are not presently economically accessible. Second, radio waves emitted by the SSPS may interfere with communications satellites and put radio astronomers out of business. Third, the SSPS are important for the far future rather than the near future. In the near future they will provide energy only for specific large cities. Members of Congress should listen to thorough studies on both sides before they make a decision.

Q. If you had to name a priority for a new energy source, what would it be?

A. Fusion is too far ahead in the future to help us now. Solar power will be important. However, I do not see space solar power soon. We should use solar thermal power, but this form of energy involves huge technical problems. Wind power is important.

Q. If Congress does not come through with all those billions, and if we destroy ourselves, what will happen to the universe?

A. The universe won't notice. But, in a few thousand years the universe will notice if we do *not* destroy ourselves. One day, humans may control the destiny of the stars, because if we survive we will go into space and create colonies. We will go to other solar systems. Far more people will live off the surface of the earth than on it. Much of our future is in space—if we don't blow it on earth.

MONTHLY LIST OF GAO REPORTS

HON. JACK BROOKS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Friday, November 4, 1977

Mr. BROOKS. Mr. Speaker, the monthly list of GAO reports includes summaries of reports which were prepared by the staff of the General Accounting Office. The September 1977 list includes:

MONTHLY LIST OF GAO REPORTS

NATIONAL DEFENSE

Foreign Military Sales—A Potential Drain On The U.S. Defense Posture. LCD-77-440, September 2.

Relationships Between U.S. And NATO Military Command Structures—Need For Closer Integration. LCD-77-419, August 26.

Stockpile Of Lethal Chemical Munitions And Agents—Better Management Needed. LCD-77-205, September 14.

U.S. Lethal Chemical Munitions Policy: Issues Facing The Congress. PSAD-77-84, September 21.

Information On Military Unionization And Organization. FPCD-77-55, September 15.

Hearing Protection: Problems In The Department Of Defense. LCD-77-308, September 15.

Appropriated Fund Support For Nonappropriated Fund And Related Activities In The Department Of Defense. FPCD-77-58, August 31.

The Navy Depot Level Aircraft Maintenance Program—Is There A Serious Backlog? LCD-77-432, September 1.

The Navy's Intermediate Ship Maintenance Program Can Be Improved. LCD-77-412, September 23.

The Department Of Defense Should Increase Efforts To Implement Vertical Controls Over Military Stock Funds. LCD-77-437, September 7.

The Navy's Multimission Carrier Airwing—Can The Mission Be Accomplished With Fewer Resources? LCD-77-409, September 12.

INTERNATIONAL AFFAIRS

Egypt's Capacity To Absorb And Use Economic Assistance Effectively. ID-77-33, September 15.

Responsibilities, Actions, And Coordination Of Federal Agencies In International Telecommunications Services. CED-77-132, September 29.

Use Of Exchange Stabilization Fund Resources—Arrangement With Treasury Provides Access To Information. ID-77-42, September 28.

Examination Of Financial Statements Of The Overseas Private Investment Corporation, Fiscal Years 1976 And 1975. ID-77-24, September 7.

GENERAL SCIENCE, SPACE, AND TECHNOLOGY

The SEASAT-A Project: Where It Stands Today. PSAD-77-126, September 16.

NATURAL RESOURCES, ENVIRONMENT, AND ENERGY

Nuclear Energy's Dilemma: Disposing Of Hazardous Radioactive Waste Safely. EMD-77-41, September 9.

An Unclassified Version Of A Classified Report Entitled "Status Of Physical Security Improvements To ERDA Special Nuclear Material Facilities." EMD-77-60a, September 8.

Multibillion Dollar Construction Grant Program: Are Controls Over Federal Funds Adequate? CED-77-113, September 12.

U.S. Coal Development: Promises, Uncertainties. EMD-77-43, September 22.

The United Kingdom's Development Of Its North Sea Oil And Gas Reserves. ID-77-51, September 23.

More And Better Uses Could Be Made Of Billions Of Gallons Of Water By Improving Irrigation Delivery Systems. CED-77-117, September 2.

The Environmental Impact Statement—It Seldom Causes Long Delays But Could Be More Useful If Prepared Earlier. CED-77-99, August 9.

AGRICULTURE

Food Waste: An Opportunity To Improve Resource Use. CED-77-118, September 16.

COMMERCE AND TRANSPORTATION

Costs Of Cargo Preference. PAD-77-82, September 9.

The Concorde—Results Of A Supersonic Aircraft's Entry Into The United States. CED-77-131, September 15.

Audit Of Financial Statements Of St. Lawrence Seaway Development Corporation Calendar Year 1976. FOD-77-13, September 13.

COMMUNITY AND REGIONAL DEVELOPMENT

Department Of Housing And Urban Development Unresponsive To Multifamily Housing Real Estate Tax Problems. CED-77-125, September 27.

Environmental Reviews Done By Communities: Are They Needed? Are They Adequate? CED-77-123, September 1.

Millions Of Dollars In Delinquent Mortgage Insurance Premiums Should Be Collected By The Department Of Housing And Urban Development. FGMSD-77-33, September 8.

EDUCATION, TRAINING, EMPLOYMENT, AND SOCIAL SERVICES

Problems And Needed Improvements In Evaluating Office Of Education Programs. HRD-76-165, September 8.

Office Of Education's Basic Grant Program Can Be Improved. HRD-77-91, September 21.

Stronger Controls Needed Over The Migrant And Seasonal Farmworkers Association Programs In North Carolina. HRD-77-84, September 8.

Management Of The Seminole Employment Economic Development Corporation. HRD-77-103, September 2.

HEALTH

Most Agency Programs For Employees With Alcohol-Related Problems Still Ineffective. HRD-77-75, September 7.

Need To Establish Safety And Effectiveness Of Antibiotics Used In Animal Feeds. HRD-77-81, June 27.

Lack of Coordination Between Medicaid And Medicare At John J. Kane Hospital. HRD-77-44, May 6.

New Strategy Can Improve Process For Recovering Certain Medical Care Costs. HRD-77-132, September 13.

VETERANS BENEFITS AND SERVICES

Operational And Planning Improvements Needed In The Veterans Administration's "Domiciliary" Program For The Needy And Disabled. HRD-77-69, September 21.

LAW ENFORCEMENT AND JUSTICE

Use Of Interpreters For Language—Disabled Persons Involved In Federal, State, And Local Judicial Proceedings. GGD-77-68, September 16.

GENERAL GOVERNMENT

Internal Revenue Service's Controls Over The Use Of Confidential Informants: Recent Improvements Not Adequate. GGD-77-46, September 1.

Conflicting Congressional Policies: Veterans' Preference And Apportionment vs. Equal Employment Opportunity. FPCD-77-61, September 29.

Problems In The Federal Employee Equal Employment Opportunity Program Need To Be Resolved. FPCD-76-85, September 9.

Benefits From Flexible Work Schedules—Legal Limitations Remain. FPCD-77-62, September 26.

Need To Apply Adequate Control Over The Centralized Payroll System Of The Department Of Health, Education, And Welfare. FGMSD-77-51, September 22.

Needed For More Effective Cross-Service Auditing Arrangements. FGMSD-77-55, September 26.

Compilation Of Recommendations To The Office Of Management And Budget For Improving Government Operations. GGD-77-85, September 13.

Competition For Negotiated Government Procurement Can And Should Be Improved. PSAD-77-152, September 15.

An Organized Approach To Improving Federal Procurement And Acquisition Practices. PSAD-77-128, September 30.

Computer Auditing In The Executive Departments: Not Enough Is Being Done. FGMSD-77-82, September 28.

Millions In Savings Possible In Converting Programs From One Computer To Another. FGMSD-77-34, September 15.

Planning For Source Data Automation In Government Industrial Activities—Coordination Needed. LCD-77-441, September 23.

Technical Assistance: A Way To Promote Better Management Of Guam's Resources And To Increase Its Self-Reliance. GGD-77-80, September 13.

Executive Agencies Can Do Much More In Using Government-Owned Space As An Alternative To Leasing Or New Construction. LCD-77-314, September 27.

No Cafeteria For Federal Employees At Waterside Mall. LCD-77-349, September 20.

What Needs To Be Done To Improve The Supply System Of The District Of Columbia. GGD-77-32, September 29.

Local Vehicle Leasing Options Have Not been Adequately Considered. GGD-77-71, August 5.

Replacing Lost Or Stolen Government Checks: Expedited Service Versus Costs And Risks. GGD-77-65, July 19.

Requirements For Recurring Reports To The Congress. PAD-77-61. For the period through June 30, 1976.

Additionally, letter reports are summarized including:

NATIONAL DEFENSE

The Defense Department has not made proper adjustments to Survivor Benefit Plan annuities based on annuitants' entitlement to Social Security Benefits attributed to deceased members' military service. FPCD-77-74, September 1.

The Defense Department is losing millions of dollars on sales of defense items abroad because normal inventory losses are not being recovered. FGMSD-77-43, September 8.

How much does it cost Defense contractors to comply with requirements of the Renegotiation Act? —, September 10.

Procedures used by the Army in awarding a contract for AN/PRC-77 mobile radio set to E Systems, Incorporated. PSAD-77-163, September 12.

Storage practices for shipments of material under the Foreign Military Sales Program and charges for customer assistance teams LCD-77-238, September 23.

Review of dispute over slow payment of contractor's invoices and claims for reimbursement on a defense contract. PSAD-77-168, September 26.

Actions needed to correct Army FY 1972 and 1973 accounting records for "Other Procurement" appropriation. FGMSD-77-80, September 28.

Additional comments on McDonnell Douglas Corporation's award of a contract for the F-18 ejection seat. PSAD-77-167, September 28.

The Air Force should provide the Congress with more information on the program to construct facilities to support the Space Transportation System at Vandenburg Air Force Base. PSAD-77-109, June 2.

Information on the Navy's FY 1978 request for funds to construct support facilities for Trident submarines. LCD-77-350, June 22.

INTERNATIONAL AFFAIRS

Are supplemental housing allowances paid to employees assigned to the U.S. Mission to the United Nations in New York justified? B-189609, September 26.

Use of Agency for International Development Funds by the International Planned Parenthood Federation. ID-76-46, March 1, 1976.

NATURAL RESOURCES, ENERGY, AND ENVIRONMENT

Is there a need for the Energy Research and Development Administration to set up a new Solar Energy Research Institute? EMD-77-67, September 9.

Matters which should be considered by the Federal Preparedness Agency during its review of policy concerning the Nation's strategic and critical materials stockpile. EMD-77-68, September 9.

Little progress in the Federal Energy Administration's program to order utilities and major fuel burning installations to use coal instead of natural gas or petroleum products. EMD-77-46, September 16.

GAO comments on the U.S. commitment to the development of liquid metal fast breeder reactor technology. EMD-77-56, August 2.

Banning of pesticide DDT by the Environmental Protection Agency and EPA's refusal to allow DDT's emergency use against the Tussock moth in 1973. B-125053, February 26, 1974.

AGRICULTURE

How to reduce the costs of shipping agricultural commodities on U.S.-flag vessels. CED-77-127, September 7.

Advance payments to wheat producers during 1973 under the wheat marketing certificate program and cropland set-aside program. B-176943, April 3, 1974.

Information on additional imports of butter and butter substitutes authorized under a 1973 presidential proclamation. B-180009, June 10, 1974.

COMMERCE AND TRANSPORTATION

Inconsistent patterns in rates charged for shipping manufactured products, agricultural commodities, and raw materials by rail between Texas and Chicago and between Florida and Chicago. B-179218, April 4, 1974.

EDUCATION, TRAINING, EMPLOYMENT, AND SOCIAL SERVICES

Availability of Federal funds for child day care service programs in Maryland. HRD-77-127, August 9.

HEALTH

Grants and loans made by the Department of Health, Education, and Welfare to health maintenance organizations through June 30, 1977. HRD-77-140, September 2.

Improvements needed in the Social Security Administration's accounting system for accounts receivable. FGMSD-77-32, September 6.

Why three nursing homes in South Carolina withdrew from the Medicare program. HRD-77-137, September 9.

The Army needs to establish a reimbursement rate which will recover the full cost of providing intensive care to civilians at the Brooke Army Medical Center. HRD-77-156, September 29.

VETERANS BENEFITS AND SERVICES

Weaknesses in billing procedures at three Florida VA hospitals for electron microscope diagnostic services provided non-Federal hospitals. HRD-77-148, September 16.

The Veterans Administration should review its procedures for admitting patients to VA hospitals to preclude admitting persons previously determined to be ineligible for hospital or outpatient care. HRD-77-149, September 19.

GENERAL GOVERNMENT

Comments on proposed impoundments of funds for the Energy Research and Development Administration and the Treasury Department. OGC-77-28, September 14.

The Civil Service Commission should charge interest on claims against former employees which are collected through reduction of an employees' annuity. FGMSD-77-41, September 15.

Federal advertising expenditures in black-owned enterprises. LCD-77-448, September 19.

The Smithsonian Institution's banking procedures are adequate to insure that non-interest-bearing checking account balances are kept at a minimum. GGD-77-67, September 20.

The Social Security Administration and the General Services Administration did not violate procurement regulations in placing orders for Social Security forms. HRD-77-144, August 31.

The Monthly List of GAO Reports and/or copies of the full texts are available from the U.S. General Accounting Office, Distribution Section, Room 4522, 441 G Street, N.W., Washington, D.C. 20548. Phone (202) 275-6241.

STATEMENT ON NATIONAL CULTURAL PARK LEGISLATION

HON. EDWARD W. PATTISON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, November 4, 1977

Mr. PATTISON of New York. Mr. Speaker, I am today introducing a bill to establish a system of national cultural parks in order that we might indentify and preserve those areas in our country that are rich in cultural, historic, natural, and architectural urban resources. The legislation would for the first time, create a comprehensive park program converging National, State, and local interests for the revitalization of our cities. My legislation sets up a commission to undertake a study and formulate recommendations for the creation of a national system of cultural parks and a demonstration program with participants providing timely information to the commission.

The urban cultural park is a concept which broadens the traditional notion of the urban park limited in location, size, and function to a much wider consideration of a park that is related to the total life of the cities. The concept considers not only natural and manmade elements as environmental resources, but also considers urban man and his social and cultural institutions as resources to be recognized, conserved, and cultivated.

Up until now, the term "urban park" has suggested a spot of green breathing space for the residents of densely populated cities. But the size and availability of urban parkland has never been able to keep pace with the growth of our cities. State and National parks have preserved large tracts of scenic undeveloped land for public recreation and enjoyment, but these large public lands are often all but inaccessible to the average urban citizen.

The National Cultural Park Act is directed at our Nation's urban areas. The purpose is to harness urban resources of national significance including major waterways, scenic landscapes, critical ecological areas, architectural landmarks, and historical neighborhoods reflecting major growth periods. By capturing these elements, communities can draw from them educational and recreational value, assets for community revitalization.

Existing effort by States and localities and existing Federal programs do not adequately meet our needs for preservation, interpretation, and management of these resources. Therefore, under my legislation, once a specific area is designated as a cultural park, the Department of the Interior would work with the local government to preserve and revitalize the area. This revitalization would be assisted by the encouragement of new industrial and commercial uses, by the establishment of programs for neighborhood conservation and community arts, and by the development of a tourism base.

The idea for this legislation came from the Hudson-Mohawk Cultural Park Commission and the Hudson-Mohawk Industrial Gateway. These groups are made up of representatives from Troy, Waterford, Watervliet, Cohoes, and Green Island, N.Y. These organizations have been working toward the formulation of this plan for several months and have the experience of their own park to base their conclusions.

The six neighboring but very independent municipalities at the confluence of the Hudson and Mohawk Rivers have adopted a cooperative cultural park approach to enhance and manage their natural and cultural resources. The communities share a rich architectural heritage that reveals how natural power was used in the early days of the American industrial revolution. Their cultural park initiative is predicated on the expectation that a constructive partnership can be formed with the many levels of government.

The intent of my legislation is to assist the Hudson-Mohawk area along with those other varied communities across the country which share the same needs for revitalization.

SUEZ BAN ON NUCLEAR SUB EMPHASIZES NEED OF CAPE ROUTE

HON. LARRY McDONALD

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Friday, November 4, 1977

Mr. McDONALD. Mr. Speaker, the Daily Telegraph of London on October 31, 1977 carried a story detailing Egypt's refusal to permit a British nuclear submarine to transit the Suez Canal. There are two points to be made here. One, this re-emphasizes the criticality of the cape route and two, the same thing could happen to the United States if we yield the Panama Canal. Torrijos, or his successor, could decide one of our nuclear submarines is a danger to his country and refuse transit. Would we go to war over that? Not likely? Where then would we go? To the World Court and wait 2 years for a decision? The article follows for the edification of my colleagues:

SUEZ BAN ON NUCLEAR SUB EMPHASISES NEED OF CAPE ROUTE

(By Desmond Wettern)

Continuing importance to the Royal Navy of the Cape route was demonstrated yesterday by a Defense Ministry admission that the programme of the nuclear submarine, Dreadnought, 4,000 tons, was being considered in the light of Egypt's refusal to let it through Suez.

The Egyptian move has come at a time when the United Nations, with British and American support, is expected to demand tougher measures against South Africa, which has never banned visits by British nuclear submarines.

The Dreadnought is the real spearhead of a task group led by the helicopter-carrying cruiser Tiger, 12,080 tons, flagship of Rear-Admi. Martin Wemyss, Flag Officer Second Flotilla.

The Tiger, five frigates and four supporting Royal Fleet auxiliaries, have already passed through the Suez Canal on their way to the Persian naval base at Bandar Abbas for joint exercises with the Persian Navy.

CONSIDERABLE POTENCY

Long-established tactics with previous task groups have shown that a nuclear submarine with its ability to operate for weeks under water gives even a comparatively small number of warships a considerable potency.

The Dreadnought was also later in the year to give the Australian, New Zealand and other navies a rare opportunity to exercise with a fast deepdiving submarine.

Main purpose of sending the task group east of Suez—it is not due to return to Britain until the late spring—is to provide a British naval presence in an area still of vital importance not only to Britain, but to other NATO nations, a fact that Dr. Luns and other NATO leaders have long acknowledged.

Now that Britain has abandoned her bases at Singapore, Gan in the Maldive Islands and Masirah off the coast of Oman, the navy alone has the means of deploying forces in an area through which pass oil, food and raw materials on which the Western world depends.

For several years a Royal Navy task group has operated annually in the Indian Ocean. Only American forces in the area are two destroyers and a headquarters ship, but these have now to be based on Norfolk, Virginia, following the Bahrein demand that the American base there should be closed.

French naval forces have lost their bases at Djibouti and in the Malagasy Republic, and have only limited facilities in one of the Comore Islands, off east Africa.

The Egyptian ban on the Dreadnought evidently stems from fears that should the submarine run aground or be involved in a collision in the canal, there might be a dangerous discharge of radioactive contaminated water from her reactor cooling system.

But many years' experience with the operation of British and American nuclear submarines have never disclosed the smallest indication of radioactive contamination in any of the ports they have visited. Such submarines in the past have been welcomed in many places.

It is likely that the Dreadnought may be re-routed back through the Mediterranean and around the Cape to join the task group in the Indian Ocean, a voyage she could accomplish completely submerged if required in about three weeks.

But unless the task group's whole programme is to be changed it is unlikely that she could arrive in time to take part in exercises with the Persian Navy.

A FEW WORRIES ON THE WELFARE REFORM PROPOSAL

HON. HAROLD E. FORD

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Friday, November 4, 1977

Mr. FORD of Tennessee. Mr. Speaker, I want to take this opportunity to address H.R. 9030, the President's welfare reform proposal. While I welcome a proposal which changes our current welfare system, and which really attempts to address the needs of the poor, I feel that any newly proposed legislation for enactment must eliminate the inadequacies of our current system.

The proposal which is now under consideration is designed to simplfy the incredibly complex system of welfare assistance presently in existence. The simplification will be achieved through a two-part program of jobs and income supplement for those who can work, and single cash assistance payments for those who cannot work. Other provisions to achieve this include a national standard set of eligibility criteria, a single cash benefit in place of various programs for assistance, extension of benefits to previously uncovered populations, a two-parent families and childless couples component, and a plan to make up for inequities of payments across the country.

Though these are needed changes, I have some serious problems with this bill. Foremost among them is the fact that we may very well be introducing another bureaucracy in place of the one we already have. The single cash benefits are still too low to live on: clearly the proposed maximum benefit of $4,200 for a family of four is inadequate. It is a sum, moreover, which is 65 percent of the poverty line, and as it stands now, will not be adequate with changes in the cost of living. This does not assure an adequate income to the poor, albeit States will be expected to add to that sum, though they will not be required to supplement it.

As a representative of an urban area with a significant number of poor, I am, and my constituency is, concerned about the bill's delineation which specifies who can work and who cannot. The plans for determining eligibility seem to be more for the working of the system and for the cost-cutting, than for determining and meeting needs. It has also been pointed out that the current proposal is based on an unrealistically low unemployment rate forecast.

The jobs component, a most essential element of H.R. 9030, needs to be redressed. It is impossible to talk of work requirements until the number of jobs increases. We need to work out a better system for providing more jobs and not additional requirements to get in line for jobs that are not there. Those jobs which will be created as part of the bill need salaries which match prevailing salaries. And State agencies, which will administer these jobs, will have to show more willingness and ability to work with low-income people.

Any new welfare reform proposal must meet the needs of those it will affect. H.R. 9030 is in that direction, but changes must be made to insure that the proposals suggested guarantee that the cash allotments are enough to live on, that there is a strong mechanism to create sufficient jobs at acceptable salaries, and that the provision of social services accompanies cash assistance.

ALASKAN NATURAL GAS TRANSPORTATION SYSTEM

HON. THOMAS A. LUKEN

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Friday, November 4, 1977

Mr. LUKEN. Mr. Speaker, I rise today in support of House Joint Resolution 621 which passed the House of Representatives and Senate on November 2, 1977, approving the President's decision on the Alaskan Natural Gas Transportation System.

The shortage of natural gas in the United States has manifested itself in shrinking proven reserves, declining production levels, and increasing curtailments of natural gas usage. Hopes to alleviate some of the natural gas shortage rest with the substantial natural gas reserve which was discovered in 1968 at Prudhoe Bay on the North Slope of Alaska. Estimates indicate that this field will contain 26 trillion cubic feet (tcf) of proven natural gas reserves or an amount greater than 10 percent of total U.S. reserves. Some experts think that the total potential natural resources could run as high as 72 to 185 tcf.

This discovery is at a time when the Lower 48 States are experiencing a severe natural gas shortage. The lack of new gas dedications in the interstate market along with a general decline in gas production has led the Federal Power Commission (FPC) to project a 3.9-tcf supply deficiency for firm customers from the period of April 1977 through March 1978. This is a staggering figure and worse shortages are expected in the future. The Alaskan natural gas supply could alleviate a significant portion of the U.S. shortage by supplying as much as 1.2 tcf annually.

On September 8, 1977, President Carter and Canadian Prime Minister Trudeau announced jointly that they had selected the Alcan route for transporting Alaskan natural gas to the Lower 48 States. The Alcan route would begin at Prudhoe Bay, Alaska, follow the Trans-Alaska oil pipeline southward past Fairbanks to Delta Junction where it would depart from the oil pipeline and follow the Alaska Highway into the Yukon Territory. It would cross the northeastern corner of British Columbia and proceed to Caroline Junction, Alberta, where it would split into a western leg delivering gas to the Northwest States and California and an eastern leg to the Midwest United States.

Total length of the Eastern Leg will be 1,352 miles, including 235 miles in Canada and 1,117 miles in the United States. Alaskan gas will be transferred at the Saskatchewan/Montana border from the Canadian-owned portion of the Alcan system to the Northern Border Pipeline system. Northern Border Pipeline Co. is a partnership consisting of subsidiaries or affiliates of Columbia Gas Transmission Corp., Michigan-Wisconsin Pipeline Co., Natural Gas Pipeline Co. of America, Northern Natural Gas Co., Panhandle Eastern Pipeline Co. and Texas Eastern Transmission Corp. The Northern Border system will travel diagonally across Montana, North Dakota, South Dakota, Minnesota, Iowa, and terminate near Chicago, Ill.

Present projections for the Eastern Leg, which will ultimately affect southern Ohio, are that 1 billion cubic feet per day will be transmitted. The Federal Power Commission has estimated that more than 30 percent of this amount will be delivered to region V. Region V consists of Ohio, Illinois, Indiana, Michigan, Minnesota, and Wisconsin.

Although an exact determination is impossible at this time, delivery of the

natural gas to the midwest from the Alcan Pipeline is expected by January 1, 1983. In addition, a proposal is being considered which will enable the United States to borrow from the existing natural gas supply in Alberta, Canada for transmittal to Dwight, Ill. Upon completion of this stretch of pipeline from Alberta to Dwight, the United States could receive up to 200 million cubic feet per day. This would push up the delivery date to the midwest to 1980. At the completion of the entire pipeline the United States would return the borrowed natural gas to Alberta.

The economic benefits to the entire United States will be significant. The Midwest Region and Ohio consumers are expected to receive additional benefits due to the close proximity of the end of the Eastern Leg of the pipeline. In addition, the transmittal companies located in the midwest will have the opportunity to exchange their natural gas holdings in other parts of the country for natural gas purchases made from the Alcan Pipeline at the Eastern Leg. This process, known as displacement, allows considerable savings in transporting costs.

I strongly favor the choice of the Alcan proposal as one which will efficiently transport the natural gas to the lower 48 States without sacrificing environmental concerns. Further, the Alcan Pipeline will save the American people millions of dollars and will continue to reduce our dependence on foreign oil as an energy resource.

TROTSKYITES PLAN EXPANSION

HON. LARRY McDONALD

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Friday, November 4, 1977

Mr. McDONALD. Mr. Speaker, the Fourth International, the world party of the Trotskyite Communists recently healed the split that had taken place between those who advocated terrorism now, and those who urged that terrorism be delayed for a more opportune time. The compromise worked out included a continuation of Trotskyite terrorism in Latin America, Europe, and the Middle East, while attempts are made to make new contacts and build the strength of the Trotskyite parties.

During the course of the debate on terrorism, it was revealed that as early as 1962 the Communist government of Cuba had begun the training of Trotskyite cadres in terrorism. Jack Barnes, the leader of the Socialist Workers Party, the American section of the Fourth International revealed at a meeting of his faction on August 17, 1977, that in 1967, "the Cuban leadership was continuing to train and arm guerrillas from various tendencies—including Trotskyists from Bolivia and elsewhere. . . ." Barnes further referred to, "the Cubans' willingness to train a significant number of cadres for armed struggle, including, as we later learned, Trotskyist cadres of the Fourth International." [1]

The Socialist Workers Party convention held at Oberlin, Ohio, August 7–13, 1977, heard greetings on behalf of the Fourth International united secretariat read by A. Udry, a leader of the terrorism now faction. The greetings were to be read by Charles Michaloux, another leader of the terrorism now faction but he was stopped at the Canadian border and denied entry into the United States.

Michaloux, who also serves as a leader of the French section of the Fourth International, was barred from the United States because as a member of a Communist organization he could not be admitted under the terms of the Immigration Act, unless he had a waiver from the Justice Department. He did not have such a waiver, but he has now been advised that if he applied again, the waiver will be granted.

Tariq Ali, also known as Tariq Ali Khan, is a Pakistani who serves as a leader of the British section of the Fourth International, has publicly supported terrorism. Although he had been previously barred from the United States, the State Department advised him that he, too, would be granted a waiver and admitted.[2]

At the present time, Hugo Blanco, a Peruvian Trotskyite terrorist, and Iea Tsemel an Israeli supporter of the Palestine Liberation Organization terrorists are engaged in speaking tours of the United States. The tours were arranged by the Socialist Workers Party. Both are active in the Fourth International.

A major campaign is now being conducted by sections of the Fourth International to recruit individuals and groups from other Marxist movements. Particular targets for recruitment are the tiny Trotskyite splinter sects. The history of the Trotskyite movement has always been filled with splits and splinter groups. As Max Shachtman, a founder of American Trotskyism and one of its few leaders with either intelligence or a sense of humor, once said while looking at the proliferation of Trotskyite groups, "as the old adage says, 'unlucky at fusions—lucky at splits' ". Now, however, they are prepared to merge with not only Trotskyite groups but Stalinists, anarchists, and other leftists.

In England, the International Marxist Group—IMG—section of the Fourth International has about 600 members. They have been engaged in support activity for Irish terrorist groups operating both in England and Ireland. They are now attempting to organize joint actions with an anarchist group called, Big Flame. Other smaller ultra-left groups have also been contacted.

A rival British Trotskyite group formerly called the Revolutionary Socialist League has had more success in a very significant area. They dissolved their organization and now serve as a secret faction in the British Labour Party and its youth organization, Labour Party Young Socialists—LPYS. The secret faction calls itself, the Militant Tendency. It has almost 80 branches and about 1,000 members. The members were instructed to deny that any such group exists. It has, however, a national council, which directs the operations of the members in Britain's ruling Labour Party. This relatively small group has captured the Labour Party Young Socialists. Nick Bradley, a leader of the secret faction, was elected by the LPYS to a seat on the Labour Party national executive committee. Other members of the secret group have also gained key positions in the LPYS.

In Germany, the International Marxist Group—GIM—has a few hundred members. It has developed close relationships with the support apparatus for the Baader-Meinhof terrorist organization, also called the Red Army Faction—RAF. The RAF has received financial support from the East German Communist Government and training in Soviet operated Palestine terrorist camps. The GIM has used its newspaper WAS TUN to give support to the RAF terrorists. Members of GIM participate with the terrorist support apparatus in organizing demonstrations against nuclear power plants. Both groups were among the many German participants in the violent demonstrations at the site of the superphenix breeder reactor in Creys-Malville, France. In the German Federal elections held in October, 1976, the GIM received almost 5,000 votes.

The American section of the Fourth International is the Socialist Workers Party. They too, are reaching out for new recruits. At the August, 1977, national convention the SWP admitted to membership the 45 members of a small Trotskyite group called the Revolutionary Marxist Committee, despite serious theoretical disagreements. The RMC is very security conscious and normally uses "party names" for its members. The SWP on the other hand, now that they are no longer under surveillance by the FBI, felt secure enough to parade the members of the RMC on the stage in front of the entire SWP convention where they could be recognized had there been FBI informants present. The SWP has also published in its internal information bulletin, October 1977, No. 8 the full names of their members that spoke at the convention. In the past when the FBI was watching them, they often used "party names" or only first names. The same issue contains the list of members of the newly elected national committee. That list may be found as an appendix to this report.

The August 1977 convention heard greetings from the organizing committee for the reconstruction of the Fourth International, a rival international Trotskyite group based in France that would like to merge with the Fourth International; an even smaller Trotskyite splinter group which is called Lutte Ouvriere in France and Spark in the United States which would also like to merge; and the Mexican-American leftist group the Raza Unida Party of Texas and New Mexico.

One of the most interesting people present at the convention was 24-year-old James Brinning, who is presently the Socialist Labor Party write-in candidate for mayor of the city of New York. The

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Footnote at end of speech.

Socialist Labor Party is the oldest Marxist Party in America. It has a history of being anti-Soviet, anti-Communist, and an advocate of peaceful change towards socialism. The party has been dormant for many years and most of its members are extremely old. However, in recent years a core of young members have suddenly appeared and taken over key positions including control of the SIP newspaper, the Weekly People. One of these is James Brinning, who is also active in "gay liberation" movements, an area of extensive SWP operations. The SWP expects Brinning and the other members of his faction to join the SWP bringing with them some of the substantial financial assets accumulated by the SIP over the years. Brinning's attendance at the SWP convention indicates that the plan is being carried out.

The Socialist Workers Party has had recent contact with a Mexican terrorist group called the 23rd of September Communist League—LC23. This group which now has a Maoist orientation contains a number of members who have Trotskyite backgrounds. LC23 has committed numerous kidnappings and murders in Mexico and now has a section operating in the southwest United States. The SWP has taken up the defense of Hector Marroquin Manriquez, who has been identified by Mexican authorities as a member of LC23. He is presently serving a 3-month jail sentence in the United States for illegal entry.

LC23 activists in California have been meeting with Milton Zaslow, a former member of the Socialist Workers Party who is a supporter of the Fourth International faction that advocates terrorism now. Zaslow under the name Mike Bartell served as the New York City organizer of the Socialist Workers Party until 1953, when he was expelled as part of a faction that advocated dissolving the SWP to make it easier to operate within the periphery of the Communist Party.[3] Zaslow has been attempting to reenter the Fourth International but has been barred on the insistence of the SWP. He heads a group called the Revolutionary Marxist Organizing Committee, which has an affiliate in Baltimore, Md., called the Baltimore Marxist Group.

The Trotskyites see this as a period for expansion and making new contacts. At the same time, they will be giving support to terrorist activities in various parts of the world. Terrorist organizers and fund raisers are already being brought into this country by the Socialist Workers Party. They have every intention of expanding this program.

The current national committee list of the Socialist Workers Party follows:

National committee: Nan Bailey, Jack Barnes, John Barzman, Nelson Blackstock, George Breitman, Joel Britton, Peter Camejo, Pearl Chertov, Steve Clark, Clifton DeBerry, Maceo Dixon, Catarino Garza, Fred Halstead, John Hawkins, Ed Heisler.

Gus Horowitz, Cindy Jaquith, Doug Jenness, Linda Jenness, Lew Jones, Shelley Kramer, Susan LaMont, Bruce Landau, Frank Lovell, Caroline Lund, Wendy Lyons, Sam Manuel, Malik Miah, Andrea Morell, Derrick Morrison.

Andrew Pulley, Willie Mae Reid, Harry Ring, Olga Rodriguez, Larry Seigle, Ed Shaw, Barry Sheppard, Syd Stapleton, Betsey Stone, Tony Thomas, Mac Warren, Mary-Alice Waters, Nat Weinstein, Judy White, Tim Wohlforth, Pat Wright.

Alternate membership on the national committee: 1. Peggy Brundy, 2. Thabo Ntweng, 3. John Benson, 4. Gerry Foley, 5 & 6. Les Evans, Barbara Matson, 7. Lynn Henderson, 8. Miguel Pendás, 9. Matilde Zimmermann, 10. James Harris, 11. Fred Feldman, 12. Marcia Gallo, 13. Ken Shilman, 14. Dick Roberts, 15, Eric Olsen, 16. Rich Finkel, 17. Dick McBride, 18. Jeff Mackler, 19. Pedro Vásquez.

20. Kipp Dawson, 21. Andy Rose, 22. Ray Markey, 23. Baxter Smith, 24. Helen Meyers, 25. Richie Ariza, 26. Omari Musa, 27. Dave Prince, 28. Robb Wright, 29. Tony Austin, 30. Dianne Feeley, 31. Tom Leonard, 32. Andrea Lubrano, 33. Cathy Sedwick, 34. Katherine Sojourner, 35. Hattie McCutcheon, 36. Sara Johnston, 37. Reba Williams.

SWP MEMBERSHIP FLUCTUATION

Party Membership at Time of Convention

1977, 1610; 1976, 1339; 1975, 1125; 1973, 1125; 1971, 791; 1969, 500; 1967, 385; 1965, 420; 1963, 441; 1961, 413; 1959, 399; 1957, 434; 1954, 480; 1952, 758; 1950, 825; 1948, 1277; 1946, 1470; 1944, 840; 1942, 645; 1940, 1095; 1938, 1520.

FOOTNOTES

[1] Fourth International International Internal Discussion Bulletin #8, September 1977, pp. 14 and 15.

[2] Socialist Workers Party Internal Information Bulletin #8, October 1977, pp. 42.

[3] Socialist Workers Party Education for International, Part 3, Volumes 1 and 2.

JOINT EXPLANATORY STATEMENT ON H.R. 8701

HON. OLIN E. TEAGUE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Friday, November 4, 1977

Mr. TEAGUE. Mr. Speaker, there follows a joint explanatory statement on H.R. 8701, the GI Bill Improvement Act of 1977:

JOINT EXPLANATORY STATEMENT OF HOUSE BILL, SENATE AMENDMENT, AND COMPROMISE AGREEMENT

TITLE I—GI BILL RATE INCREASES

The House bill and the Senate amendment were designed to amend chapters 31, 34, 35, and 36 of title 38, United States Code, to increase the amounts of education assistance allowances by 6.6 percent.

The compromise agreement contains the Senate provision.

Sec. 105. Veteran-student services

The Senate amendment would increase the amount of the hourly work-study allowance to equal the amount of the Federally-required minimum hourly wage and would provide that such work-study hourly allowance be increased whenever such minimum wage is increased.

The House bill contained no comparable provision.

The compromise agreement contains the Senate provision.

TITLE II—ACCELERATED PAYMENT AND DELIMITING PERIOD EXTENSION

Sec. 201. Accelerated payment and education loan eligibility

The Senate amendment would establish a program of accelerated educational assistance payments, thus making it possible for certain veterans and eligible persons attending a higher cost program of education to receive a greater amount of GI Bill educational assistance. Under the Senate provision, a veteran otherwise eligible, would be entitled to accelerate two-thirds of the amount by which his or her tuition and fees for any school term exceed $700. In addition, the Senate amendment would establish an education loan program to be used in conjunction with the accelerated benefit program. Only those veterans eligible for the loan on the basis of need would be eligible for the accelerated program.

The House bill contained no comparable provision.

The compromise agreement would provide a program for assisting certain veterans attending high-cost programs of education as follows:

(1) any veteran, subject to other limitations, would be eligible to borrow up to $2500 per school year (presently limited to $1500 per school year), as follows:

(a) a veteran would be required to qualify for such loan on the basis of need as defined in section 1789;

(b) a veteran would not be required to have sought loans from other sources;

(c) a veteran enrolled in a course not leading to a standard college degree and of less than 6 months duration (not presently eligible for the VA education loan program) could (as automatically provided for in Senate version) qualify for the expanded loan program upon an exception granted by the Administrator. The Committees expect the Administrator to exercise with care the waiver authority provided under this program in order to assure the appropriate payment of GI Bill moneys.

(2) when the veteran completes the program of education in which enrolled (for example, obtains the degree he is seeking) he or she—subject to the accelerated program computation limitations regarding the 45 months of entitlement—will, if a full-time student, be eligible—under a Federal-State program—for a loan cancellation of up to ⅓ of the amount by which tuition and fees exceed $700 per school term or ⅓ of the amount of the loan for the year involved, whichever is less. Within those limits, the VA will cancel one dollar of the loan amount for each dollar which the State or local governmental unit (or both) in which the school is located repays.

Sec. 203. Delimiting period extension

The Senate amendment would:

(a) extend the period of time a veteran has to utilize his or her GI Bill benefits when the veteran has a mental or physical disability or impairment, not the result of his or her own misconduct, which the Administrator finds prevented the veterans from initiating or completing a course of study; and

(b) extend for two years, in certain instances, the length of time a veteran or eligible spouse who is enrolled in training as a full-time student (and certain veterans in part-time training) at the time his or her delimiting date passes and provide that during the eleventh year and twelfth year of eligibility such veteran or eligible person shall be paid 50 percent and 33 percent, respectively, of the amount of normal entitlement rate.

The House bill contained no comparable provision.

The compromise agreement would:

(a) include the Senate provision with modifications deleting "or impairment" and applying the same provision to eligible spouses under chapter 35 of title 38. The Committees expect that the definition of physical or mental disability will be no less stringent than the definition of disability contained in section 601(1) of title 38.

(b) provide that a veteran or eligible spouse enrolled on a full-time basis at the time the delimiting date passed would (to the extent he/she had monthly loan entitlement remaining) be eligible for a VA loan of up to $2500 during each of the 11th and 12th years provided such veteran or eligible spouse continued in full-time training in that course until that program is completed (generally as outlined in section 203(b) of the Senate version).

Such veteran or eligible spouse would have to qualify on the basis of need, as provided in section 1798, but would not be required to meet the "turndown rule". In addition, a veteran enrolled in a course not leading to a standard college degree and not meeting the 6-month requirement (not presently eligible for the VA loan program) could qualify for the expanded loan program upon an exception granted by the Administrator. All the provisions of the liberalized loan program would be applicable to loan entitlement in the 11th and 12th years. (Under current law, a veteran is eligible for a VA education (section 1798) loan only to the extent he or she has entitlement (maximum of 45 months) and is within the 10-year delimiting period.)

TITLE III—OTHER EDUCATION AND TRAINING AMENDMENTS

Sec. 301. Citation of authority

The Senate amendment would require the Administrator, in the promulgation of issuance of any rule, regulation, guideline, or other published interpretation of title 38, or any amendment thereto, to provide a citation or citations to the particular section of statutory law or other legal authority upon which it is based.

The House bill contained no comparable provision.

The compromise agreement contains the Senate provision.

Sec. 302. Counseling services and predischarge education program report elimination

The Senate amendment would amend section 1663 of title 38 to provide eligible veterans with more extensive VA educational counseling services and require the Administrator to carry out an effective outreach program to acquaint all eligible veterans with the availability and advantages of such counseling.

The House bill contained no comparable provision.

The compromise agreement contains the Senate provision as modified to make specific that the Administrator, where appropriate, provide counseling in regard to employment opportunities and take reasonable steps to notify individual veterans of the availability and advantages of counseling.

Prep Reports

The Senate amendment would eliminate the requirement that the Department of Defense file with the Congress progress reports with respect to the implementation of the Predischarge Education Program.

The House bill contained no comparable provision.

The compromise agreement contains the Senate provision.

Sec. 303. State approving agency reimbursement and report

The House bill would increase by 5 percent the amount of money State approving agencies are reimbursed for expenses incurred in approving educational institutions for purposes of GI Bill enrollment.

The Senate amendment would increase such reimbursement by 10 percent.

The compromise agreement contains the House provision.

The Senate amendment would require State approving agencies to report annually to the Administrator on their specific activities, approvals, and disapprovals during the preceding year.

The House bill contained no comparable provision.

The compromise agreement contains the Senate provision as modified to require the periodic submission of these reports by State approving agencies not less often than annually as determined by the Administrator.

Sec. 304. Correspondence-residence courses, reporting fees, institutional attendance requirements, and vocational course measurement

Correspondence-Residence Courses

The Senate amendment would authorize the approval by the Administrator of a combined correspondence-residence course not meeting the requirement that the correspondence portion normally take at least 6 months to complete if the Administrator finds—based on evidence submitted by the school—that there is a reasonable relationship between the charge for each segment of the course (including the cost to the institution for providing each segment) and the total charge for such course.

The House bill contained no comparable provision.

The compromise agreement does not contain the Senate provision.

Advance Payment

The Senate amendment would require the Administrator to include, as part of the veteran's application form for advance pay and with any advance payment, a notice to the veteran, in clear and simple language, of the period of time between the date of advance payment and the scheduled date of the first monthly benefit payment.

The House bill contained no comparable provision.

The compromise agreement does not contain the Senate provision. The Committees expect the Administrator to take reasonable steps to inform eligible veterans of the advance pay program and of the period of time which will elapse between the date of advance payment and the scheduled date of the first monthly benefit payment.

Reporting Fees

The Senate amendment would increase by $5 and $9 (from $5 and $6 to $10 and $15) the amount of reporting fees paid to reimburse educational institutions for costs incurred in filing with the Veterans' Administration required reports on veterans and eligible persons enrolled in such institutions—the higher rate is paid for each veteran who participates in the advance payment program.

The House bill contained no comparable provision.

The compromise agreement contains the Senate provision as modified to provide increases in reporting fees of $2 and $5—from $5 and $6 to $7 and $11, respectively.

Satisfactory Completion Payment

The Senate amendment would require the payment of $5 to educational institutions for each full-time veteran or eligible person enrolled therein who satisfactorily completes the school term.

The House bill contained no comparable provision.

The compromise agreement does not contain the Senate provision; instead, it requires the VA to conduct a comprehensive longitudinal study of, among other things, the extent to which veterans have used their entitlements under the Post-Korean-Conflict GI Bill and authorizes the appropriation of $2 million for the conduct of such study. The report is to be submitted by September 30, 1979.

Reporting Fees Offset

The Senate amendment would prohibit the Administrator from attempting to collect any administratively determined institutional liability for overpayments under section 1785 of title 38, United States Code, by offsetting the amount of reporting fees to which an institution may be entitled under section 1784(b).

The House bill contained no comparable provision.

The compromise agreement includes the Senate provision as modified to permit such offset where an educational institution is not contesting liability or the liability was upheld by a court of appropriate jurisdiction.

Attendance Records

The Senate amendment would specify that under no circumstances shall section 1785—which pertains to institutional liability for veteran overpayments—or any other provision of title 38, United States Code, be construed as requiring any institution of higher learning to maintain daily attendance records for any course leading to a standard college degree.

The House bill contained no comparable provision.

The compromise agreement contains the Senate provision. The Committees emphasize that this provision does not diminish the responsibility of educational institutions to report without delay the enrollment, interruption, and termination of the education of each eligible veteran and eligible person enrolled therein.

Voc-Tech Clock-Hours

The Senate amendment would reduce the number of clock hours which an accredited institutional trade or technical course must offer to assure that the veterans enrolled therein are eligible for full-time GI Bill benefits—where classroom and theoretical instruction predominate, the required instructional hours are reduced from 22 to 18 and, where classroom and theoretical instruction does not predominate, from 27 to 22 hours.

The House bill contained no comparable provision.

The compromise agreement contains the Senate provision.

Voc-Tech Supervised Study

The Senate amendment would limit to 5 the number of hours of supervised study which non-accredited institutional trade or technical courses are allowed to count in determining compliance with the required clock-hours provisions (30 and 25, respectively for theoretical and non-theoretical instruction).

The House bill contained no comparable provision.

The compromise agreement contains the Senate provision.

Two-Year Rule—Vocational Schools

The Senate amendment would exempt courses with vocational objectives from the application of the rule in those instances where the Administrator determines (i) that the institution offering such courses has been in existence for 2 years or more and has demonstrated its effectiveness in achieving the completion of its courses by students and the employment of persons who completed courses offered by institutions in occupations for which such persons were trained, and (ii) after consultation with the Secretary of Labor, that there is a clear need to train persons for employment in such vocational objective in terms of national priorities.

The House bill contained no comparable provision.

The compromise agreement does not contain the Senate provision.

Civilian Employees

The House bill contained a provision to extend exemption from the two-year rule to certain courses offered by educational institutions pursuant to a contract with the Department of Defense when such courses are available to civilian military personnel.

The Senate amendment contained no similar provision.

The compromise agreement contains the House provision, as modified. Under current law, certain courses under contract with the Department of Defense are exempted from the two-year rule. To qualify for such exemption such courses can be given on or immediately adjacent to a military base, be approved by the State approving agency of the State in which the base is located, and be available only to active-duty military personnel and/or their dependents. Under the House provision, civilian employees would also have been permitted to enroll in such courses without affecting such course's eligibility for a two-year rule exemption. The House provision was modified by deleting the special reference to civilian employees and, instead, providing the Administrator with the authority to waive all or any of the above requirements in order for such a contract course to be eligible for such exemption of the two-year rule.

Two-year rule waiver, branches and extensions

The House bill and the Senate amendment contained a provision to provide, in certain instances, a waiver of the two-year rule for certain branches and extensions of institutions of higher learning.

The compromise agreement contains such a provision.

85–15 rule—35 percent waiver

The Senate amendment would exempt any institution with an enrollment of veterans which comprises 35 percent or less of the total student enrollment (with main campuses and extensions computed separately) from the requirement of course-by-course computation of the rule, except that, where the Administrator has cause to believe that the GI Bill enrollment in particular courses exceeds 85 percent of the total course enrollment, the Administrator can require computation for the particular course and enforce the rule.

The House bill contained no comparable provision.

The compromise agreement includes the provision of the Senate amendment as modified to provide the Administrator with authority to establish—pursuant to prescribed regulations—a lower percent for exemption from the 85–15 rule. The Committees believe that it would generally be desirable for the Administrator to publish information periodically to show how the authorized waivers of the 85–15 rule and two-year rule are being applied.

85–15 Rules—Overseas Residential Courses

The Senate amendment would make the 85–15 rule inapplicable to overseas residential courses.

The House bill contained no comparable provision.

The compromise agreement does not contain the Senate provision.

85–15 Rules—Federal Grants

The House bill contained a provision eliminating from the 85–15 rule computations of those students in receipt of Federal grants other than from the Veterans' Administration.

The Senate amendment would require the Administrator, in consultation with the Commissioner of Education, to conduct a study and submit to the Congress, by August 1, 1978, a report examining the need for including in the 85–15 computation those students in receipt of grants from any Federal department or agency and the problems of such institutions including such a computation of those students in receipt of grants from any Federal department or agency other than the Veterans' Administration, and make inapplicable, until the expiration of 6 months after the date of the filing of such report, the provisions contained in the rule requiring the inclusion of the number of students in receipt of Federal grants when determining compliance with the rule by educational institutions.

The compromise agreement contains the Senate provision as modified to provide that the suspension of the inclusion of such Federal grants shall continue until such time as the Administrator determines that there is an adequate and feasible system for making such computations and to eliminate specific reference of agencies and departments with whom the Administrator must consult during the conduct of the study.

Study—Education approval process

The Senate amendment would mandate the Administrator, in consultation with the Commissioner of Education (HEW), COPA, State approving agencies, and other appropriate bodies, persons, and officials to conduct a study of specific methods of improving the process by which postsecondary education institutions and courses at such institutions are and continue to be approved for the purposes of the GI Bill; require that such study include the need for legislative and administrative action in regard to certain relevant provisions including the "seat-time" requirement and the satisfactory progress requirements of section 1674 and 1724 of title 38, as amended by section 206 and 307, respectively, of Public Law 94–502, and regulations prescribed thereunder; require that the report of such study be submitted to the President and Congress by August 1, 1978; and direct the Administrator, in accordance with applicable law and procedure, to make available from funds appropriated to the Veterans' Administration such sums as are necessary (but not more than $500,000) for the conduct of the study.

The House bill contained no comparable provision.

The compromise agreement contains the Senate provision as modified to strike specific reference to certain departments, agencies, officials, and bodies with whom (or which) the Administrator is required to consult; to require the submission of that portion of the report concerning satisfactory progress by September 30, 1978 and the balance of the report on September 30, 1979, and would authorize the appropriation of $1,000,000 for the conduct of the study.

Satisfactory Progress Provisions

The Senate amendment would suspend, during the period of time required to make the study described below, the implementation of the satisfactory-progress amendments contained in sections 206 and 307 of Public Law 94–502 for any accredited educational institutions submitting to the Administrator catalogs or bulletins which the Administrator determines are in compliance with the provisions of section 1776(b)(6) and (7) of title 38 and require the Administrator, in appropriate instances, to bring to the attention of the Council on Postsecondary Accreditation (COPA)—or other appropriate accrediting or licensing bodies—any course catalogs or bulletins submitted to the Administrator which the Administrator believes may not be in compliance with the standards of the accrediting or licensing body.

The House bill contained no comparable provisions.

The compromise agreement contains the Senate provisions.

Section 701 Relief

The Senate amendment would provide the Administrator with the authority to provide equitable relief to certain educational institutions where the Administrator finds that, as a result of enactment of section 701 of Public Law 94–502 (relating to negotiability of GI Bill assistance checks subject to powers-of-attorney), the institution has incurred an undue hardship.

The House bill contained no comparable provision.

The compromise agreement contains the Senate provision.

Advisory Committee

The Senate amendment would require the Education Advisory Council—established by section 1792 of title 38—to meet at least semiannually; and require the Administrator to consult with the Council on a regular basis.

The House bill contained no comparable provision.

The compromise agreement does not include the Senate provision.

Section 306. Termination of assistance requirements

The Senate amendment would provide that any action to terminate GI Bill assistance must be based upon clear evidence in the possession of the Administrator that the veteran is not, or was not, eligible for such assistance; require the Administrator to give the veteran concurrent written notice whenever the Administrator suspends or terminates such assistance; and require the Administrator to give written notice to the veteran that he/she is entitled to a statement of the reasons for such termination or suspension and an opportunity to be heard.

The House bill contained no comparable provision.

The compromise agreement contains the Senate provision as modified to strike "clear" and "in the Administrator's possession".

Section 307. Vocational rehabilitation study

The Senate amendment would direct the Administrator, in consultation with the HEW Commissioner of Rehabilitation Services, to conduct a study and to submit a report to the President and Congress, due March 1, 1978, in regard to chapter 31 of title 38, the Veterans Vocational Rehabilitation Program, including the Administrator's recommendations for administrative or legislative changes.

The House bill contained no comparable provision.

The compromise agreement contains the Senate provision.

Section 308. Veterans readjustment appointments report

The Senate amendment would require the Chairman of the Civil Service Commission to submit to the President and the Congress, not later than 6 months after enactment, a report on the need for continuation after June 30, 1978, of the authority for veterans readjustment appointments.

The House bill contained no comparable provision.

The compromise agreement contains the Senate provision.

Section 309. Technical amendment

The Senate amendment would make technical amendments to section 101(29) and section 2007(c) of title 38, United States Code.

The House bill contained no comparable provisions.

The compromise agreement contains the Senate provisions.

Section 310. Veterans cost-of-instruction transfer authority

The Senate amendment would authorize the Administrator to conduct, pursuant to either an interagency agreement with HEW or a delegation of authority by that Department (including a fund transfer), the programs carried out under section 420 of the Higher Education Act of 1965 as amended—the Veterans Cost-of-Instruction (VCI) program.

The House bill contained no comparable provision.

The compromise agreement contains the Senate provision as modified to delete reference to "delegation" and to provide for recodification of such section at section 246

of title 38 in the event such transfer occurs (and supercession of section 420).

Section 311. Housing solar energy and weatherization study

The Senate amendment would entitle eligible veterans to an additional $2,000 of home loan guarantee (and $3,800 in direct loans) to install in their homes solar heating, solar heating and cooling, or combined solar heating and cooling or to improve their homes with residential energy conservation measures.

The House bill contained no comparable provision.

The compromise agreement deletes the guaranty entitlement provisions and in lieu thereof mandates the conduct of a study to determine the most effective specific methods of using the programs carried out under, or amending the provision of, chapter 37 of title 38 in order to aid and encourage present and prospective veteran homeowners to install in their homes solar heating, solar heating and cooling, or combined solar heating and cooling and to apply residential energy conservation measures. The Committees expect the VA, in making the study, to consider the provisions in section 311 of H.R. 8701 as amended and passed by the Senate on October 19, 1977.

TITLE IV—WOMEN'S AIR FORCES SERVICE PILOTS

The Senate amendment would extend eligibility for VA benefits to certain members of the WASPs.

The House bill contained no comparable provision.

The compromise agreement would make it possible for certain members of WASPs (and similarly situated groups of civilians who rendered what has previously been considered civilian or contractual service to the Armed Forces) to receive discharges from active military service and, as a consequence, become eligible for VA benefits if the Secretary of Defense determines whether the service of such groups was active-duty service and, in the cases of affirmative determinations, issues discharges under honorable conditions to those members the duration and nature of whose service warrant such discharge.

TITLE V—EFFECTIVE DATES

The House bill contained an October 1, 1977, effective date.

The Senate amendment established the effective date of the Act as the first day of the month beginning 60 days after the date of enactment. However, the effective date of the allowance and reporting fee increases is October 1, 1977, and of the accelerated payment provision (sections 201 and 202) is January 1, 1978. Section 203, in regard to extension of the deliminating period for certain veterans is effective retroactively to May 31, 1976. Sections relating to studies, technical amendments, and administrative matters are generally effective upon enactment.

The compromise amendment follows generally the Senate effective dates.

SENATE—*Tuesday, November 8, 1977*

(Legislative day of Tuesday, November 1, 1977)

The Senate met at 10 a.m., on the expiration of the recess, and was called to order by the Acting President pro tempore (Mr. METCALF).

RECOGNITION OF LEADERSHIP

The ACTING PRESIDENT pro tempore. The Senator from West Virginia.

THE JOURNAL

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the Journal of the proceedings of Friday, November 4, 1977, be approved.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

ERDA AUTHORIZATION ACT, 1978—VETO

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the President's veto message on S. 1811, the ERDA Authorization Act, be spread on the Journal and the RECORD, and that it be held at the desk pending further disposition.

The ACTING PRESIDENT pro tempore. Is there objection?

Mr. BAKER. Mr. President, reserving the right to object, and I will not object, the distinguished majority leader and I discussed this matter just before the convening of the Senate this morning. I think this is an appropriate way to handle this matter, and I have no objection to this disposition.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The veto message ordered to be printed in the RECORD is as follows:

To the Senate of the United States:

I am returning, without my approval, S. 1811, the Department of Energy Authorization Act of 1978—Civilian Applications.

This bill authorizes fiscal year 1978 appropriations for the Department of Energy's nuclear and non-nuclear energy research, development, and demonstration projects; however, funds for most of these programs, except the Clinch River Breeder Reactor Demonstration Plant, already have been appropriated and made available to the Department.

I cannot approve this legislation because:

It mandates funding for the Clinch River Breeder Reactor Demonstration Plant, that will result in a large and unnecessarily expensive project which, when completed, would be technically obsolete and economically unsound. This decision would channel scarce and much needed effort away from a broad-based breeder reactor development program into a production model which will not be required or economical for many years.

It seriously inhibits the President from pursuing effectively an international policy to prevent the proliferation of nuclear weapons and nuclear explosive capability.

It puts burdensome limitations on the President and the new Department of Energy in exercising necessary judgment to provide an effective energy research and development program.

It puts unwise limitations on our ability to implement the new spent fuels policy which I recently announced, to aid our non-proliferation goals.

It limits the constitutional authority of the President through three one-House veto provisions. One of these provisions could also limit the Administration's ability to recover a fair price for the uranium enrichment service provided by the Federal government.

S. 1811 severely limits the flexibility of the executive branch in expending funds appropriated for the Clinch River project pursuant to this authorization. This is inconsistent with my strong belief that proceeding beyond completion of the systems design phase of the Clinch River facility would imperil the Administration's policy to curb proliferation of nuclear weapons technology. Further, completion of the Clinch River facility would cost American taxpayers an additional $1.4 billion on a facility that is technically and economically unnecessary.

In 1970, when the Clinch River facility was first authorized it was estimated to cost $450 million. Its total cost estimate now exceeds $2.2 billion. The Federal Government's share of the cost of the project has risen from $250 million to $2 billion. Yet current projections of the increase in the need for nuclear-generated electric power in the year 2000 are only one-third of estimates made in 1970. The breeder reactor will, therefore, not be needed in the early 1990's, as had been projected when the Clinch River facility was first authorized.

The Administration is committed to a strong research and development program for advanced nuclear technologies, including base program research on the liquid metal fast breeder, research into alternative breeder cycles, and an accelerated research and development program for advanced non-breeder technologies. These programs are vital to ensure that energy is available to make the transition over the decades ahead from oil and natural gas to other energy sources. All of these programs will be maintained in the absence of S. 1811. Construction of the Clinch River facility in no way is necessary to ensure continued development of nuclear technologies, including liquid metal fast breeder technology.

In vetoing S. 1811, I intend to pursue the authority at my disposal to terminate construction of the Clinch River facility. Further expenditure on the Clinch River facility should be ended in an orderly fashion, and I intend to analyze all available options, including those under the Congressional Budget and Impoundment Control Act of 1974, to ensure that no further unnecessary expenditures on this facility are made.

In addition to those features relating to the Clinch River Breeder Reactor, S. 1811 also contains additional provisions which are not consistent with Admin-