MENT REPORT.—The Secretary shall set forth in each report to the Congress under the Mining and Minerals Policy Act of 1970 a summary of the pertinent information (other than proprietary or other confidential information) relating to minerals which is available to the United States Geological Survey, the Bureau of Mines, or any other agency or instrumentality of the United States.

(Additional technical amendments to Udall-Anderson substitute (H.R. 3651).)

—Page 274, line 1, strike "(b)(1)" and in lieu thereof insert "(c)(2)".

Page 333, lines 14 and 15, strike "after the date of enactment of this Act".

—Page 275, line 8, change "28" to "27" and change "33" to "34".

EXTENSIONS OF REMARKS

A NONFUEL MINERAL POLICY: WE CAN NO LONGER WAIT

HON. JIM SANTINI

OF NEVADA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 9, 1979

● Mr. SANTINI. Mr. Speaker, a commonsense editorial, appearing in the April 23 edition of the periodical Iron Age, makes some plain observations of a policy vacuum existing in this country today every bit as critical as that which we call our energy policy. We simply cannot wait until we reach a similar state with nonfuel minerals. We simply cannot afford to wait. No industrial nation can do without adequate mineral supplies any more than it can do without adequate energy supplies. The need of a Federal policy on nonfuel minerals cannot be put off year after year after year. I believe that the national pastime of being unconcerned with nonfuel minerals must be turned around.

I urge my colleagues to also consider the hard truth in the following editorial as it relates to the massive withdrawals of mineral lands sponsored in H.R. 39:

IF YOU SUPPORT AN ENERGY POLICY

To say the least, the recent nuclear plant breakdown at Three Mile Island re-focussed national attention on the need for a realistic, clearly-defined energy policy.

Coincidentally, the accident occurred shortly before President Carter was due to go on the airwaves with his latest plan for coming to grips with the energy problem.

But this time he did get national attention instead of the usual stifled yawns and hopes of the country that the regular TV programming would resume soon. So now, maybe we will come up with an energy policy that makes sense.

Running quietly side-by-side with energy, though, is another policy vacuum that is every bit as critical to the country.

What I am talking about is the need for a realistic metals mining policy that will work toward the best interests of the country in the years ahead.

Now, there's nothing I can foresee that will dramatize the metals policy issue like the nuclear failure did for the energy policy—thank goodness. But that doesn't make the need any less important.

No industrial nation can do without adequate metals supplies any more than it can do without adequate energy supplies.

Right now, though, the mining of copper, lead, zinc and other metals is hampered by costly, excessive environmental regulations that threaten to drastically reduce metals supplies and increase our dependence on outside sources.

Would you believe, for example, we may see no zinc smelters operating in this country by 1985?

Of course, the usual antagonists are lined up on each side of this policy debate. But, as Nevada Congressman J. D. Santini points out in our p. 57 feature, their arguments go by one another like ships in the night with nothing happening—until the lid blows off.

But, how do you get the public excited about metal shortages?

Even Congressman Santini's well-meant "Mines and Mining Subcommittee on Environmental Regulation and Enforcement" goes by the mind in a blur. And the President's "Interagency non-fuel minerals policy study," formed at Rep. Santini's urging doesn't do much better.

What we're talking about, folks, is future metals supplies! The stuff you make things out of! Who relates to non-fuel minerals, or, all these agencies, committees and subcommittees, for heaven's sake!

Of course, our industry hardly needs a lecture on the importance of metals to our national well-being. But it may need a little shaking up. So, here's a bit of history from Congressman Santini.

On the day Normandy was invaded, Hitler stopped chewing the rug long enough to sweep the German General Staff off the communications channels and voice an hysterical plea for someone to get him some tungsten!

Will some future U.S. president have to take to the tube?

So, if you think we need a realistic energy policy but are not all that excited about, or aware of, the need for a realistic metals policy, then you've got another think coming. I hope?●

ASIAN/PACIFIC AMERICAN HERITAGE WEEK

HON. GLENN M. ANDERSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 9, 1979

● Mr. ANDERSON of California. Mr. Speaker, through a joint resolution approved by the Congress last year, this week in May has been declared Asian/Pacific Heritage Week. I bring this to the attention of this body because of my sincere belief that the contributions made to our country by the over 2 million Asian/Pacific Americans of this Nation deserve special recognition and appreciation.

This week also marks the anniversaries of two important events in American history. On May 7, 1843, the first Japanese entered the United States, and May 10, 1869, was the day when the first transcontinental railroad, largely built by Chinese laborers, was completed. These are but two of the many events in our Nation's history which we should consider this week in honoring Americans of Asian/Pacific heritage.

These Americans descend from Japanese, Chinese, Korean, and Filipino ancestors, as well as from Hawaii and other Pacific Islands such as Samoa, Fiji, and Tahiti. In southern California, where we have the greatest concentration of Asian and Pacific Americans anywhere in the Nation, their valuable involvement in the growth and prosperity of our local communities is very evident.

All through this week, they will be joined by other Americans across the country in celebration of the important role Asian and Pacific Americans have played in the modern development of this country, one which still continues to this day.

There is much to be enjoyed and learned by participating in the events that mark this as Asian/Pacific Heritage Week. It is an opportunity too great to pass up. I am sure that anyone who does take the time to do so will become convinced as I have, that the Asian/Pacific American community has a history of many accomplishments and a future of immense potential.●

THE DAVIS-BACON ACT SHOULD BE REPEALED

HON. ELDON RUDD

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 9, 1979

● Mr. RUDD. Mr. Speaker, my home State of Arizona has especially felt the adverse impacts of inflation in its rural communities and Indian reservations. Certainly, one of the greatest contributing factors increasing inflation is the Government's unwarranted imposition of higher closed-shop construction wages.

The Davis-Bacon Act requirement that the prevailing union wage be paid for federally assisted housing projects has directly caused the inordinate rise in the cost of public housing construction in Arizona and throughout the Nation.

I find it particularly appropriate that our colleagues in the Senate Select Committee on Indian Affairs are this week considering the impact of the Davis-Bacon Act on publicly financed housing programs on Indian reservations, many of which lie in Arizona's Fourth Congressional District which I represent. The artificially inflated costs of Davis-Bacon result in less actual construction for hospitals, schools, and other facilities, which are badly needed in many Indian communities.

The Senate committee has prepared a concise report on Indian housing which

● This "bullet" symbol identifies statements or insertions which are not spoken by the Member on the floor.

clearly delineates the inflationary impact of Davis-Bacon and serves as additional evidence that this antiquated legislation should be repealed.

This position was recently confirmed by a General Accounting Office study, resulting in the GAO's recommendation that Congress repeal the Davis-Bacon Act.

I am pleased to have joined my colleague from Minnesota, TOM HAGEDORN, and 74 other colleagues in cosponsoring H.R. 1900, which would repeal the Davis-Bacon Act. I sincerely hope that Congress will deal with this important issue during the present session.

I commend to my colleagues the brief report on Davis-Bacon Act requirements from the Senate Select Committee on Indian Affairs, and include it at this point in the RECORD:

[From a report on Indian housing of the U.S. Senate Select Committee on Indian Affairs, April 1979]

DAVIS-BACON WAGE RATES

The requirement for HUD Indian public housing programs to pay "Davis-Bacon" wage rates on all HUD-assisted construction has been identified by many different IHA's as a major source of inflation and delay.

The Davis-Bacon Act requires that all construction labor wages on HUD-assisted Indian housing projects be paid at least at the rate prevailing in that area. The original purpose of the act was to prevent Federal contractors from engaging in the practice of bringing into an area of Federal construction out-of-State workers who generally worked for less than the local community workers thereby undercutting and depressing prevailing local wage scales, demoralizing local labor markets, and in turn, disrupting local economic conditions. While the Davis-Bacon Act has provoked a significant amount of controversy, the arguments pro and con have in large part been irrelevant to the unique problems ensuing from the application of the act in the reservation setting.

The act was supposed to have prevented the Federal Government from becoming party to a procedure which could cause nonlocal workers to depress local wage levels and take jobs from local workers. Precisely, the opposite is true on Indian reservations. The direct result of Davis-Bacon has been a discrimination against local hire of Indians because few have had the opportunity to gain a marketable skill to the degree that it is feasible for a contractor to hire these workers at Davis-Bacon rates.

The act was not designed to increase construction wages or benefit rates in an area. Its purpose was to maintain wage levels already found to prevail in an area where federally assisted construction is to take place. Yet, as applied on Indian reservations where little, if any, similar precedent setting construction activity has been performed, the Davis-Bacon rates are often much higher than they would otherwise be. In large part, this is because the Department of Labor has made little or no effort to compute Davis-Bacon rates that are specific to each reservation situation. Many reservations are not located in unionized areas. Despite the fact the Department of Labor surveys are supposed to include all workers performing similar work in the area, both union and nonunion, studies by the General Accounting Office and private researchers have established that Department of Labor procedures often involve the use of old data, data from outside local areas, or simply the use of the prevailing union rates in construction—all practices which discriminate against nonunionized bidders in the reservation areas.

INAPPROPRIATE RESERVATION RATES

In the case of reservation area rates, apparently the Department of Labor has simplistically taken the rate established for the nearest metropolitan area and increased it by an amount sufficient to transport a worker from the metropolitan area to the reservation and back each work day. By virtue of their nonspecificity, reservation Davis-Bacon rates are prohibitively high.

The few contractors located near an IHA generally have lower wage rates than the Davis-Bacon rates. The requirement of Davis-Bacon rates often causes such potential contractors to shy away from bidding on an IHA's project simply because the contractor must reduce the firm's wage scales after the IHA project is completed (a demoralizing procedure to the worker), except in the unlikely event that it obtains another Davis-Bacon governed job or is able to bid successfully at noncompetitive levels in the private market. Unfortunately, the superficially prepared and nonspecific Davis-Bacon wage rates under which an IHA must operate tend to diminish the number of interested contractors thereby diminishing the level of competition and cost-effectiveness to the point that, in many instances, only one firm bids on a project.

UNEQUAL APPLICATION

Under the HUD Indian public housing program most of the house construction is on detached, if not scattered, single-family units in isolated rural areas. No other federally assisted housing program of a similar nature is subject to Davis-Bacon. The Davis-Bacon Act of 1931 was applied to public housing projects at a time when all Federal public housing projects were located in urban areas and were multi-family dwellings. Today, single family units assisted by both HUD's FHA, and USDA's FmHA are not subject to Davis-Bacon wage rates, yet HUD Indian units are required to pay those wage rates.

Following is a table of the average wage rates established under Davis-Bacon which graphically portrays the extreme variances contained within one HUD region (IX) on 35 different projects governed by 20 different Davis-Bacon determinations:

VARIANCES IN DAVIS-BACON RATES WITHIN HUD REGION IX

Reservation	Number of projects	Average wage rates [1]
Moapa River, Nev	1	$14.83
Fort Mohave, Calif	1	14.75
All Mission, Calif	1	14.05
Pyramid Lake, Nev	1	13.42
Fort McDowell, Ariz	1	12.98
Salt River, Ariz	2	12.94
Papago, Ariz	2	12.81
Navajo, Ariz	6	12.24
Laguna, N. Mex	1	11.83
Northern Pueblos, N. Mex	1	11.72
Navajo, N. Mex	2	11.26
Zuni, N. Mex	1	10.34
All Indian, N. Mex	6	9.60
Mescalero, N. Mex	1	8.47
White Mountain, Ariz	1	7.14
San Carlos, Ariz	1	7.14
Gila River, Ariz	2	6.94
Round Valley, Calif	2	6.58
Te-Moak, Nev	1	6.50
Goshute, Nev	1	6.08

[1] Average of 3 trades: Carpenters, plumbers, and electricians.

Source: HUD 1978 draft survey; HUD region IX.

NO MEANINGFUL APPRENTICESHIP OR TRAINING ALLOWED BY THE DEPARTMENT OF LABOR

Despite the fact that in most instances Davis-Bacon rates are inflationary because of their nonspecificity, it is difficult to argue against the payment of high wages to Indian workers, especially in high unemployment areas such as are found on most reservations. Yet, few Indians are ever hired on many IHA projects because the pool of skilled labor on most reservations is almost nonexistent. The Act was intended to address such situations by allowing the establishment of apprenticeship and training programs in which a nonskilled worker could work on a Davis-Bacon governed project at a lower apprenticeship wage in order to gain the the experience and training necessary to qualify the worker for master craftsman rates.

Yet, the Department of Labor's Bureau of Apprenticeship and Training (BAT) which administers these programs has not taken any initiative to adapt them to the reservation and make them work. Only one tribe—the Navajo Nation—has had a large scale and successful apprenticeship program and then only after the exertion of much effort Few other tribes are large enough or diverse enough to make such a program, as presently administered by BAT and the Navajo Tribe, a success. One of the many requirements is that the IHA or tribe applying for an accredited program must be able to guarantee that a trainee will have work experience for at least a 3-year period. An approved program must also have a significant classroom component; an activity which much be done on a large scale in order to become cost effective. And, finally, an IHA or tribe attempting to establish such a program must gain approval from the State apprenticeship council, violating the Federal policy of a direct government to government relationship with Indian tribes. Unfortunately, the relationships between many tribes and unions have not been very good since many tribes are outside the immediate areas of high union activity.

Despite the urgings of the chairman of the Select Committee on Indian Affairs during the 95th Congress, and the requests of various tribes, BAT has not responded with an apprenticeship and training program that is usable on a reservation. The Department of Interior's BIA-run Indian Action Training (IAT) program has established employment training projects on more than 50 reservations. DOL's own Employment and Training Administration (ETA) has Comprehensive Employment and Training Act (CETA) offices on more than 100 reservations. Given the two other existing Federal programs, it appears that there are more than enough training resources out of which BAT could easily construct a worthwhile and appropriate program. Nonetheless, BAT has yet to take any interest in Indian apprenticeship programs although Indian community unemployment rates generally eclipse even the worst urban ghetto black teenage rates, with some reaching as high as 80 percent.

RELATIVE IMPACT ON COSTS

There is some dispute over the degree of impact that Davis-Bacon wage rates have on the cost of HUD Indian housing. In an informal survey of several IHA's it appears that the percentage of the total development cost attributable to total labor costs (as opposed to materials and equipment costs) ranges from 40 percent to 53 percent for one housing unit in an average project.

HUD recently conducted a study which in draft form indicated that reservations with high Davis-Bacon wage rates did not have high dwelling construction costs, but reservations with low wage rates had moderate and low dwelling construction costs. In other words, the draft study attempted to show that low wage rates help keep some projects inexpensive, and that it is not high wage rates that make other projects expensive.

RECOMMENDATIONS

Whether or not Davis-Bacon wage rates are engines of inflation on HUD Indian homes, one thing is clear: as presently administered, the Davis-Bacon program bars local unemployed Indians from working on their own housing projects. The Department of Labor should immediately make a concerted effort to develop an Indian apprentice-

ship and training program that works on Indian reservations. Such a program should make maximum use of the existing Federal efforts under CETA and the BIA, and should be designed to insure a measurable and significant increase in Indian employment on HUD and other Davis-Bacon regulated Federal construction activity on reservations. For both practical and policy reasons, the program should respect the direct one-to-one relationship which the Federal Government possesses with Indian tribes. HUD, Department of Labor's ETA, and DOI's BIA should cooperate fully in assisting BAT's lead role in the expeditious development of this program.

The Department of Labor should also develop wage rates that are specific to each IHA's situation. Prevailing wages should be determined on the basis of actual surveys, not paper extrapolations from metropolitan areas hundreds of miles away. These IHA specific rates should both insure that Indian workers are paid sufficient and fair wage rates and that local contractors are not frightened away from bidding on IHA projects by artificially high labor rates.

And finally, HUD and the Department of Labor should jointly consider exempting those HUD-assisted Indian houses that are detached single family units from the Davis-Bacon requirements. As a substitute to protect the interests of Indian workers, HUD should take high level initiatives requesting that the Department of Labor and BIA work with HUD to institute an apprenticeship and training program to insure that local Indians are allowed fair and equitable employment opportunities.●

THE JEFFERSON COUNTY MENTAL HEALTH CENTER RELIEF ACT

HON. TIMOTHY E. WIRTH

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 9, 1979

● Mr. WIRTH. Mr. Speaker, I am introducing today a bill for the relief of the Jefferson County Mental Health Center. Located in Lakewood, Colo., the center provides mental health services for a tricounty area. Unfortunately, the center has suffered a series of administrative misunderstandings with the Internal Revenue Service that can only be remedied through legislation.

The problem developed over the payment of social security taxes by the center. The Jefferson County Mental Health Center, a nonprofit organization, is exempt from employee participation in the social security program. However, the employees at the center elected to participate in the program.

Proper forms were filed with the IRS and FICA taxes were deducted and paid beginning in 1963. However, in the course of an IRS review of the center, it was decided by the IRS that the proper form of employee withholding had not been filed.

The IRS informed the center that because of a lack of the proper forms, the center had been wrongfully withholding the FICA taxes. The IRS told the center to reimburse the employees for FICA taxes withheld and that the IRS would reimburse the center.

The Jefferson County Mental Health Center reimbursed 133 employees for a total of $74,128. Shortly thereafter, the IRS informed the center that proper forms had originally been filed and had now been located. Consequently, the IRS said it would not reimburse the center for money it had already returned to employees.

By this time it was too late to get the money back from the employees who had spent the money or were no longer employed by the center.

The IRS cannot remedy this unfortunate situation because it does not have the authority to expend funds without a legal obligation to do so or a statutory authorization. This bill provides that the Secretary of the Treasury determine the amounts withheld and treat these amounts as tax overpayments which are then reimbursable to the center.

The bill would also allow the employees involved the option of repaying their social security over a period of time if they wish to be covered for the period during which FICA taxes were originally withheld.

The Senate Finance Committee reviewed and passed this legislation last year. The full Senate passed the bill as a rider to an authorization bill on August 23, 1978. The authorization bill and the Jefferson County Mental Health Center rider subsequently died in conference.

Having come so close to final passage last year, the bill deserves expeditious approval by the 96th Congress. A companion bill will be introduced in the Senate by my colleague, Senator HART. I hope this legislation can be enacted without delay so as to correct the inequities that have arisen as a result of administrative misunderstandings between the IRS and the Jefferson County Mental Health Center.●

COL. MICHAEL KOVATS DE FABRICY IN MEMORIAM

HON. CLEMENT J. ZABLOCKI

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 9, 1979

● Mr. ZABLOCKI. Mr. Speaker, it is a privilege to join my colleagues today in commemorating the bicentennial of the death of Col. Michael Kovats de Fabricy, commandant of the Pulaski Legion which distinguished itself on many occasions during our War of Independence.

The life and career of this distinguished Hungarian patriot has been well documented by the American Hungarian community of Greater Washington, which has sponsored a banquet and commemorative program in the Cannon House Office Building to be held later this evening. I will not, therefore, attempt to repeat those historical facts which have been so eloquently recalled by eminent scholars of the Revolutionary period.

I believe, however, that this occasion serves as an important reminder to all of us in this body, and in the country at large, of what the concept of freedom has meant to those who have been denied it throughout much of the history. It is also a poignant reminder that many brave Hungarians have fought for freedom in the past, not only in defense of their own liberty, but on behalf of ours as well.

It is also this sense of ethnic pride in the accomplishments and heroic deeds of their forebears which has made such a strong impact on our own society—disproportionate to the number of American citizens who presently claim Hungarian ancestry.

As chairman of the Committee on Foreign Affairs, I welcome this opportunity to pay tribute to the patriotism and cultural enrichment which the people of Hungary have proudly and unabashedly contributed to American life.●

ASIAN/PACIFIC AMERICAN HERITAGE WEEK

HON. ANTONIO BORJA WON PAT

OF GUAM

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 3, 1979

● Mr. WON PAT. Mr. Speaker, as one of the cosponsors in the House of legislation which authorized this week to be honored as Asian/Pacific American Heritage Week, I want to congratulate all those who are working hard to make this historic occasion a success.

I am proud to be a Pacific American. And I am doubly proud to be fortunate to serve Guam as its congressional representative.

Today, I will be serving on a special panel on Asian/Pacific American Rights at George Washington University where we shall discuss employment concerns of our people. This is an extremely important matter and I hope my statement which I now insert in the RECORD will be helpful to those who share my concern that all Americans, regardless of their ancestry or birthplace, be given equal employment rights:

EMPLOYMENT CONCERNS OF PACIFIC ISLANDERS IN THE UNITED STATES

(By Antonio B. WON PAT)

Ladies and gentlemen, as a co-sponsor of the legislation that made Asian-Pacific Heritage Week possible, I am happy and proud to be here participating in this Asian-Pacific Human Rights Conference. For too long, the needs and rights of Asian Americans and Pacific Islanders in the United States have been ignored. The saying "minority—yes, oppressed—no" is commonly applied to justify the exclusion of Asian Americans and Pacific Islanders in voluntary affirmative action programs and in many federal programs. Hopefully, this conference will help bring into focus some of the real needs of Asian Americans and Pacific Islanders for an administration that seems to think that the only minorities in existence are Blacks, Hispanics and Native Americans.

I have been asked to speak about employment concerns of Pacific Islanders in the mainland. Any serious discussion of employment concerns of Pacific Islanders in the mainland must begin with an analysis of some of their socio-economic characteristics. However, any such analysis is difficult to conduct largely because there is so little data with which to work.

The political relationship between the United States and the Pacific Islands is such that islanders can travel freely to the United States; they are not subject to immigration laws and quotas that otherwise apply to

nationals of China, Japan, the Philippines and other Asian countries. Consequently, the Immigration and Naturalization Service does not monitor the migration of islanders to the mainland.

Moreover, the U.S. Bureau of Census does not provide a classification for Pacific Islanders residing in the United States to identify their race or place of origin. Although I have been informed that the census questionnaire for the 1980 census will allow identification of place of origin, there is at present no official way of knowing how many islanders are living in the mainland.

The only sources of information available are individual, private observations made by civic organizations such as the Sons and Daughters of Guam in San Diego, Hafa Adai Club of Fairfield, California, Guam Club of Long Beach, concerned Asian American and Pacific Peoples in Los Angeles, and the Guam Territorial Society of Washington, D.C. and a few independent surveys conducted by doctoral candidates at different graduate schools.

These sources estimate that in California alone there are approximately 50,000 Guamanians, 70,000 Samoans and 30,000 other islanders from the Trust Territories and the Northern Marianas.

If their figures are correct, what they indicate is a massive migration of Pacific Islanders to the mainland. We must accurately and officially ascertain these numbers in order to be able to study and determine their needs on a comprehensive basis.

The same sources mentioned also estimate that 75 percent of the Guamanians are active or retired military personnel, their dependents, and relatives. A much smaller percent consists of Guamanians who attended college here and remained after graduation.

Strides have been made in minority employment since 1964 with the passage of the Civil Rights Act, Title VII of which bars employment discrimination on basis of race, color, religion, national origin and sex. Like other minorities with whom they are grouped, i.e., the Chinese, Japanese and Filipinos, Pacific Islanders have made some progress into professions and into the corporate management structure. However, observers agree that although there is some upward mobility, barely a handful of Pacific Islanders get past middle management positions.

A canvassing of the membership of the civic groups mentioned above indicates that the overwhelming majority of Pacific Islanders are employed in non-technical, nonskilled, non-professional jobs. That is not surprising in light of the estimation that less than 1 percent of them have college degrees.

Many Pacific Islanders complain that they get lower salaries than their white counterparts who have equal or even less education and who are performing the same job. This charge is consistent with the often cited theory that most employers think they can get away with paying lower wages if they hire Asians and Orientals who are often characterized as law-abiding, submissive, non-assertive and less likely to make a fuss or challenge their superiors.

As with other races in the Asian American category, Pacific Islanders remain for the most part ineligible for inclusion in specific affirmative recruitment programs. And today, the legality of voluntary affirmative action programs to help minority groups overcome the effects of past discrimination is being questioned in the case of *Weber* vs. *Kaiser Aluminum* presently pending decision before the U.S. Supreme Court. An adverse decision in that case would set back what progress has been made.

Pacific Islanders for the most part also remain ineligible for participation in many federal programs. A case in point is PL 95-507, formerly the Addabbo bill. The legislation intended that all minority groups be afforded "the maximum practicable opportunity to participate in the performance of contracts let by any Federal agency." However, the Office of Federal Procurement Policy and the Small Business Administration have issued proposed implementation language that limits the groups to be designated "socially and economically disadvantaged" to Blacks, Hispanic Americans and Native Americans. The exclusion of Asian Americans and Pacific Islanders from the "socially and economically disadvantaged" category places the burden of proof of eligibility on the individual minority member to document his status as disadvantaged; a condition that is difficult to prove in light of the lack of census and socio-economic data on Pacific Islanders in the mainland. And what if the reviewing officer never even heard of Guam, Saipan, Rota, Samoa?

Employment concerns of Pacific Islanders in the mainland are part of their overall, as one writer put it, "struggle against anonymity" the writer said:

"In American society, the principal means by which a group gains public and government response to its needs is political pressure, which is partly a function of numbers. Pacific Islanders are particularly ill-equipped to use this method. Their numbers are small, and, having lived through a long period of colonization, they are limited in their ability to confront an insensitive system. They have not even begun, as other minorities have, to present their case, despite the fact their educational level and job opportunities may be the lowest among U.S. minorities."

In the eight years that I have served as delegate and Congressman from Guam, I have seen a developing awareness on the part of Congress of the Pacific Islands as political entities and not just as colonies or military bases. This awareness is reflected in the negotiation of commonwealth status with the Northern Marianas and the creation of an office for a delegate from American Samoa, among other things.

I have also just recently detected a growing awareness on the part of Congress of the concerns and needs of Pacific Islanders as a minority group in the United States. This awareness is reflected in legislation introduced in Congress that my office monitors and which I either sponsor, cosponsor or otherwise support. Much of this legislation is designed to amend existing federal programs to expressly include Asian Americans and Pacific Islanders or to support existing programs that already include Asian Americans and Pacific Islanders.

The time has come for Pacific Islanders in the mainland to assert themselves. This particular conference and the celebration of this week as Asian-Pacific Heritage Week should be the first giant step in this direction.●

AMERICAN THEATRE COMPANY ADDS TO OKLAHOMA HERITAGE

HON. JAMES R. JONES

OF OKLAHOMA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 9, 1979

● Mr. JONES of Oklahoma. Mr. Speaker, I would like to take this opportunity to commend a group of citizens who have brought laughter, joy, warmth, and cultural fulfillment to the citizens of Tulsa and northeastern Oklahoma over the past decade—the American Theatre Company.

The American Theatre Company, a member of the Theatre Communications Group, has brought a great number of prestigious theatrical productions to Tulsa. These contributions have enriched the cultural heritage of our city and have certainly brought many hours of entertainment to the citizens of Tulsa and northeastern Oklahoma.

The American Theatre Company has also sponsored an annual statewide summer tour over the past 5 years. This tour has allowed thousands of interested Oklahomans to view, and participate in, many of these productions of quality and depth. I have appreciated many of these productions, and hope they will continue as an integral part of our community in the years ahead. The company is now celebrating its 10th anniversary, and I am sure they will continue to build upon the strong foundation they have strengthened throughout the past decade.●

SALUTE TO REDLANDS COMMUNITY HOSPITAL

HON. JERRY LEWIS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 9, 1979

● Mr. LEWIS. Mr. Speaker, 50 years ago, the citizens of Redlands saw many years of dreams and hard work culminate in the reality of the Redlands Community Hospital. It is my privilege to represent this community whose concern for their fellow man is truly remarkable.

Since that time, Redlands Community Hospital has served people with first-class medical care and treatment supported totally through the efforts of the community.

I wish to respectfully submit a brief history of the hospital which was prepared by Ardith Baker and wish all who have made the Redlands Community Hospital what it is today continued success in the next 50 years.

The history follows:

REDLANDS COMMUNITY HOSPITAL, 1929–79

Redlands Community Hospital has been a sincere community effort since a charter was granted May 18, 1927. Thirteen doctors had spearheaded the drive for a hospital, eighteen members of the community signed the Articles of Incorporation, seventeen acres of land were donated by Mr. and Mrs. Edward Cope and Building Fund Drive Pledge Cards flew through the mail—postage 2 cents!

The new hospital opened its doors on March 18, 1929, with 40 beds, 16 cribs, 2 operating rooms, a medical-advisory board of 4 doctors and 11 administrative, housekeeping and maintenance employees. The first laboratory, the first obstetrical equipment, the first reception room and the furnishing of many patient rooms were all donated. The tradition of caring was established through these gifts and by a memorial fund of $10,000 contributed to help the "deserving and needy persons in Redlands." The first surgery was performed March 18 and the first baby was born on March 20. Routine laboratory work cost $3, room fees ranged from $8.50 to $12, a maternity cost for ten days was $75 plus 50 cents a day for nursery.

Depression day descended and there are records of $1 to $5 being paid "on account." RCH reported a $350 deficit, the first year. By 1932 times were really hard and there were headlines of a feared closing of the hospital. $12,000 was needed by July. Rates were lowered to encourage use, women canned fruit and jelly and raised funds and oranges. The headline finally read "Com-

munity Hospital Operated at a Loss But Special Gifts Overcome Deficit."

An elected Board of Directors evolved following the years of devotion of the original charter members. A Corporate Body was formed by 100 community members from which these Directors would be elected.

A small memorial wing of wards was added in 1938 and a memorial laboratory was given in 1939. Another memorial enlarged and modernized the Maternity Wing in 1950. By 1956 the hospital was outgrowing its 76 beds and an Expansion Fund Campaign was launched—the first drive since 1928! The Moseley Wing provided 29 additional beds and, with a new Radiology Wing, was dedicated June 29, 1958.

Rapid growth of the community soon indicated a critical need for expansion and an ambitious plan was drawn for a new Tower. Once again the community contributed time, talent and funds to make this addition possible. The Tower was dedicated on December 4, 1966 and RCH was licensed for 195 beds. In 1971 an addition of laboratory, radiology and auditorium was accomplished without another fund drive.

Redlands has grown from a village of 13,000 to a city of 40,611 and RCH from 40 beds to 195 with a medical staff of 78. With the devotion of the community still strong, needed space will be built, costs will be contained, government requirements will be met and the health needs of the area will be met. ●

REVENUE SHARING

HON. JOHN B. ANDERSON

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 9, 1979

● Mr. ANDERSON of Illinois. Mr. Speaker, shortly after the cherry blossoms bloom each spring, Congress begins its semiannual stab at fiscal responsibility under the guise of the first concurrent resolution on the budget. And, just as the blossoms wither with age, the promise that the budget debate will be truly responsible fades as the reality of political jockeying crowds out the best intentions.

I support the amendment before us to restore a portion of the State share of the general revenue-sharing program. And, I would have supported restoration of the total State share. But, the fact that we are forced to offer such an amendment only illustrates why our habit of confusing fact with fiction and replacing resolve with expediency has demeaned the budget process. I fear that, if we continue to make recommendations that are as selfishly motivated as the committee's proposal, the concurrent budget resolution will acquire a new nickname, the "fiscal follies of 1979."

Mr. Speaker, I need not restate all the arguments that have been made in favor of general revenue sharing. Many of my colleagues have made these points in the last several days during our debate and in the past when we created and later extended the revenue-sharing program. But, there remain certain outstanding issues which deserve our attention before we vote again, as I hope we do, to restore the outlay and budget authority targets for the full program.

Obviously, there are key philosophical, as well as practical, considerations involved in this discussion. For instance, my friend, Gov. Jim Thompson, underscored one salient issue just the other day when he noted that congressional failure to fund the State share of general revenue sharing "would be a vote to go backwards to the kind of thinking that says Washington has a monopoly on concern and expertise in problems that Governors, mayors, and county officials grapple with every day."

What is at stake, in other words, are the principles underlying the relationship of the Federal Government to the States and localities. Certainly, there always is some tension between the National Government, on the one hand, and the State and local governments, on the other. Generally, this tension provides for creative federalism, but it is founded on the principle of power sharing and not power domination. The elimination of the State share threatens to undermine the power-sharing relationship within our system to no useful end.

To some extent, I can understand the committee's advertised intent in proposing what it did. There is not one Member of this body who has not been exposed to the justifiable demands of our electorates for greater fiscal accountability on the Federal level. Yet, while the money issue has gained prominence, I believe that the locus of decisionmaking authority deserves equal billing. The frustration that our people feel results not solely from their perception that we are spending their money without end; it grows also from the sense that they have no say in helping to determine those ends.

Revenue sharing, at least, holds out the real promise that the organs of decisionmaking closest to the people, State and local governments, will be able to channel taxpayers' funds to useful and locally determined purposes. If we end Federal funding for the State share of revenue sharing, we are doing several things. First, we eliminate States from a successful and necessary program. Second, even though this is not a fact advertised by the Budget Committee, States transfer about 40 percent of their entitlements to local governments; therefore, striking the State share has a definite impact on local revenues as well. Finally, if we eliminate State participation in GRS, more and more authority, responsibility, and control will flow toward Washington, and the accompanying cession of State and local decisionmaking can only contribute to the estrangement from Government that has characterized the prop-13, budget-cutting mood.

Few philosophical arguments are without practical considerations, and the committee has offered a few practical justifications for its action. Yet, upon examination, Mr. Speaker, those explanations fail to pass the test of practical scrutiny.

For instance, the main argument forwarded by revenue-sharing opponents is that the States enjoy a relatively healthy fiscal climate. On the basis of an overall State budget surplus, they argue that States can bear the elimination of their share of GRS. Yet, as has been emphasized and reemphasized, three States—Texas, Alaska, and California—alone account for most of the projected aggregate national surplus in State budget in fiscal 1979.

Additionally, the bulk of the surplus for 1978 was spread throughout the South and the West, where some 85 percent of the surplus was located. Thus, if we eliminate the State share, our action would fall inequitably on the great number of States who do not have the operating surpluses that some of their sisters enjoy.

It is further folly, Mr. Speaker, to base a major programmatic decision such as this on the anticipation of continued State operating surpluses. The evidence to back up this point is ample. Both Chase Econometrics and Data Resources, Inc., project declines in these surpluses from 1978 to 1980, and by 1980, the national aggregate will be in deficit.

More so, it is highly questionable whether accurate assessments can even be made about the general health of State governments simply by examining the aggregate surplus or deficit.

In the Economic Report of the President, it is stated that movements in these aggregates:

> . . . conceal great diversity across states and among cities and areas within states. . . . Extreme care must therefore be used in drawing general conclusions about the fiscal condition of the state and local sector, or of individual areas within it, from the aggregate surplus or deficit.

A report prepared by the Joint Economic Committee in January spells out even more clearly the danger of basing absolute judgments on the "surplus":

> The surplus that now exists in state and local budgets is not all it's cracked up to be. . . . It may rise today but it seems likely to fall tomorrow. This is another reason for not altering policy judgments of underlying fiscal or economic needs because of short-term bulges in the surplus.

These facts and estimates underscore the fiction of the majority's arguments for eliminating revenue sharing for the States.

If the facts are not there to buttress its argument, I can only speculate on why the majority of the committee acted as it did in this case. Quite frankly, I see no reason for its action other than to foist a fiscal and political charade upon the American people and to get the budgetary monkey off its back by recommending a policy that is indefensible and demands revision.

Mr. Speaker, in 1976, Congress extended the general revenue-sharing program by the overwhelming margin of 361 to 35. At that time, the yearend operating surplus of the States amounted to 6 percent of general fund expenditures. The projection for 1979 is 3.6 percent of general fund expenditures will be made up by surplus. Congress in 1976 did not move to eliminate the State share of funding. Rather, it voted to extend that funding even though the budgetary situation, on the surface, was even more favorable to the States than it is now. If it did not eliminate State participation then, should it do so now?

From what I have heard, Mr. Speaker, nothing has convinced me that it should not continue; rather, there are more reasons why it should continue.●

HUMAN RIGHTS FOR MINORITIES LIVING IN ISTANBUL

HON. HERBERT E. HARRIS II

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 9, 1979

● Mr. HARRIS. Mr. Speaker, my friend, the Reverend Theodore H. Chelpon of St. Katherine's Greek Orthodox Church of northern Virginia, has written me and enclosed an important press release which I want to call to the attention of all Members of the House of Representatives. It is apparent that our Turkish allies are not going to amend their attacks upon the human rights of the Christian minorities living in Istanbul.

I feel strongly that these violations should become part of the public record of our Congress, and that President Carter should exert every influence to halt the atrocities.

PATRIARCH DEMETRIOS PROTESTS TURKISH GENOCIDAL POLICIES—ARCHBISHOP IAKOVOS URGES CARTER ADMINISTRATION TO INTERVENE

NEW YORK, N.Y., April 19, 1979.—The Ancient Center of World Orthodoxy: The Ecumenical Patriarchate of Constantinople, and the Greek Orthodox minority in Turkey, on the eve of the celebration of Easter, are experiencing new crises of harassment, taxation and genocidal oppression by the Turkish Government.

His Holiness Patriarch Demetrios, spiritual leader of 250 million Orthodox Christions, issued a strong protest to Prime Minister Bulent Ecevit, in a telegram asking him to "intercede" so that the "illegal activities, which surpassed any undertaken by the Ottoman Empire, may be brought to an end".

Archbishop Iakovos, Exarch of the Ecumenical Patriarchate in the Western Hemisphere, appealed to President Carter, Secretary of State Vance, and Prime Minister Ecevit to intervene, urging the immediate cessation of the continuing "genocidal policies" directed against the Ecumenical Patriarchate and the Greek Orthodox community in Turkey.

The Patriarch forcefully stressed in his telegram:

The expropriation of five churches;

The prohibition of legal representation, which is guaranteed by the Constitution of Turkey;

The abolishment of the Governing Boards of the Churches, Schools and Philanthropic Institutions;

The confiscation of holy ecclesiastical articles from the Churches, and

Exerting strong economic pressures demanding of unjust real estate taxes by the Churches, Schools and Institutions, which had been promised that no taxation would be imposed.

The Patriarch, who had twice before protested actions imposed by Turkey against the Patriarchate, the Churches, the Schools and the Philanthropic Institutions, had been led to believe that these problems would be favorably resolved.

The Patriarch's telegram stated: "Our Patriarchate and our Community have fallen victim to administrative and legal decisions dictated by the General Directorate of Church Properties, imposing actions which are illegal. The Directorate, which today is more oppressive than ever before, asserting that the 'prevailing order is disturbed', proceeded to abrogate the title of ownership that the Patriarchate, the Churches and the Institutions legally acquired since 1936. Following the claims of the Directorate of Church Properties, the cases were taken to the Courts, however, the Governing Boards were not permitted the basic right of all Turkish citizens to have legal representation to support their positions. This right is guaranteed by the Constitution of the Turkish Democracy and amplified by the Law, and specifically by the Code for Lawyers. The members of the Governing Board are brought before the Prosecutor and are being harassed by the police.

"The situation has become worse during the past few days and incidents have occurred which did not take place even during the Ottoman Empire, or during the first years after the founding of the Turkish Democracy. The General Directorate of Church Properties, in the name of the Turkish State, is expropriating Churches, annexes of these churches, and other real property which belong to our community and are under the ecclesiastical jurisdiction of our Patriarchate. Five Churches have been expropriated and have now become 'occupied Church properties', including:

The Church of St. George, Endrinekapi;

The Phanar Church of St. George, Mourat Molla;

The Church of the Virgin, Salmatrovrankiou;

The Church of the Virgin, Tekfour Sarae, and

The Church of the Archangels, Etenes.

"We, as the Patriarchate, protest these illegal actions of the General Direcorate of Church Properties."

The Patriarch stressed that the Church Properties Law 2762, and the statement signed by the Churches and Institutions in 1936, do not change their designation as minority communities properties, which differ (from the organical and operational viewpoint) from the Mohammedan properties. This special designation (of minority community property) is safeguarded by Turkish Law.

Patriarch Demetrios concluded:

"I ask that you intercede and issue a directive to the persons responsible so that the illegal activities of the General Directorate of Church Properties, which surpasses any undertaken by the Ottoman Empire, may be brought to an end".

Archbishop Iakovos, in a telegram to Premier Ecevit, said:

"The over three million Americans of the Greek Orthodox faith whose ecclesiastical jurisdiction lies with the Ecumenical Patriarchate of Constantinople (Istanbul), urge you to use your good offices to bring about an immediate halt to abusive treatment of our Mother Church and our fellow Greek Orthodox Christians in your country. This is a time to heal existing wounds not to open new ones."

To Secretary of State Cyrus Vance, the Archbishop sent the following telegram:

"The over three million Americans of Greek Orthodox Faith who are under the ecclesiastical jurisdiction of the Ecumenical Patriarchate of Constantinople (Istanbul), urge you to use the good services of your high office to convey and strongly express to the Turkish Ambassador in Washington and his government our indignation over continuing genocidal policies of the present regime. We hope you will respond to our justifiable plea and advise me of the results as soon as possible."●

AUTHOR TERRY PLUTO

HON. RONALD M. MOTTL

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 9, 1979

● Mr. MOTTL. Mr. Speaker, when inflation is heading upward, gasoline is getting short and solutions seem out of reach, it is only too tempting to bypass the grim headlines and head for the sports pages. That temptation is particularly strong when our papers have such fine sportswriters as Terry Pluto, a native of my own Parma, Ohio, in the 23d District. But newspapers have not been Terry's only medium. His articles have appeared in Sports Illustrated, Sports magazine, and other publications.

Most recently, Terry's first book was published, the poignant story of how, at age 39 and after an 8-year retirement, former World Series hero Jim Bouton made an incredible comeback last summer as an Atlanta Braves pitcher. Terry's book is called "The Greatest Summer", and I and other sports fans hope it would not be his last.

Terry was born in Cleveland, and attended Holy Family grade school in Parma, later graduating from Benedictine High School and Cleveland State University. He has worked for the Cleveland Press, Greensboro Daily News, and Savannah Morning News.

Luckily, I do not have to wait for a second book from Terry to enjoy his writing—he is now covering the Baltimore Orioles baseball season for the Baltimore Evening Sun.●

CAPTAIN STAN ANDERSON 60 AND RETIRING

HON. DON H. CLAUSEN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 9, 1979

● Mr. CLAUSEN. Mr. Speaker, on May 21, 1979, Capt. Stan Anderson of United Airlines will celebrate his 60th birthday and will retire after having held the No. 1 seniority position among United's 6,500 pilots.

His retirement in a sense represents the beginning of the end of an era as so many of the men who became pilots during World War II retire after long and illustrious careers in commercial aviation.

So that my colleagues may appreciate the tremendous experience we are losing as these men retire, I am submitting for the RECORD an article written about Stan Anderson. To him, and the countless others like him, I say, thank you for providing outstanding service to your country.

The article follows:

CAPTAIN STAN ANDERSON

When Wiklup's Captain Stan Anderson retires next week he will hold number one seniority position among the 6,500 pilots of the world's largest airline and will leave behind one of the most enviable records in commercial aviation annals. Anderson flew the airline's passenger runs for 38 continuous years, a distance of over 300 million passenger miles with a perfect record. During this time he never "scratched the paint, got a wheel stuck in the mud, dinged a navigation light or injured a passenger or cabin attendant" while matching wits with some of the worst of nature's storms.

Anderson is proud of his record of never having been the cause of a delayed departure by showing up late at the airport. He also completed over 100 rating and proficiency checks without being asked to repeat

a maneuver. This is about as good a record as one can get.

Captain Anderson, who calls himself a bit of an exercise and health nut, is in excellent physical condition and believes that his aviation proficiency is greater today than at any time in his career. But he has reached the mandatory retirement age of 60 and must set down his wings. Says Anderson, "While the early air mail transport pilots received most of the publicity from the glamor days of aviation (and they should because they were first) modern airline pilots probably have more fun; moving back and forth across the nation and the oceans at 600 miles per hour, out running and overflying line squalls, tornados and blizzards (instead of having to turn back) and being able to land with zero ceiling and only a few hundred feet of forward visability at the destination rather than having to hold someplace. This indicates the tremendous advance that aviation has made in just the span of the last 20 years.

Is he ready to give it all up? "Sure," says Captain Anderson. "Life doesn't go on forever. A person should take the opportunity to do something else for a while, even if it is only to go sit in the sun. But it has been a magnificent job. In retrospect, I would rather have been a pilot than to have been President."

Captain Anderson joined United Air Lines in 1940 at the time United started an experimental course to train airline pilots from scratch. That meant that the students would complete instrument training before training for the commercial pilots license. The idea was that the airline could train airline pilots from the beginning in their own way.

Anderson was the youngest in the original class of 20 and was one of the first to graduate and is the last of the class to retire. When the U.S. entered World War II in December, 1941, this initial class of young aviators had already been trained as airline transport and instrument pilots. When the news of the bombing of Pearl Harbor came, Anderson was in the air and heard the news on his aeronautical radio.

Captain Anderson started his airline career flying the Boeing 247, a marvel of its day, a magnificent twin-engine all metal 11 passenger transport with a top speed of 160 miles per hour. During the ensuing years, he flew the nations passenger runs as an airline Captain abroad the DC-3, DC-4, DC-6, DC-7, Convair 340, DC-8 and will finish his career in the current "Queen of the skies", the Boeing 747, a 400 passenger, 600 mile per hour goliath.

On his last trip, Anderson is scheduled to fly to Hawaii accompanied by family and friends, along with a full load of passengers. Most pilots who retire return the airplane to its home base, but Anderson will fly his final flight westbound and when he steps down from the three story high flight deck to the ground on Oahu, that will be it. There is an obituary in aviation that says "to fly west, my friend, is a flight we all must take for our final check." Anderson says he has a collateral axiom for retirement living which says, "Old pilots never die, they just fly away." Anderson announced the first thing he was going to do when he got to Hawaii was "get into the ocean for as long as I want and not have to come out and fly a flight home. After that, I'm going to sit under a palm tree for as long as it is fun. And after I have enjoyed a few days of retirement, I will think about tomorrow."

Anderson has been flying the heavy jets for the past 20 years. He estimates that since 1960, he has spent the equivalent of 8½ regular work years at an average altitude of 7 miles up. The Captain says while due credit has been given to the pioneers of aviation, from the Wright Brothers through the World War I aces to the early air mail pilots, through the barn storming days, feasibility for aviation didn't begin until after World War II. Prior to that period it was still debatable whether the airplane would ever be practical. Aviation came into its own during World War II proving itself to be an awsome military force. But after the war, the public acceptance of the civil transport plane has been so great that the airplane ran the train off the tracks and the passenger ship off the sea. But the past 10 years has been Le Grand Epoch in civil aviation with the introduction of the wide body jets, the fastest, safest, most convenient way to get from here to anywhere. Says Captain Anderson, "It has been good to have been a part of it." ●

ADMINISTRATION AGREES TO PRIORITIES FOR TRUCKING AND TAXICABS UNDER RATIONING PLAN

HON. JOHN D. DINGELL

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 9, 1979

● Mr. DINGELL. Mr. Speaker, today, I received a letter dated May 9, 1979, from Mr. Stuart E. Eizenstat, assistant to the President for Domestic Affairs and Policy, clarifying an earlier communication I had with him relative to gasoline rationing within the trucking industry. The letter indicates that the administration will consider an appropriate level of priority for trucks of all weights to provide for an adequate supply of gasoline consistent with other requirements of the gasoline rationing plan.

The United Parcel Service and other firms have been concerned about this aspect of the plan. It is my understanding that Mr. Eizenstat's letter alleviates that concern and I am advised that United Parcel Service is in strong support of the rationing plan as a result of this letter.

The letter also indicates that the administration will use its flexibility under the plan to assist taxicab operators to insure that they have gasoline as appropriate.

In addition, I also have received a letter from Gov. Richard D. Lamm, chairman, Natural Resources and Environmental Committee of the National Governors' Association, informing me that the Association, "supports the administration's amended standby gas rationing plan."

The letter from Mr. Eizenstat follows:

THE WHITE HOUSE,
Washington, D.C., May 9, 1979.

Hon. JOHN DINGELL,
U.S. House of Representatives,
Washington, D.C.

DEAR CHAIRMAN DINGELL: Concern has been expressed for gasoline rationing for trucks, particularly those under 10,000 pounds, involved in intra-city and inter-city delivery. It is obvious that such trucks are important to the economy even in the event of any fuel crisis. Regulations to implement the Gasoline Rationing Plan will be necessary. The Plan itself provides flexibility to designate additional priorities and supplemental allotments. It is the Administration's intention to utilize this flexibility as appropriate to meet concerns such as expressed by the trucking, taxicab and other industries. We will direct the Department of Energy to consider in this process, for recommendation to the President, an appropriate level of priority for trucks of all weights to provide for an adequate supply of gasoline to insure continued service to the public consistent with the other requirements of the Plan.

Sincerely,

STUART E. EIZENSTAT,
Assistant to the President,
for Domestic Affairs and Policy. ●

TOMMY THE CORK

HON. HENRY B. GONZALEZ

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 9, 1979

● Mr. GONZALEZ. Mr. Speaker, I believe it was Samuel Butler who said last century: "Every man's work is always a picture of himself." This thought came to mind when I read a feature article in the Washington Star Monday before last, April 30, 1979, about a great man, a personage, the Honorable Thomas G. Corcoran, known affectionately since the New Deal days as "Tommy the Cork."

The very nature of the newspaper article, indeed any newspaper article beset by space limitations and constrictions, prevents it doing full justice to the subject. And it being true that a man's work is always a picture of himself, we then do not have a full and complete picture of the man, Thomas G. Corcoran, rather, we have a glimpse, or vignette.

But this is living history of the best kind and perhaps it will stimulate further indepth studies while there is time and Mr. Corcoran, in plenitude of strength of mind and body can contribute greatly to American historical development.

I have known Thomas G. Corcoran, not intimately, but well enough to know his great mind, great heart, and generosity. I was a student when I first read his name and its association with the greatest social, economic, and political advances in America in the 20th century, and I was thrilled years later to make his acquaintance.

I salute and thank the Washington Star and Sandra McElwaine for an excellent and valuable service.

The article follows:

[From the Washington Star, Apr. 30, 1979]

TOMMY CORCORAN, A WASHINGTON INSTITUTION

(By Sandra McElwaine)

There are many cliches about Washington's legendary giants—a tiny breed of power brokers, the movers and shakers. They tend to be lawyers, they are always men. Their prestige and influence allows them to transcend mere administrations, tapping that not-too-mysterious force that guides this city irrespective of the fleeting personalities who come and go.

Thomas G. Corcoran has been such a legendary Washington figure for nearly a half-century. He is all the conventional cliches rolled into one. And today, he stands nearly unique in that capacity.

At 78, Tommy Corcoran is a silky, smooth operator who has always known how to get things done. He has been doing just that since 1933, when he rose to power as FDR's personal hatchetman and fixer, or, as he

more politely describes it, "his liaison to the Hill, especially the Senate."

Whatever the title, Corcoran was a top dog in the White House from 1933 to 1940, and is still nimbly dealing at the vortex today.

"Tommy was much, much more powerful in his day than Hamilton Jordan is now," says Washington lawyer and former colleague, Marx Leva. "He cultivated a certain mystique, the force behind the throne, a shadowy eminence behind the scenes. He always liked that image."

"Tommy was powerful because he was Roosevelt's representative," states FDR's former secretary, Grace Tully. "He always had access to the Oval Office. When he called we knew it was something important and put him through."

Striding in his penthouse suite at the K street offices of Corcoran & Rowe, where he has operated since the early 1940s, he is still an impressive figure. The phones ring constantly, he juggles two or three calls, squinting to catch a view of his beloved Potomac River, which is almost totally obliterated by the advent of new high rise buildings.

The mystique lingers on, as the bustling, nattily dressed figure recounts tales of Roosevelt's second New Deal, interspersed with quotes from the Bible and the literary masters. He skips from subject to subject with bewildering, bullet-like rapidity. The words cannot keep up with the thoughts.

To emphasize a point, he gesticulates and fixes his sparkling blue eyes upon a visitor with a Svengali-like stare. In lighter moments there is a lilt to the compelling voice, an aside joke, a touch of the blarney here and there. Tommy the Cork is a bit of a rogue.

His life is a good one. He lives alone in a spacious 10-bedroom house on Woodland Drive. His faithful companions are a labrador retriever and a schnauzer. His wife died in 1956 and his six children are all grown. ("I've just paid my last tuition bill," he sighs.)

His needs are tended to by three servants of many years. "The ultimate luxury in this life is personal service," says Corcoran. "You pay what you have to to get it, and give up other things for it."

Recently his work pace has eased up a bit. "He doesn't work as hard as he did," says his legal partner of 30 years, Jim Rowe. "When he was young he was a real ascetic, but he's mellowed a little. He's more frivolous, more devoted to the ladies, now that he has the time; he does odd things. He's always on airplanes. It used to be for weddings, now it's funerals. He's a gerontophile, a worshipper of old men; that's one of the keys to his character.

At the moment, besides practicing his very influential brand of law at Corcoran & Rowe, he is writing a book about his halcyon years—the times he cajoled, persuaded and bullied a recalcitrant Congress into passing Roosevelt's liberal and far reaching legislation. There are tactics developed then which he still skillfully employs to advantage upon his large list of top corporate clients—clients whose names he will not divulge—Tenneco is one, "Everybody knows I represent them,"—and for large New York insurance companies.

"Tommy hasn't missed a step in all these years," says a longtime friend. "People treat him like an elder statesman. He, himself, has no power except for the fact he knows everybody everywhere. He's very persuasive and people do things for him because they like him. He works the Hill cloakrooms like a charm. Tommy is like Old Man River, he just keeps rolling along."

"Tommy has always been capable of doing anything he wants," states Marx Leva. "The only person you can compare him to is Clark Clifford. The two of them stand alone."

Thomas G. Corcoran was born in Pawtucket, R.I. in 1900. His father, a lawyer, was the son of an Irish immigrant, his mother the descendant of a pre-revolutionary New England family. According to his two younger brothers, in his youth he was an outstanding athlete and student, immensely popular and extremely outgoing. High school found him constantly dabbling in politics.

"My father always used to say that a boy who did not take the politics of his father and the religion of his mother was either a victim of child abuse or a filial ingrate," relates Corcoran. He is a Democrat and a Catholic.

At 12, he peddled newspapers, at 15 worked on a farm for 15 cents an hour, led a strike for better pay and was fired.

From public high school in Pawtucket he worked his way through Brown University where he won essay contests, was valedictorian of his class and made Phi Beta Kappa his junior year.

"There are very few activities he has not had a liberal share in" states his senior yearbook, "and very few men that do not know him." He became an accomplished pianist, debator, orator, star of the class football team and a champion hiker.

He took his masters degree at Brown and then enrolled in Harvard Law School. To build up income he gave lectures—at two dollars a head—on how to pass tough exams, and was made Note Editor of the Harvard Law Review, a coveted honor.

His scholarship attracted the attention of Professor Felix Frankfurter, who was instrumental in his appointment as secretary to Supreme Court Justice Oliver Wendell Holmes in 1926.

"That was one of the greatest periods in my life," recalls Corcoran, who handled research and writing chores for the jurist he worshipped. "I called that year going to 'Holmes University.' I learned more from him than any history book. He taught me the significance of living. We would walk together every afternoon, this little Irish Catholic boy, and the distinguished Brahmin. Through the Holmes' generosity I met everyone in Washington and fell in love with this town. In a way I admired Mrs. Holmes the most. She was a great lady."

Corcoran lived in a garret on 18th St., earned four dollars a week, and managed to save enough money to send his brother down the Amazon River, something he himself had always wanted to do.

The Holmes', then both 83, were childless. They brought young Corcoran into their family as they had so many Harvard graduates before him. He was always referred to as "Sonny."

In Corcoran's office there is a painting and sampler done by Mrs. Holmes and the justice's chair left to him by Holmes' will.

When the clerkship expired, he joined the New York law firm of Cotton, Franklin, Wright and Gordon where he specialized in corporate law, stock mergers and issuances. With recommendations from Frankfurter he operated a one-man employment agency for Harvard Law School graduates, developing an amazing knack for putting together the right man and the right job. In 1932, at the request of Eugene Meyer, governor of the Federal Reserve Board, he returned to Washington as counsel to the newly created Reconstruction Finance Corporation.

"No one else in the firm would come," he recalls. "They were all married. I was the only bachelor. If I hadn't come down here I wouldn't have had any fun at all."

He got involved in politics and worked on the Federal Housing Act. Sam Rayburn then asked him to assist him with the Securities Act facing a tough congressional fight.

It was through Rayburn that he met Ben Cohen, another Frankfurter protege who was to become his inseparable partner and life-long friend. Together they became known as "Frankfurter's hot dogs," "The Whiz Kids," and "The Gold Dust Twins."

"It's the luckiest thing that ever happened," says Corcoran now. "Ben was the architectural genius and I was the front man. The things we worked on were the toughest financial ones, and the diehards said we were ruining the country. We were called every name in the book. I enjoy public rows. I'm Irish and I can take the heat."

"They were the greatest team I've ever seen," says civil rights lawyer Joe Rauh, who worked for them in 1935. "What Tommy did in the 1930s was one of the great legal and political performances of all time."

Cohen and Corcoran's political and legislative feats and the urging of Frankfurter brought them to the attention of President Roosevelt. They became part of his "brain trust," and took on the majority of the president's tough jobs. Throughout the years at 1600 Pennsylvania Avenue, Corcoran remained on the payroll of the Reconstruction Finance Corp. and Cohen at the Interior Dept.

"Tommy would call and say, 'I've just spoken with the President, and I'm calling you from the White House' when he was in some dingy office in Interior," laughs Rauh. "Boy, did people pay attention."

Corcoran was the White House premier odd jobber, legman, expediter, armtwister, and speechwriter. He coined such memorable phrases as "Rendezvous with Destiny" and "Instinct for the Jugular" for FDR. Together the "Twins" wrote and pushed through Congress the Stock Exchange Act. The Fair Labor Standards Act, The Securities and Exchange Act, The Public Utility Holding Act and others that completely transformed American life.

"Nobody ever went to bed," recalls Jim Rowe. "We'd write and create a new bill overnight. Once when I left at 3:00 a.m. I thought I'd been disbarred from the group. If you worked for Corcoran you couldn't be married. He lived by Plato's rule that servants of the state should be under 30 and single. There were no distractions."

"Tommy was far more to Roosevelt than simply a hatchet man," says lawyer and former Frankfurter clerk, David Ginsburg. "He was solace, support, advisor and entertainer. He was a first rate musician and played the piano and accordion beautifully.

"FDR really loved the evenings when Tommy would play his favorite songs," relates Grace Tully. "It was all very informal and we had a marvelous time."

At 40, Tommy married his hard-working secretary, Peggy Dowd. "One of the two most eligible women in Washington," writes Arthur Schlesinger.

"I married like a good Irishman," says Tommy. "An Irish son never marries until his mother dies."

There were six children in 12 years.

His eldest son Tim, 34, labels him a patriarch. "He was a hard driving father. He always wanted us to win. We were sent to one pressure school after another, and were expected to be No. 1. He was big on individual sports, and we all had to take endless boring lessons. Skiing, languages, tennis, sailing, guitar, piano. He gave a piano to every school anyone of us went to.

"There was never any time to play ball or mess around. We didn't have many friends outside the family. We were always learning one improving, upwardly mobile thing after another. To this day he still sends me books he thinks I should read.

The turning point in Corcoran's White House career came when he sought the job of Solicitor General of the United States. According to Rauh, he got four Supreme Court justices to sign a letter to Roosevelt urging the appointment. Frankfurter, who Corcoran had helped place upon the court, refused to sign. The appointment was never made.

"Roosevelt had promised me the job, when I wanted to leave, but agreed to stay on and help him save face with his court packing plan," says Corcoran. "I wanted a job where I was all on my own. The Solicitor General is the lone arguer before the Supreme Court. It was one of the heart breaking things of my life. I decided to leave and practice law." The breach with Frankfurter never healed. He felt betrayed. They never spoke again.

There are several theories as to Frankfurter's lack of support. Ben Cohen states: "Frankfurter thought Corcoran was too involved in politics and probably couldn't give it up. He had been in the front lines too often, had taken too many risks. It gave him many more enemies than those who had been less discrete and less effective."

"That incident was one the watershed episodes of Tommy's life," says David Ginsburg. "His streak of idealism was battered. He felt thoroughly let down. It was the one thing he wanted and asked for. I think Frankfurter placed the Supreme Court on a pedestal, and lifted it above his friendship and indebtedness to Corcoran. I think he was abysmally wrong."

Corcoran left the White House in 1941 to form China Defense Supplies; lend lease to China and a thriving law practice.

With Claire Chenault, whom he greatly admired ("His portrait is one of my most prized possessions") he organized the Flying Tigers and kept the Chinese supplied until America entered the war.

* * * * *

"Since Peggy died, my kids have been my chief interest," says Tommy Corcoran now. "They listen to me and do what I want because I convince them to."

"I've always been in love and wished I were married, but no one want to take on six children. Anyway, they all beseeched me not to. They didn't want to be like Cinderella with a wicked stepmother."

Over the years he has been one of the town's most eligible extra men. Always charming, polite, and available, a magnificent escort. The social pages describe his outings with Anna Chenault, widow of his great hero, Gen. Clair Chenault, and Congresswoman Lindy Boggs.

"He takes Anna to Republican parties, and Lindy to Democratic parties," says Jim Rowe.

The papers have missed his evenings with another widow, Sissy Bowman, who works for Sen. Russell Long, and is described as a "typical Georgian beauty."

His chaffeur-driven car is at their disposal; he spends a lot of time taking them to and from airports.

"Tommy is a busy escort to many ladies," says Lindy Boggs. "He's so sweet and thoughtful. A courtly gentleman."

"Tommy and I have been very close for 17 years, and we go out a great deal," says Anna Chenault. "Neither of us is interested in marriage, and are not possessive of each other. If I go out alone, women consider me a threat, it's better to have an escort."

As for Corcoran, he quips: "my attitude toward women is to watch them with fascination and fear—like a campfire burning in the night."

His law practice has grown and flourished. It has also been investigated four times by Congress. His dealings on behalf of large oil companies and pharmaceutical firms have produced congressional wrath. Each time he has emerged unscathed.

"I always win because I'm right," chortles Tommy the Cork. "Anyway, there's no more fun in this town than unfixing fixes."

In the process, he has disappointed several former New Deal colleagues, by representing what one terms "every anti-social principle in America." "It's one of the great disappointments of my life," says Joe Rauh, "I worshipped him. His conduct belies the principles of the New Deal. I have yet to see his name in the paper representing anything but the most conservative interests. Maybe Lindy Boggs can bring him back."

"I'm sorry to see Tom abandon so totally his idealism and capacity for leadership," says David Ginsburg. "He's a sad figure who must explain his conservatism. One wonders where he would have ended if he stayed in the government. He did not fulfill his capacities."

With a shrug, Corcoran answers, "What was liberalism under Roosevelt, is considered conservatism today. I'm still a liberal. Not a Joe Rauh left-winger."

The changes and contrasts between earlier eras and today are, not surprisingly, a matter of some interest to Thomas G. Corcoran. And also, not surprisingly, he has had mixed opinions on those who have followed Roosevelt in the White House.

"Harry Truman and I were at loggerheads for years," he has said. "He called me a 'goddamn Harvard snob.' Still, I think Truman was a great guy and very strong on foreign policy. President Eisenhower, I don't think about him much." And Kennedy? "I was a good friend of Joe Kennedy. I was close to Jack but I never went to the White House when he was there. I didn't like Mrs. Kennedy. When I have that feeling I don't give a damn whether people liked me or not."

Lyndon Johnson wins praise from the New Dealer. "I think Lyndon Johnson is going to be one of the great men of American history. He tried to do something about problems that everyone else dodged."

The Carter administration draws a cool evaluation.

"The trouble with them is that they're not using the people in this country with ability. I think we're in more danger now externally and internally than during the depression or at Pearl Harbor.

"I remember that my chief, Mr. Roosevelt—a convinced Democrat whose imagination could encompass the whole universe and yet close in on the last six inches—was willing in his crises to accept the participation and advice of all men, no matter what their fathers' parties."

"The Carter group" he feels, "is an impenetrable circle. They won't let the people through who want to help them. Ben Cohen, who was in charge of domestic inflation under Roosevelt, has been trying desperately to get through to the White House to explain how to deal with the problem. They won't let him in. It's a frozen situation."

Tommy Corcoran has special fondness for John Connally these days. The arch-Democrat isn't about to concede that he would vote for the man but does feel that "Connally is shaking up the country and stirring people up. I would like to see Connally the Republican nominee for president and Howard Baker as vice president."

But enough of this. Tommy the Cork's world awaits him. Preparing to rush out the door to catch a plane to New York, leaving a trail of instructions in his wake, he muses on his future.

"Maybe I'll retire and become a piano player in a saloon." With a wave and a wink, Tommy Corcoran is gone.●

A RETURN TO THE DRAFT?

HON. GARY A. LEE

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 9, 1979

● Mr. LEE. Mr. Speaker, I would like today to share with you and my colleagues in this House a recent statement which I issued to my constituents of the 33d Congressional District of New York dealing with an important matter of interest: Reinstatement proposals for a national selective service system.

Too often, Members of this House are thought to be taking one side of an issue for our home districts and another on the floor in debate. My entry will make it clear that this is my feelings on this controversial matter.

My statement is as follows:

STATEMENT OF REPRESENTATIVE GARY A. LEE

Deciding between reinstatement of the draft and total reliance on our all-volunteer military can be like looking for solid ground between the shores of the Atlantic.

The deep-seeded resentments of America's no-win wars in Vietnam and Korea have produced a strong no-draft sentiment at home. At the other extreme is the reality of an America which could be caught unprepared for its own defense. Our search for an island of compromise may very well not please anyone.

I have taken the position that we need, at the very minimum, a registry of eligible young men and women who could be called into the service. In tandem, we should begin constructing the mechanisms of a selective service system that could be implemented at any minute.

While I don't favor a return to universal draft provisions, I'm convinced that unless we devise the system today, the time we lose in an emergency could be fatal.

Our key to success in any tactical war will be response time. In the worst of circumstances—strategic nuclear war—obviously troop strengths will be academic. But the numbers of trained ground and air forces we can field in a conventional war here or on allied soil can decide the outcome of most battles.

Even the most vocal of no-draft advocates will admit that today's all-volunteer military is adequate for peacetime but we need substantial buildup by ready reserves in a time of combat. There is the problem. Today, those reserve strengths are approaching an all-time low. In another decade at this pace, we will be dangerously shallow in ready reserve forces.

The special circumstances of today's need will undoubtedly lead to implementation of a selective service which differs greatly from our memories of the last three decades.

For instance, since our need is for trained reserves who could be activated at a moment's notice, we may conscript young people for a military training and readiness program without any active duty requirements. Much of this could be done in our own communities and would not disrupt early careers or extended education.

There are currently a number of proposals laid before the 96th Congress for consideration. Among them are plans which institute a form of draft for "alternative national service," such as time spent in VISTA, the Peace Corps, or other non-military public service in lieu of uniformed service.

I wholeheartedly endorse the service aspect of these, but I can't support their replacement for the need to have quality military forces too. The two ideas just are not interchangeable. If America's need is for military force to deter enemies, a trained Peace Corps won't fill it. I don't believe Americans would endorse the idea of universal national service without a clear need to protect the nation.

Reinstatement of the draft indicates that America will be prepared to meet any threat to our security. Initiation of a wide-open alternative service draft, however, says only that we offer young people the chance to be responsible to America for the rights and privileges they enjoy.

The idea of alternative service should not be discounted, but neither should it be construed as an answer to our most important needs: the defense of America.

The Constitution itself provides for the Congress to "organize, arm, and discipline" forces adequate for military defense of the nation. But in cases other than defensive service, the 13th Amendment's prohibition of "involuntary servitude" might very well stop any national service corps by draft, either before such a law could be passed or in the courts after its passage.

Any return to complete military draft will be met with deep, emotional concern. On one hand are the security interests that potentially risk American lives. On the other are those no-draft advocates who could risk American freedoms.

When I took the oath of office, I swore to preserve both, and a partial return to the draft to fill our ready reserves should help in this constitutional obligation.●

A CONSTITUTIONAL CONVENTION: LIBERALS SHOW THEIR FEAR OF THE PEOPLE

HON. JOHN M. ASHBROOK

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 9, 1979

● Mr. ASHBROOK. Mr. Speaker, as the number of States calling for a constitutional convention to propose a balanced budget amendment rises, liberal voices become steadily more shrill. Their biggest single scare tactic boils down to this: What might the convention do besides just balance the budget?

The fact is that a constitutional convention cannot possibly do anything that is not ratified by three-fourths of the States afterward. A convention can only propose, and what it proposes must be ratified in order to have any effect. Further, the makeup of the convention itself will be fixed by Congress. So if two-thirds of the States call for a convention, it will be made up of people selected by a method determined by Congress, and nothing it does will become law unless three-quarters of the State legislatures ratify its proposals. Why, then, do liberals speak of such a convention as if it might be a national assembly set to usher in a reign of terror?

In part, of course, it is the old scare tactic used by idealogues who are running scared. Their outmoded big government ideas are the target everywhere. But I also believe some of the liberal fear is genuine: Liberals today want as little power in the hands of the people as possible, because the people are fed up with liberalism. In proposition 13 and in the battle for a no-growth economy and against nuclear power, liberals were crushed by a 2-to-1 margin in California. These California votes were close compared to the 3-to-1 and 7-to-1 drubbings gay lib got in Miami and Kansas. Yet this did not stop Carter's International Women's Year appointees from making gay liberation a cornerstone of their program.

From busing to racist hiring quotas, from forbidding voluntary prayer in schools to gay lib, the liberals are well aware that when their pet causes go before the electorate, they are humiliatingly defeated. Only the huge liberal political and bureaucratic machine can keep these policies in force, and anything decided outside that machinery, outside the Washington establishment, is bound to go against liberalism. This is why most liberals now violently oppose referendums, and this is why liberals look with terror on the prospect of a constitutional convention. Today's liberal opposes popular rule because the American people today are antiliberal. Never underestimate, however, the commitment of the American liberal to ideas that do not work.●

THE NATIONAL LAWYERS GUILD REAFFIRMS SUPPORT FOR REVOLUTIONARY TERRORISM

HON. LARRY McDONALD

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 9, 1979

● Mr. McDONALD. Mr. Speaker, the National Lawyers Guild (NLG), an organization of lawyers, law students and legal workers founded in 1936 with the assistance of the Comintern and still dominated by a powerful faction of Communist Party, U.S.A. (CPUSA) members and supporters and Castroites, held its 37th national convention in San Francisco, February 15–19, 1979.

The convention again made obvious the NLG's role as the key U.S. support group for foreign and domestic Marxist-Leninist, revolutionary and terrorist groups. During the convention, support was expressed for terrorist groups in West Germany and for the Palestine Liberation Organization (PLO) whose Black September/Black March assassins have again made Western Europe their target for slaughter with the airport attack in Brussels on April 16 and the attempt to infiltrate four terrorists into West Germany from Austria and Holland on April 30.

Other revolutionary terrorist groups backed by the NLG include the Nicaraguan Sandinist National Liberation Front (FSLN); the Soviet-controlled African National Congress (ANC) of South Africa and the so-called Patriotic Front terrorist amalgamation trained by Soviet, Cuban and East German "advisers" and carrying out attacks on Rhodesia from Zambia and Mozambique.

Terrorist and violence-oriented groups in the United States were also in favor with the National Lawyers Guild. A considerable number of members of the Weather Underground and its overt arm, the Prairie Fire Organizing Committee (PFOC), are also lawyers and legal workers with the NLG.

Indeed, at least two of the NLG's recent national presidents, Doron Weinberg and Henry di Suvero, have been closely involved with the Weather Underground, in Weinberg's case to the extent of being described as having acted as a communications link for WUO fugitives by Weather Underground Organization defectors.

Still other NLG members, both lawyers and legal workers, are named in a declassified FBI report as members of the Weather Underground who provided logistical support services for fugitive terrorists. Then there is Leonard Boudin, a veteran NLG member who first gained a national reputation as defense attorney for Judith Coplon, the Soviet spy in the Justice Department caught passing stolen documents to a Russian diplomat. Since 1960, he and his law partner Victor Rabinowitz, the 1968–70 NLG president named in Senate testimony as a Communist Party, U.S.A. member, have acted as the paid agents of the Cuban Communist regime.

Boudin is now the chief attorney in the NLG's lawsuit against the Federal intelligence agencies who in the past have been most interested in the NLG's associations with Communist governments; the International Association of Democratic Lawyers (IADL) which is the international Communist front for lawyers controlled by the International Department of the Central Committee of the Communist Party of the Soviet Union; and with foreign and domestic terrorist groups. In an article on the Weather Underground, the new left magazine Seven Days described Boudin as the leader of a group of attorneys that have such power over the Weather Underground that they were able to force the terrorist organization to accept a highly unpopular political decision.

NLG members associated with the Weather Underground and the Prairie Fire Organizing Committee were particularly active at the NLG convention in workshops and meetings in support of the violence-oriented American Indian Movement (AIM) and its many offshoots such as Women of All Red Nations (WARN).

Their other area of particular interest was in support work for Puerto Rican revolutionary and terrorist groups including the Castroite Communist Puerto Rican Socialist Party (PSP); the remaining jailed Puerto Rican Nationalist Party terrorists serving sentences for shooting Members of Congress in 1954, and for killing a guard during an attempt to assassinate President Harry Truman in 1950; and of course the currently active Fuerzas Armadas de Liberacion Nacional (FALN).

NLG AND TERRORISM

The NLG's support for revolutionary terrorism, which in common with Marxist-Leninist parties it terms "armed struggle," is based on the organization's ideological commitment—a commitment affirmed in resolutions passed at its national conventions—to "anti-imperialism" and to working with "organizations of every kind to build a solid-based anti-imperialist movement on the foundations of the antiwar movement."

At its 1971 national convention, the National Lawyers Guild defined its "anti-imperialism" as "the NLG's struggle to defeat the ruling class in this country and to defeat its hold on large parts of the world."

That same 1971 NLG national convention stated:

There is no disagreement among us that we are a body of radicals and revolutionaries. We are not simply servants of the movement. We are radicals and revolutionaries who now propose to carry the struggle for social change into our lives and our profession.

In 1975, a position paper by the NLG's Bay Area Prison Task Force, in support of a NLG prisoner organizing project headed by a Weather Underground Organization member, stated:

Prisoners * * * are potentially a strong revolutionary force. * * * They know they will only regain their freedom * * * in a different changed society, and they have very little left to lose in this one.

The position paper continued:

Members of the Guild who insist that the politics of armed struggle have no place in a Guild publication ignore this organization's history and self-definition. The Guild is not merely a legal organization—it is not the ACLU or ABA. * * * Many people within the Guild consider the strategy of armed struggle to be an integral part of any revolutionary struggle. The Guild itself has not only defended but actively supported the armed actions at Attica and Wounded Knee and has in some sense joined these struggles.

NLG members have formed the defense teams for virtually every U.S. revolutionary terrorist group since the 1960's ranging from the Black Panther Party (BPP) and Black Liberation Army (BLA) through the Weather Underground Organization (WUO) George Jackson Brigade (GJB) and Symbionese Liberation Army (SLA) to the FALN.

NLG involvement with the WUO and its overt arm the Prairie Fire Organizing Committee (PFUC)—(plus its New York City splinter faction with which it has became reconciled the May 19 Communist Organization (M-19CO)—was evident in a "champagne reception" held to generate support for the PFOC's efforts to build a national support coalition for the terrorist FALN and related Chicano "armed struggle" groups.

The reception was to honor Steven Guerra of the Movimiento de Liberacion Nacional (MLN) and former coordinator of the National Committee against Grand Jury Abuse and Myrna Salgado, National Committee to Free Puerto Rican Prisoners of War.

Sponsors of the reception, to which all NLG convention goers were invited on Friday, February 16 in the offices of NLG lawyer Stuart Hanlon at 294 Page Street, San Francisco, were the three Chicago lawyers who have been representing associates of FALN fugitives when called before Federal grand juries investigating the terrorist organization and who are now representing the Puerto Rican Nationalist Party terrorists in their attempts to gain release from Federal prison. These were Mara Siegel, a veteran of the NLG's delegation invited to attend the Puerto Rican Socialist Party (PSP) convention in December 1975; and People's Law Office and PFCC activists Dennis Cunningham and Mike Deutsch. Their law partner, Jeff Haas, another WUO/PFOC lawyer, also attended, as did the Bay Area PFOC contingent including Melinda Rorick and Karen Ashley of the PFOC's John Brown Book Club that has moved into the house used as offices by the San Francisco NLG chapter at 558 Capp Street.

According to one of the more smug PFOC NLG members, holding the reception in the law offices and moving the book club into the NLG offices is intended to prevent any surveillance of the overt arm of the WUO terrorist organization by the FBI or police.

Representatives were present from the Centro Legal de la Raza of Oakland, a cosponsor of the reception; from PFOC affiliates such as the San Francisco group commemorating the attempted murder of President Truman by two Puerto Rican Nationalist Party terrorists, the October 30th Committee in Solidarity with Puerto Rico which operates from 1005 Market Street, No. 207, San Francisco, Calif., 415/285-9473; the Committee in Solidarity with Puerto Rican Independence (CISPRI), P.O. Box 343, Brooklyn, N.Y. 11217, 212/499-2767; and a Chicago coalition of the NCFPRPOW, PFOC, and a small Chicago-based Trotskyist splinter group headed by Don Hammerquist and Noel Ignatin, the Sojourner Truth Organization (STO). This coalition, tentatively termed the Interim Committee in Solidarity with the Puerto Rican Revolutionary Independence Struggle, was centered in the Westtown Community Law Office, 2403 W. North Avenue, Chicago, Ill., 60622, 312/278-6706.

Literature was available in support of FALN member William Morales, arrested after the premature detonation of a bomb in his apartment in New York last year, by the MLN and Juan Antonio Corretjer's Puerto Rican Socialist League—Liga Socialista Puertorriquena (LSP). PFOC members present criticized the five members of the WUO's Revolutionary Committee (WUO-RC)—Clayton Van Lydegraf, Judy Bissell, Leslie Mullin, Marc Perry and Michael Justsen—arrested and charged in Los Angeles with planning to bomb the office of a California state senator. Particularly harsh in criticizing Van Lydegraf, long a leader of the PFOC and WUO, PFOC members from the Bay Area and Chicago said he was no longer involved with the organization and that they were supporting his defense only because it was a means for gaining discovery against FBI counterintelligence programs.

The reception's principal purpose was to urge NLG activists to become involved in organizing a national movement to "support the armed clandestine independence movement" by pressing for the release of Morales; two Puerto Ricans who participated in the armed takeover of the Chilean consulate in San Juan, P. R., on July 3, 1978, Nydia Fster Cuevas and Pablo Marcano Garcia; and of course the four remaining Nationalist Party terrorists.

NLG BACKGROUND, MEMBERSHIP AND IDEOLOGY

The National Lawyers Guild was organized in 1936 by a cadre of Communist lawyers who then brought into the front a number of non-Communist leftists and liberals.

The NLG's role in the Communist movement was determined as long ago as 1922 when the Communist International—the Comintern—established a defense agency known as MOPR, the Russian-language acronym for the International Class War Prisoners Aid Society. This Comintern agency, generally called in English the International Red Aid, established sections in various countries of the free world with the purpose:

To render material and moral aid to the imprisoned victims of capitalism.

In 1925, an American section of MOPR was formed which operated until the early 1940's under the name, International Labor Defense (ILD). During its existence the ILD helped to form both the International Juridicial Association (IJA) and the National Lawyers Guild.

The fact that the National Lawyers Guild was then and is now part of the Soviet-controlled international Communist apparatus is underscored by its affiliation with the International Association of Democratic Lawyers (IADL), characterized in 1946 by the House Committee on Un-American Activities as an "international Communist front for attorneys." The IADL was one of a number of fronts set up under the control of the International Department of the Central Committee of the Soviet Communist Party to replace the Comintern's former functions. Those fronts include the World Peace Council (WPC), World Federation of Trade Unions (WFTU), Women's International Democratic Federation (WIDF), and the World Federation of Democratic Youth (WFDY).

At the IADL's third congress in 1948, at which the U.S. delegation included NLG activists Bella Savitsky Abzug and Martin Popper, a vigorous defense of U.S. Communist Party leaders convicted of conspiracy to advocate the overthrow of the Government by force and violence was initiated. On a proposal by Martin Popper, a CPUSA member then the NLG's executive secretary and who was a prominent member among the Old Left contingent at this NLG convention, the IADL decided to send 25 lawyers to observe the Smith Act trials of these Communist Party leaders in New York so that they could generate propaganda for international protests.

It should be noted that by the end of 1941 when the NLG had demonstrated its Communist Party-control by its support of the Hitler-Stalin Pact and opposition to U.S. aid to Britain, then hysterically reversing its policy when Hitler invaded Russia, virtually every non-Communist NLG member had resigned. By the mid-1950's, its national membership had dropped to some 600 lawyers.

Characterized in 1950 by the House Committee on Un-American Activities (HCUA) as "the foremost legal bulwark of the Communist Party, its front organizations and controlled unions," the NLG consistently has worked closely with CPUSA in obstructing investigations of Soviet espionage rings and Communist penetration and manipulation of educational, cultural and labor organizations. Since the late 1960's when an influx of New Left activists swelled the NLG's ranks, the organization has been controlled by a leadership that has not deviated from the international po-

litical lines of Moscow, Havana and Hanoi.

Control of the NLG by this Moscow/Havana/Hanoi-oriented leadership brought a protest at the February 1978 national executive board (NEB) meeting by a group protesting the NLG's commitment to supporting the terrorist Palestine Liberation Organization (PLO) and denouncing Zionism as "racism." This group, the Democratic Caucus, charged:

> * * * the Leadership has conducted Guild affairs as though we were a committed Marxist-Leninist entity.
>
> This characteristic is particularly apparent in the Guild's international work, and has resulted in a predisposition of the International Committee to identify the Guild with the position of the "socialist" countries on every major international issue.

The Democratic Caucus complained:

> * * * the foreign observers and speakers at every Guild convention since the late 1960's have almost always represented the Marxist-Leninist sector of that country's politics. There have been representatives from the National Liberation Front (NLF) of Vietnam, from the Puerto Rican Socialist Party (PSP), and from Cuba. There have never been representatives from any of the Democratic Socialist or Social Democratic elements in those or any other countries.

Predictably for an organization founded with the assistance of the Comintern, the NLG has remained active in the Soviet-controlled International Association of Democratic Lawyers (IADL), lending a semblance of legalism to propaganda efforts, sending NLG delegations to Hanoi and promoting the National Liberation Front (NLF) by which Hanoi carried out its program of terrorism against the South Vietnamese civilians, and sending NLG members traveling under various pretexts as "observers" to trials of terrorists in Iran, Spain, South Africa, Chile, and other countries. Also significant are the involvements of leading NLG International Committee members in efforts to defend the terrorist Red Army Fraction (RAF) in West Germany.

NLG'S FOREIGN GUESTS

The highest ranking guest at the NLG convention was the Vietnamese United Nations Ambassador Luu, who attended to remind the NLG of its solidarity commitments to the Socialist Republic of Vietnam at the time Red Chinese troops had begun their invasion of Vietnam.

As for the Vietnamese invasion and conquest of the neighboring Chinese-alined Communist country, Cambodia or Kampuchea, for Ambassador Luu and the large number of Hanoi-sympathizers present in the NLG, that was a wholly justifiable act to end repression. No mention of the statements of General Giap and Ho Chi Minh that all of Indochina was their real goal were made. However, the Maoist NLG members led by cadre from the Communist Party, Marxist-Leninist (CPML) in the special presentation on Indochina and in committee meetings attacked the Vietnamese action as an example of Soviet imperialism.

But by far the most active and visible foreign guest at the NLG convention was Jorge Gallardo Fernandez, the 40-year-old vice-president of the Cuban Institute for Friendship among Peoples (ICAP).

ICAP is an organization so routinely used by the Cuban General Directorate of Intelligence—the DGI—as a cover for espionage and intelligence operations that the very mention of its name provokes immediate responses from the counterintelligence agencies of free world countries. That is except apparently in the United States. Senor Gallardo was given a 40-day unrestricted visa for travel throughout the United States. The purpose of his visit, according to Gallardo, was to attend the National Lawyers Guild convention and visit with leaders of the Cuban exile community in the United States.

A number of leaders of Cuban exile organizations obviously have made grave concessions to the Castro regime in order to obtain the release of relatives and friends held in Cuban political prisoner camps. Still other Cubans in this country have been very obviously collaborating with the DGI for years—a collaboration that includes terrorist attacks on anti-communist Cubans. In light of this background and the NLG's long involvement in support of terrorist activities, Gallardo's U.S. visit has the most interesting implications.

A second Cuban guest, Candalaria Rodriguez Hernandez, an official of the National Union of Jurists, was scheduled to attend the NLG convention but did not.

THE BAADER-MEINHOF LAWYERS

Two of the best known lawyers for West German terrorists associated with the Red Army Fraction (RAF) which is popularly called the Baader-Meinhof gang, and with the Palestine Liberation Organization (PLO), Kurt Groenewold and his law partner, Petra Rogge, were to lead a presentation on the "persecution of progressive lawyers in West Germany."

According to Ellen Ray, an NLG member who with her "compañero" Bill Schaap have been associated with the NLG's Southeast Asia Military Law Project, Philip Agee's Counter-Spy magazine, its successor, the Covert Action Information Bulletin (CAIB), and attended the trials of RAF members in Hamburg in 1977, Rogge and another law partner, Ranier Koncke, had been indicated for helping supply Grönewold with information he distributed to their RAF clients and other RAF defense lawyers. Although Rogge had come to the United States last November to aid in the defense of Kristina Berster, and although Grönewold was said to previously visited the United States and to have participated in NLG activities, the commencement of legal proceedings against Rogge and Koncke prevented their visit to the NLG's San Francisco meetings.

NLG involvement in supporting members of West Germany terrorist groups dates back to 1975. At that time a delegation of prominent NLG lawyers associated with the Center for Constitutional Rights (CCR) in New York City, a law group composed of NLG lawyers and legal workers, attempted to go to West Germany to join the Baader-Meinhof defense team.

That proposed delegation included Peter Weiss, NLG attorney who is also president of the board of the Institute for Policy Studies (IPS), a Marxist think tank that sponsored CIA defector Philip Agee in Holland after his deportation from England; William Schaap, a veteran of the NLG's Southeast Asia Military Law Project, associated with the original Counter-Spy magazine in the days Philip Agee worked with it and now is a leader of Agee's Counter-Watch and Covert Action Information Bulletin; Schaap's long-time "compañera" Ellen Ray, also a veteran of Counter-Spy and the Covert Action Information Bulletin; William Kunstler; Marge Ratner; and a "cooperating attorney" with the Center for Constitutional Rights, former U.S. Attorney Ramsey Clark.

However, in 1977, Bill Schaap and Ellen Rav succeeded in going to West Germany to "observe" the trials of Baader-Meinhof defendants, and in fact offer trial strategy advice to Kurt Grönewold and the other defense lawyers. Grönewold was disbarred for illegal activities on behalf of his terrorist clients.

In an article in the December 1977 edition of Guild Notes, the official publication of the National Lawyers Guild, Schaap wrote:

> Many German radicals are leaving the country, going underground, preparing for a protracted struggle. The next few months will be a key to the early years of the struggle.

Schaap's statement, written following the commencement of intensive efforts by the West German security authorities to track down the terrorist killers of several businessmen, judges, and officials, took on new significance following the arrest on July 16, 1978, of Kristina Katherine Berster.

Berster, 28, was arrested attempting to enter the United States by using an Iranian passport which had beeen among several stolen in June 1976, when the Iranian Students Association (ISA) took over the Iranian consulate in Geneva, Switzerland. Another Iranian passport, stolen during the same ISA demonstration in Geneva, was being used by RAF terrorist Brigette Folkerts. Her arrest in Paris earlier in 1978 led to the discovery of four of the leading West German terrorists living in Yugoslavia. The Communist regime refused to extradite the four terrorists to West Germany unless the West Germans gave up several Yugoslavian anti-Communist emigrees to Tito.

Berster was arrested in the company of two Iranians resident in the United States. Both are believed to be veteran Iranian Student Association activists associated with the terrorist Organization of Iranian People's Fedayee Guerrillas (OIPFG), whose cadre have been trained in the camps of George Habbash's Popular Front for the Liberation of Palestine (PFLP) from which most of the members of the "Carlos Group" of terrorists have been recruited. The PFLP's training camps are located principally in Iraq and the People's Democratic Republic of Yemen (Aden).

where many West German terrorists are known to have been.

Berster has admitted to having spent seven months in the PRDY working, she says, on a "health project" in 1977.

Berster's defense has been handled principally by the NLG group at the Center for Constitutional Rights. But they were aided during Berster's trial in November 1978, by Petra Rogge, Groenewold's partner. Groenewold and another of his colleagues, Otto Schilly, who was also disbarred for "aiding criminal organizations," were scheduled by the Berster defense team as defense witnesses to support their argument that Berster would face "persecution" if extradited to West Germany.

CONVENTION ATTENDANCE

Approximately 1,000 persons attended the NLG convention, a significant proportion of the active membership of 6,000 that the organization now claims. Of the NLG members who attended, many were members of disciplined revolutionary parties attending to express their party's line. These included the Communist Party, U.S.A. (CPUSA); the New American Movement (NAM); Trotskyist Communist parties such as the Socialist Workers Party (SWP), the Spartacist League (SL) and its Partisan Defense Committee, and the International Socialists (IS); the Peking-line Communist Party, Marxist-Leninist (CPML) and other Maoist groups including the Revolutionary Communist Party (RCP), the Workers Viewpoint Organization (WVO), the Communist Party, U.S.A. (Marxist-Leninist) (CPUSA-ML)—(formerly the Marxist-Leninist Organizing Committee (MLOC)—and the Communist Labor Party (CLP).

The principal Maoist groups, the CPML and the RCP, work within the NLG in the Anti-Imperialist Caucus. While perhaps some 15 percent of the NLG membership concentrated in the chapters in Houston, Denver, Atlanta, and Los Angeles, adhere to the caucus line, in the voting for NLG national president, the Maoist candidate, Rob Kropp, a Los Angeles NLG member active in the United States-China People's Friendship Association (USCPFA) and in the NLG International Committee's China Subcommittee, mustered merely 58 votes compared to 389 for the NLG leadership's choice, Paul Harris. Votes are apportioned by the number of members a chapter has.

CONVENTION LOGISTICS

Logistical planning for the 37th NLG national convention was by the San Francisco chapter and was coordinated by Logistics Planning Committee which included Linda Sloven, Conci Bokum, Jeff Kupers, Julie Hurwitz, Patti Blum, and Patti Roberts, president of the San Francisco chapter, 558 Capp Street, San Francisco, Calif. 94110, 415–285–5066.

The convention headquarters, and location for workshops and committee meetings was the San Franciscan Hotel while plenary meetings were held in the Nourse Auditorium in the nearby San Francisco Civic Center.

NLG security was strict, with NLG security squads, wearing red badges, checking to insure that no unregistered persons entered meetings. In addition, the NLG provided "security" for its foreign visitors.

It was noted that there was no clear press policy at this convention, with members of both the "straight" press and local and national radical publications of various political orientations being arbitrarily admitted to and banned from the convention's activities apparently at random.

A podium committee kept things moving rather smoothly for an NLG convention, with the chief "burning issue"—the Vietnamese invasion and armed conquest of a neighboring Communist country, Cambodia, and the subsequent invasion of Vietnam by the People's Republic of China—being given less than a half-hour of time cut into a plenary.

Podium committee members included John Quigley, out-going national vice president; Debbie Weimer of the NLG National Office in New York; Conci Bokum, San Francisco; Jeanne Busacca, Southwest regional vice president (RVP); Karen Detamore, incoming Northeast RVP; and Marsha Greenfield, Detroit.

CONVENTION ACTIVITIES

Pre-convention activities opened on Wednesday, February 14, with "skills seminars" for lawyers and law students on immigration law and "Defending Gay Rights." The theme of the 37th national NLG convention was "Attacks on Women and Gays" with a sub-theme of supporting "Native American Struggles."

In style and ideology, many NLG leaders in their mid-thirties seem locked into the 1963–71 movement of dope smoking, campus sit-ins, and street riots with the models for revolution being Havana and Hanoi. NLG men still sport the "freak" hairstyles of Weather-yip days with 2-foot ponytails, while the lesbian "women-identified women" affected the same denim overalls and workshirts seen in 1971 among the members of the May-day Tribe.

Thursday was the first full day of convention activity with all-day meetings of the NLG's principal task forces, projects and committees. These included the International Committee, the Labor Executive Committee, Law Student Organizing Committee, National Commission on Women's Oppression (NCWO); Committee on Native American Struggles (CONAS); gay rights, legal services, military law, police crimes, housing and antiredbaiting task forces and the coordinators of the NLG's campaign against domestic and foreign intelligence programs.

It was interesting that the chief concern of the "antiredbaiting" meeting was growing hostility to the NLG militants on the part of the American Civil Liberties Union (ACLU) over the NLG's refused to back their support for Frank Collins Nazi march in Skokie, Ill., for the right of prison guards to belong to the Ku Klux Klan and similar issues. The NLG position is that Marxist extremists and totalitarians should not be discriminated against, but that racial extremists and totalitarians should be under restrictions.

The opening plenary in the evening featured a welcoming speech by Patti Roberts, president of the host San Francisco chapter; a speech summarizing NLG activities over the past 18-months by outgoing national president, Henry diSuvero; the keynote speech from past NLG president Catherine Rorabach on "Attacks From the Right on Women and Gays" in which the Briggs initiative in California, the activities of Anita Byrant and child custody discrimination against homosexual parents was viewed with alarm. The most serious danger to women was viewed as the resistance to the equal rights amendment. Rorabach, a plaintiff in the NLG lawsuit against the FBI, is documented in FBI reports as having been an officer of CPUSA fronts and of having provided free legal services to CPUSA members in the 1940's and early 1950's. Singer Holly Near, a long-time activist with the Indochina Peace Campaign (IPC) and who was barred from participating in the U.S. delegation to the XIth World Youth Festival in Havana last July on account of her "sexual preference," provided entertainment.

Friday workshops and their leaders included:

Gay rights: Referendums and community organizing—Barbara Handschu; Holly Ladd, chair; Vernell Pratt and Michael Ward.

Immigration: Refugee status and political asylum—Patty Blum and Michael Maggio, cochairs of the NLG Immigration Project's Subcommittee on Refugees and Asylum; Nancy Hormachea; and Peter Schey, Los Angeles Legal Services Foundation.

Adding injury to insult—"to explore the provacative [sic] political and legal questions concerning potential actions (in the field of occupational safety and health) against employers, manufacturers, doctors, clinics, and Federal and State agencies." Anthony Mazzocchi, vice president, Oil, Chemical and Atomic Workers (OCAW); Andrea Hricko; Steve Kavan.

Weber: Legal and mass responses—Gene Eisner, counsel, district 65, Distributive Workers of America; Jack Hartog; Laurie Slavin, EEOC; and Jeanne Mirer.

Fascism and the first amendment—Michael Avery; Buck Davis and Jim McNamara.

Organizing around environmental issues—Steve Metalitz, Charleston, S.C.; Tim Plenk and Beverly Stein, Portland, Oreg. Discussion centered on tactics of community organizing against utility rate hikes; the legal defense of nuclear power plant occupiers in which the Portland, Oreg. NLG chapter has been particularly active by providing legal defense for the members of the Trojan Decommissioning Alliance and Pacific Life Community. Plenk outlined the defense argument of "self-defense" against nuclear power plants, obtaining "expert witnesses" among leading anti-nuclear activists and trying to prove that a nuclear power plant is so intrinsically to dangerous that sit-in demonstrators were justified in their behavior so that trespass and related laws should not be applied.

Native Americans and the struggle for natural resources—Roger Finzel; Paul Centolella; Bruce Ellison.

Abortion/sterilization abuse—Laura Rodriguez; Patsy Parker; Kayla Vaughn; Rhonda Copeland; Barbara Handschu; Barbara Weiner.

Guild FBI lawsuit—Leonard Boudin and Michael Krinsky. Discussed the present status of the case, problems such as the alleged reluctance of judges to turn over to plaintiffs files classified as containing national security material. There was some criticism of the NLG's lack of an aggressive media campaign against the intelligence agencies from Chicago NLG members.

Legal aid and Defender Office organizing—Craig Kaplan, president of the Association of Legal Aid Attorneys of New York City, an affiliate of district 65, DWA; and Mary Ann Massenberg, an organizer for the United Legal Workers of California.

Friday's most controversial event was a presentation by the NLG International Committee on Vietnam and Cambodia which packed a large conference room with some 350 persons. Emotions were high and the Chinese invasion of Vietnam was defended for the Maoists of the Anti-Imperialist Caucus by Al Canfora of the CPML.

The evening's presentation focused on the "Struggle in Tupelo" by the NLG and NCBL in support of the militant United League of North Mississippi. Lewis Myers, NCBL national counsel and an attorney with the North Mississippi Rural Legal Services (NMRLS) then under investigation by the Legal Services Corporation for improprieties in his representation and activities with the United League, was the main speaker. The NLG and its many legal services members called for a letter campaign to the corporation demanding all charges against Myers be dismissed.

Saturday workshops included China trip orientation for the NLG delegation to the People's Republic of China; a Grand Jury Project presentation on the FBI's COINTELPRO activities against "women and gays" in their investigations of terrorist fugitives; Iran; Marxism and the law; the death penalty fight; unemployment; how to organize an NLG chapter office; S. 1437, the new proposed Federal criminal code, and a number of gay and women's issues. Additional workshops were:

Mercenaries: "geared towards persons working with solidarity groups and other types of anti-imperialist organizations." The panel, Ernie Goodman, past NLG president long active in CPUSA fronts and a former counsel for the CPUSA's Michigan District; Marva Moore, president of the Boalt Hall chapters of the NLG and the Black American Law Students Association (BALSA); and Mike Maggio of the DC NLG chapter.

Discussion involved the "use of mercenaries against national liberation struggles" in Angola, Rhodesia, Iran, and Nicaragua. Attention was given to promoting prosecution of U.S. mercenaries, recruiters of mercenaries and those aiding them. A particularly interesting point was that persons who joined the International Brigade to fight on the Communist side in the Spanish Civil War were not considered mercenaries by the NLG workshop because theirs was an ideological commitment, not a monetary transaction to promote imperialism. It was also interesting civilian experts who contract with "imperialist" or "repressive" regimes to provide such services as computer expertise, training on radar or other sophisticated equipment, or to provide instruction in military techniques, were also considered "mercenaries" in the workshop consensus.

Dovetailing with the "mercenaries" workshop was a special meeting in support of the Nicaraguan terrorist Frente Sandinista de Liberacion Nacional (FSLN), and the revolutionary movement in Guatemala.

Led by NLG members Michael Maggio of Washington, D.C.; Robert Cohen, New York City coordinator of the NLG's Purto Rico project; and Kay Stubbs, an organizer on the staff of the Washington Office on Latin America (WOLA), the workshop produced a resolution passed by the NLG's executive committee mandating NLG participation in the National Conference on Nicaragua organized by WOLA on February 24 and 25.

The conference served to coordinate demonstrations for the "National Week of Solidarity with the Nicaraguan People" which was organized in many countries by the World Peace Council apparatus during the week of April 22 to 28.

Parroting the FSLN line, most recently spouted at the United Nations by FSLN spokesman Ernesto Cardenal whose translator for the occasion was a CPUSA functionary named Mike Myerson who currently heads the U.S. Peace Council, the NLG claimed that the United States was sponsoring a coup against President Somoza in order to "perpetuate Somozaism without Somoza."

The NLG is supporting the FSLN solidarity campaign demands to block all forms of economic aid to Nicaragua, particularly bank loans and the Nicaraguan meat import quota.

NLG NATIONAL OFFICERS

As expected, the NLG leadership's choice of national officers—Paul Harris, president; Abby Ginzburg, vice president; and Steve Saltzman, treasurer—were voted into office by the chapter delegates.

Paul Harris, who turned 36 on the day of his election, wrote in his NLG biographical statement that, "I come from an old left background and a new left experience." In 1966 he was a founding member of the first NLG law student chapter since the 1950's at Boalt Hall and with NLG student organizer Ken Cloke organized NLG chapters at other California law schools. Following a summer as a law clerk for Albany, Ga., civil rights lawyer C. B. King, and for a Federal judge, Harris commenced practicing law in San Francisco and was a founder of the Community Law Office.

An initiator of the "Black Rage" psychiatric defense, Harris was co-counsel with Michael Kennedy for Black Panther Party chairman Huey Newton in his recent trials for assault and murder (in the first, the complainant changed his testimony and in the second, the jury was deadlocked). Harris has remained a leading activist in the San Francisco NLG chapter and became a member of the national leadership in 1975.

Harris embodies the NLG leadership's determination to prevent controversial international issues from splitting the NLG as was threatened at the 1977 Seattle convention and the February 1978 NEB meeting in Washington, D.C. The question of NLG endorsement of the Palestine Liberation Organization (PLO) is now an accomplished fact, and protests at the Sunday morning meeting of the Middle East Subcommittee of the International Committee were virtually nil, with discussion focusing on distribution of the NLG's report condemning alleged violation of human rights by Israel that was presented at a Washington, D.C., press conference organized by Bill Schapp, president of the DC NLG chapter and a leader of Philip Agee's Covert Action Information Bulletin group.

The NLG's Jewish activists were given time to present a workshop on anti-semitism as an appeasement gesture.

As for the very hot Sino-Soviet dispute, the discussions and debate centered on the Vietnamese invasion of Cambodia, with Havana/Moscow/Hanoi backers arguing it was a "humanitarian" gesture against an oppressive regime. Rigid convention rules prevented the dispute from taking over plenary time.

Additional controversial proposals from the Castroite sector led by the Cuba Subcommittee—headed by lawyers who are agents of the Cuban government such as Victor Rabinowitz, Leonard Boudin, Mike Krinsky, Alan Dranitzke and including Hal Mayerson, Bill Schaap and Ellen Chapnick—to open a lobbying office and engage in "Break the blockade" work for Cuba.

Wrote Harris:

> The Guild is a mass organization. By that I mean there is no screening of members, and no unified political line. We are also a legal organization. * * * It is no accident that the Guild is forty-two years old. For in a bourgeois democracy, the struggle of the masses are often channeled into legal arenas.

After attacking "sectarianism" which places "theory over practice, debate over program," and "liberalism" which he defined as "putting primary focus on working within the established and safe political process * * * [and] * * * relying ultimately on the social reform wing of the state, and in the process compromising or hiding one's principles," Harris continued:

> At this point, you may well ask me, what the hell do you think is the answer, the golden mean, the red brick road that will lead us to the Winter Palace. I confess * * * I do not know."

And regarding the Cuban "Break the Blockade" proposal, Harris wrote:

> My guts say support the Cuban Revolution. But my argument in the Guild has been that international work should have a legal component. Consequently, I would like to hear what the Guild could offer to a Break the Blockade effort that could not be done by a different mass organization.

Abby Ginzburg, national vice president, now works in Washington, D.C., for the U.S. Department of Labor's Occupational Safety and Health Administration (OSHA). For 5 years she was a member of Harris' Community Law Office collective. In her statement to the NLG, Ginzburg wrote she joined the NLG in 1972 while a student at Hastings.

Ginzburg wrote that her first national NLG activity was at the 1973 33d NLG convention in Austin, Tex. She continued:

I have been to all national meetings since with the exception of the New Brunswick N.E.B., * * *. Over the course of the last six years I have participated in a variety of national committees and projects, including Grand Juries, Prison, International and more recently Labor and Puerto Rico. * * * I was also a member of the SF [San Francisco] Executive Board for the past four years; an active member of the SF International Committee and helped organize the Felony Trial Clinic. I recently moved to DC where I am continuing to work on the DC Executive Board and International Committee.

Ginzburg was a member of the NLG delegation to the Peoples Republic of China. Noting that—

International work has played a very significant role in the recent past, in part because of our increased understanding of the nature and scope of U.S. imperialism."

Ginzburg cautions the NLG about getting involved in bitter international controversies and admits that—

As a result * * * of the Middle East debate we have suffered some casualties.

Ginzburg's statement concluded:

Please feel free to contact me with your ideas, suggestions and feedback. Write to me at 1203 Newton Street, N.W., Washington, D.C. 20010.

Steve Saltzman, the new national treasurer, has been working for the Legal Aid Society of Cleveland since he graduated from law school in 1974. He wrote that he has been an NLG member since his first year of law school in Chicago in 1972 and attended the Austin convention. Since moving to Cleveland in June 1974, Saltzman said:

I have attended all national meetings except the San Francisco NEB in Feb. 1975 and all but one regional conventions * * *.

He has been active in organizing the NLG's Legal Services Task Force, the minority legal services task force, and the affirmative action committee. He has also been active in aiding the Teamsters for a Democratic Union (TDU) which with Upsurge and other Teamster militant rank and file groups he noted have "laid the groundwork for the potential of a nationwide Teamsters strike in 1979."

NLG President Paul Harris' statement has provided the keynote for NLG activity during the next 18 months:

I believe that capitalism strikes on all fronts. At times the cutting edge may be selective service and military work, at times criminal defense, at other times it could be two or three areas. Without approving a 'scattergun' approach I will support Guild members working in any area of conflict with the state * * *.

RESOLUTIONS

Among the resolutions passed at the NLG national convention and national executive committee (NEC) meeting on February 19, 1979, of the national officers, regional vice presidents (RCP's), the representative of the national finance committee (NFC) and the full-time members of the NLG National Office (NO) staff included:

Expansion of the Police Crimes Task Force to the National Committee on Government Repression and Police Crimes. Defining "police crimes" as "surveillance, infiltration, disruption and harassment of political groups," the committee will set up a brief bank and clearinghouse within the NLG for use against Federal and local intelligence agencies including the Law Enforcement Intelligence Unit (LEIU); and will coordinate NLG work with the Center for National Security Studies (CNSS), Campaign for Political Rights (formerly the Campaign to Stop Government Spying), the American Friends Service Committee (AFSC) Program on Government Surveillance and Political Rights—co-chaired by the NLG's Margaret Van Houten, a veteran of Counter-Spy—and the American Civil Liberties Union (ACLU).

A resolution in support of Iranian revolutionaries calling for NLG support of Iranian militants faced with deportation and the sending of "a message of solidarity to the Iranian people by way of Radio Iran." The "whereases" gave a clear indication of the NLG's continuing support for revolutionary armed struggle and loathing of the U.S. Government, stating in part:

Whereas the heroic struggles of the Iranian people have succeeded in crushing the Shah's U.S.-backed regime; whereas a large segment of the Iranian people have taken up arms to defend the achievements of their revolution; Whereas the revolution in Iran today is a major defeat for U.S. imperialist policy throughout the world * * *.

The Military Law Task Force, another project involving Bill Schaap, produced resolutions for NLG involvement in the campaign to block any congressional reinstatement of Selective Service registration stating "the objective of such plans is to increase the ability of U.S. imperialism to mobilize to protect corporate interests worldwide against national liberation and other struggles which would jeopardize those interests;" and in support of U.S. withdrawal from military bases in the Philippines that "serve as a visible support for the Marcos dictatorship and as springboards for U.S. military intervention in Southeast Asia, Asia and the Middle East."

A resolution backing an NLG move to take control of the Legal Services Corp. by selecting and recommending candidates for the post of president of the corporation in cooperation with the NCBL and La Raza lawyers association was adopted unanimously.

Additional resolutions included NLG support for the SWP's efforts to block deportation of Mexican alien Hector Marroquin wanted on charges of armed robbery and murder; support for the Amalgamated Clothing and Textile Workers Union's J. P. Stevens organizing drive; backing efforts to repeal right-to-work laws; support for mass demonstrations against the Weber against Kaiser Aluminum case; and for a lobbying compaign to urge the President to sign the Optional Protocol of the United Nations Covenants on Human Rights that would commit the United States to abiding by decisions of a U.N. committee hearing human rights appeals brought by individual U.S. citizens and to urge the Senate to ratify the U.N. Human Rights Covenant which stipulates governments must provide food, clothing, health care and education to the people to implement human rights.

APPENDIX I

PERSONS IDENTIFIED AS PARTICIPATING IN ACTIVITIES OF THE NLG 37TH NATIONAL CONVENTION

(Phonetic)

Robert Altman, Southern Prisoners Regional Defense Fund.
Joan Andresson, CRLS, Los Angeles.
Chris Arguedas, CCR, N.Y.
Mike Avery, Boston.
Linda Dackiel, Grand Jury Project, N.Y.
Nina Balsam, St. Louis.
Dennis Banks, AIM.
Francisco Barba.
Ted Barrows.
Phyllis Bennis, Los Angeles.
Judith Berkan, Puerto Rico Project, San Juan.
Joan Black.
Bill Blum.
Patty Blum.
Conci Bokum, San Francisco.
Vernon Bellecourt, AIM.
Leonard Boudin, N.Y.
Sam Buffone, Houston.
Elizabeth Bunn, Detroit.
Bob Burkett, Los Angeles.
Jeanne Busacca, Southwest RVP.
Humberto Camacho, United Electrical.
Al Canfora, The Call.
Paul Centolella.
Ellen Chapnick, N.Y.
Judy Chomsky, Philadelphia.
Marilyn Celment, CCR, N.Y.
John Clinebell, Wash.
Jeff Cohen.
Robert Cohen, Puerto Rico project, N.Y.
Matt Coles.
Sandy Colliver, Berkeley.
George Conk, N.J.
Grant Crandall, RVP-South, Charleston, W. Va.
Penny Crandall, Charleston, W. Va.
Candy Culin, National Office, N.Y.
Theresa Cooper, BALSA.
Dennis Cunningham, Chicago.
Buck Davis, Detroit.
Emily De Falla, San Francisco.
Karen Detamore, Philadelphia.
Mike Deutsch, Chicago.
Hank di Suvero, Los Angeles.
Jim Douglas, Seattle.
Alan Dranitzke, D.C.
Dick Elden, Los Angeles.
Eugene Eisner, N.Y.
Bruce Ellison.
Mike Eng.
Linda Erickson, Eugene, Oreg.
Marge Fargo, National Jury Project.
Roger Finzel, N.Y.
Alan Freeman, Minnesota.
Peter Gabel, New College of Law.
Kit Gage, Southern Regional office, Atlanta.
Kathy Galvin, Boston.
Naftali Garcia, Puerto Rico.
Peggy Gannon.
Lynn Gellenbeck, Cincinnati.
Bob Gibbs, Seattle.
Ann Fagan Ginger, Berkeley.

Abby Ginzburg, D.C.
Amy Gladstein, N.Y.
Larry Glodine, San Francisco.
Nancy Goldhill, N.Y.
Ron Good.
Bill Goodman, Detroit.
Ernie Goodman, Detroit.
Victor Goode, NCBL.
Kathy Gmeiner, National Office.
Sunny Graff.
Marsha Greenfield, Michigan Legal Services, Detroit.
Sam Gross, San Francisco.
Susan Gzesh, Migrant Legal Services, St. Paul.
Jeff Haas, Chicago.
Sasha Harmon, Seattle.
Barbara Handschu, Mideast RVP, Buffalo.
Paul Harris, San Francisco.
Jack Hartog, D.C.
Neil Herring, Los Angeles.
Luke Hiken, Los Angeles.
Barbara Hoenig, Los Angeles.
Nancy Hormachea, Houston.
Jackie Huber, Minneapolis.
Linda Huber, D.C.
Nan Hunter.
Julie Hurwitz, San Francisco.
David Kairys, Philadelphia.
Elizabeth Kane.
Ann Kanter, Sacramento.
Don Jellenick, Berkeley.
Craig Kaplan, president, Assn of Legal Aid Attys, N.Y. (District 65).
Dennis Keating, Oakland.
Elissa Krause, N.Y.
Mike Krinsky, N.Y.
Janet Kropp, Los Angeles.
Robb Kropp, Los Angeles.
Jeff Kupers, San Francisco.
Mary Kaufman, N.Y.
Holly Ladd.
Jim Larson, San Francisco.
Jim Leach, San Jose.
Jeff Lewis, CRLA Project.
Jan Leventer, Detroit.
Joe Lipofsky, N.Y.
Regina Little, N.J., treasurer, Nat'l Organization of Legal Services Workers.
Craig Livingston, Newark.
Eddie Luban, Boston.
John Mage, San Francisco.
Michael Maggio, D.C.
Holly Maguigan, Philadelphia.
Ann Manley, Columbus.
Ben Margolis, Los Angeles.
Maryann Massenberg, United Legal Workers.
Dan Mayfield, National Office.
Hal Mayerson, N.Y.
Judy Mead, D.C.
Steve Metalitz, Charleston, S.C.
Lewis Meyers, NCBL.
Bruce Miller, Los Angeles.
Jeanne Mirer, Detroit.
Marva Moore, president, Boalt Hall, BALSA & NLG, Berkeley.
Carol Oppenheimer, D.C.
Doug Parr, Oklahoma City.
Arnie Pedowitz, N.Y.
Tim Plenk, Portland, Oreg.
Martin Popper, N.Y.
Vernell Pratt, Seatle.
John Quigley, Columbus.
Victor Rabinowitz, N.Y.
Jane Rasmussen, Puerto Rico project.
Marge Ratner, N.Y.
Michael Ratner, N.Y.
Andy Reid, Menominee Defense/Offense.
Jenny Rhine.
Pat Richards, San Francisco.
Dennis Riordan.
Jim Roberts, Illinois.
Patti Roberts.
Laura Rodriguez, San Francisco.
Catherine Roraback, New Haven.
Melinda Rorick, PFOC & NLG-Native American Committee.
Michael Romero, La Ruza Legal Alliance.
Rand Rosenthal, Rutgers, Camden.
Jordan Rossen, UAW.
Peter Rubin, San Francisco.
David Rudovsky, Philadelphia.
Betty St. Clair, N.Y.
Steve Saltzman, Cleveland.
Bill Schaap, D.C.
Peter Schey, Los Angeles.
Liz Schnieder, CCR, N.Y.
Sunsan Schneur, Atlanta.
Judy Scott, Detroit.
Frank Sholchet, Seattle.
Jeff Segal, D.C.
Evelyn Shapiro, Vanguard Foundation.
Franklin Siegel, N.Y.
Mara Siegel, Chicago.
Al Sigman, CRLA project.
Gary Silberger, Los Angeles.
Laurie Slavin, EEOC.
Keith Snyder, D.C.
Carol Sobel, Los Angeles.
Dick Soble, Detroit.
Doug Sorensen, CONAS.
Tom Steel, San Francisco.
Beverly Stein, Portland, OR.
Bill Steiner, MALDEF, Los Angeles.
Ken Stern, Denver.
Joe Stewart, D.C.
Carol Stickman.
Kay Stubbs, D.C. and an organizer of the Washington Office on Latin America (WOLA).
Rita Swencionis.
Ann Taylor.
Mary Alice Theiler, Seattle.
Eugene Tomine.
Chuck Turchick, Minneapolis.
Kathy Tumber, Detroit.
Margaret Van Houten, Philadelphia.
Robert Van Lierop, N.Y.
Kayla Vaughn, St. Louis.
Frank Viehman, Denver.
Alan Vomacka, Houston.
Doris Brin Walker, San Francisco.
Mike Ward, San Francisco.
Gloria Weil-Herrera, Los Angeles.
Debbie Weimer, National Office.
Doron Weinberg, San Francisco.
Barbara Weiner, San Francisco.
Patricia Weiss-Fagan, former member of the staff of the Center for International Policy (CIP), D.C.
Judy Wilson, San Francisco.
Mike Withey, Seattle.
Barbara Wolvovitz, Rutgers.
Diane Wood, San Francisco.
Evette Wyman.
Kate Yavenditti, Los Angeles.
Eli Zaretsky.
Karin Zweig, Boston.

APPENDIX II

GUILD PROJECTS

(A listing of National Lawyers Guild projects as described by the Guild in their publication, "Law for the People: An Alternative for Law Students." 1978.)

WHAT DOES THE NATIONAL LAWYERS GUILD DO?

The Guild provides a forum for progressive legal people to communicate with and learn from each other, enhancing the effectiveness of their work. Guild members work on cases in all areas of criminal and civil law. There are national projects in many of these areas.

The National Labor Project publishes the "Labor Newsletter," which reports on struggles of rank and file workers across the country and provides legal and political analysis of labor issues. To assist attorneys, the Project maintains a brief bank of important cases and is preparing a labor law manual. The Project is currently establishing a national center to aid in labor organizing.

The National Immigration Project has published the Immigration Defense Manual—the first book of its kind. In addition, the Project publishes a bimonthly newsletter on developments in immigration law and other immigration issues (such as the Carter "amnesty" proposal). Members of the Project provide education for community organizations and legal people, and represent aliens facing deportation and other immigration problems.

The National Committee on Women's Oppression coordinates Guild work against sexism. NCWO has programs in the areas of abortion rights, battered women, and sterilization abuse, and has been active in fighting for passage of the Equal Rights Amendment. Like other Guild projects, NCWO publishes a newsletter with reports on work in these areas as well as articles on important women's rights cases.

The International Committee coordinates Guild activity in support of national liberation movements throughout the world. Southern Africa is currently a major focus of this work, but Guild members have participated in international conferences and have acted as legal observers to political trials in Spain, Chile, Iran, Israel, and other countries as well. The Committee also coordinates international travel; in recent years Guild delegations have visited Vietnam, China, Cuba, Puerto Rico, and the Middle East.

The Committee on Native American Struggles is active in struggle of Indian people for democratic rights, self-determination, and tribal sovereignty. CONAS works closely with other Native American support groups to fight attempts to erode fishing, land use, and other treaty rights. Members have also participated in international conferences and written papers on treaty issues.

The Police Crimes National Committee has recently published the Police Misconduct Litigation Manual, which assists attorneys whose clients have been victimized by the police. Committee members present seminars and other programs on police abuse issues, participate in anti-repression coalitions, and doing work around secret police and surveillance issues.

The Puerto Rico Legal Project operates a law office in Puerto Rico, with backup provided by Guild members in several East Coast cities. The Project provides legal support to the labor and independence movements on the island, and it helps educate progressive Puerto Rican attorneys in U.S. Federal practice. Among the Project's major cases have been the representation of striking electrical workers, and fishermen fighting U.S. Navy shelling of their island. The Project also publishes a legal review, the *Puerto Rican Journal of Human Rights*.

The Anti-Death Penalty Project was established to fight the growing efforts to reinstitute the death penalty. The Project places student interns in capital cases. It is developing a brief bank and library on death penalty issues and is also researching the discriminatory application of the penalty.

The Grand Jury Project continues the Guild's long history of combatting the use of grand juries to attack political dissidents. The Project publishes "Quash," a bimonthly newspaper, represents people facing grand jury harassment, assists counsel in grand jury cases, and has published a legal manual in grand jury practice.

The National Prison Committee represents a commitment by the Guild to support the prisoners' movement. In addition to providing legal assistance to prisoners, members of the Committee do educational work and organizing around prison issues such as prison conditions, behavior modification, and prison expansion.

In the last several years the Guild has set up Task Forces to develop national programs in a number of crucial areas.

The Minority Legal Resources Task Force coordinates Guild work on the issue of affirmative action. Recently this work has focused on the Bakke case the Guild participated in several amici briefs to the Supreme Court in the case; sponsored forums and debates; and participated in rallies and coali-

tions with other organizations fighting to overturn the decision. In addition, Guild members are fighting to expand special admissions programs for minority students at law schools across the country. In all these activities, the Task Force works to improve the Guild's ties with minority legal organizations.

The Legal Services Task Force is a network of Guild members who are legal services attorneys and legal workers. The Task Force is playing an active role in the effort to unionize legal services programs, an effort which includes issues like program structure and quality of representation as well as more common issues of employment conditions.

The Military Law Task Force publishes "On Watch," a newsletter on military law. Members support organizing work among G.I.'s and do legal work around discharge upgrading, military discipline, and other important issues affecting servicepeople.

The Gay Rights Task Force is developing litigation materials to help fight discrimination against gay people in such areas as parental custody, employment, and housing. Members of the Task Force are active in the current rash of battles over gay rights ordinances.

The Housing Task Force publishes a newsletter with articles on rent control, tenant organizing, "cooping," and other issues in housing law. The Guild is a co-producer of Shelterforce, a national newspaper on housing issues.

APPENDIX III

(Chapters of the National Lawyers Guild as listed in their publication, GUILD NOTES in April 1979:)

Alabama N.L.G., P.O. Box 141, Montgomery, AL 36101.

Ann Arbor N.L.G., Hutchins Hall, Ann Arbor, MI 48104.

Antioch N.L.G., Antioch Law School, Box 258 1624 Crescent Place, Washington, D.C. 20009.

Athens N.L.G., Box 2563, University Stn., Athens, GA 20602.

Atlanta N.L.G., c/o Amy Totenberg, 1500 Healey Bldg., 57 Forsyth St., N.W., Atlanta, GA 30303, (404) 523-4611.

Austin N.L.G., Townes Hall, Room 109, 2500 Red River, Austin, TX 78705.

Baltimore N.L.G. c/o Morgan, 3125 No. Calvert St., Baltimore, MD 21218.

Bloomington N.L.G., Indiana University Law School, Bloomington, IN 47401.

Brooklyn Law School N.L.G., Brooklyn Law School, 250 Joralemon St., Brooklyn, N.Y. 11201.

Buffalo N.L.G., J. Lord O'Brien Hall, P.O. Box 88, S.U.N.Y., Buffalo, N.Y. 14260.

Central Arizona N.L.G., Ariz. State Univ. Law School, Tempe, AZ 85281.

Champaign-Urbana N.L.G., c/o Sandy VandeKauter, 105 East Chalmers, No. 203, Champaign, IL 61820.

*Charlottesville N.L.G., c/o Sean Delaney, Legal Assistance Society, Univ. of Va. Law School, Charlottesville, VA 22901.

Chicago N.L.G., 343 South Dearborn, No. 918, Chicago, IL 60604, (312) 939-2492.

Cincinnati N.L.G., P.O. Box 3156, Cincinnati, OH 45201.

Cleveland N.L.G., Cleveland-Marshall College of Law, Cleveland, OH 44115.

Columbus N.L.G., P.O. Box 3329, Columbus, OH 43210, (614) 299-1592.

Dayton N.L.G., c/o Bob Oakley, 201 Irving Ave., Dayton, OH 45409.

Denver N.L.G., 1764 Gilpin, Denver, CO 80218, (303) 320-4071.

Des Moines N.L.G., c/o Allen, Babich, Bennett, 102 East Grand, Ste. G101, Des Moines, IA 50309.

Detroit N.L.G., 1308 Broadway, No. 704, Detroit, MI 48226, (313) 963-0843.

East Kentucky N.L.G., c/o Goldman and Sutherland, 729 East Main St., Lexington, KY 40502.

East Tennessee N.L.G., Univ. of Tenn. Law School, 1505 W. Cumberland Ave., Knoxville, TN 37916.

East Texas N.L.G., c/o Robin Collins, Box 1848, Nacogdoches, TX 75961, (713) 560-2014.

Eugene N.L.G., Law Center, Room 115, Univ. of Oregon, Eugene, OR 97403.

*Gainesville N.L.G., c/o David Sobell, 3037 S.W. Archer Rd., Gainesville, FL 32608.

Hofstra N.L.G., Hofstra Univ. Law School, Hempsted, NY 11550.

Houston N.L.G., 210 "C" Stratford, Houston, TX 77006, (713) 522-7362.

Iowa City N.L.G., Univ. of Iowa Law School, Iowa City, IA 52240.

*Jacksonville N.L.G., c/o Mark Greenberg, Legal Services, 604 Hogan St., Jacksonville, FL 32202.

Kansas City N.L.G., c/o Steve Chin, 330 North 17th St., Kansas City, KS 66102.

Lansing N.L.G., P.O. Box 18232, Lansing, MI 48901.

Lawrence N.L.G. c/o Marilyn Harp, 205 Pinecone, Lawrence, KS 66044.

Louisville N.L.G. Box 3598, Louisville, KY 40201.

Madison N.L.G. Univ. of Wis. Law School, Madison, WI 53706.

Massachusetts N.L.G. 595 Mass. Ave., Cambridge, MA 02139, (617) 661-8898.

*Memphis N.L.G. c/o Bill Van Wyke, E. Arkansas Legal Services, P.O. Box 1149, W. Memphis, AR 72301.

Miami N.L.G. c/o Irwin Stotsky, Univ. of Miami Law School, Box 24807, Coral Gables, FL 33124.

Mid-Hudson N.L.G. c/o Pierette Williams, 293 Wall St., UPO Box 3783, Kingston, N.Y. 12401.

Milwaukee N.L.G. 536 W. Wisconsin Ave. No. 300, Milwaukee, WI 53203, (414) 273-1040.

*Mississippi N.L.G. c/o Pat O'Roarke, 947 Bellevue Pl., Jackson, MI 39201.

National Office, N.L.G. 853 Broadway, Room 1705, New York, N.Y. 10003, (212) 260-1360.

*Nashville N.L.G. c/o David Lambert, 1216 16th Ave. S., Nashville, TN 37212.

Nebraska N.L.G. c/o D. A. Walker, 309 West Rio Road, Lincoln, NE 68505.

New Hampshire N.L.G. Franklin Pierce Law Ctr., 2 White St., Concord, N.H. 03301.

New Jersey N.L.G. 108 Washington St., Newark, N.J. 07102.

New Mexico N.L.G. c/o Peggy Nelson, P.O. Box 1086, Taos, N.M. 87571.

New Orleans N.L.G. c/o Mary Howell, 806 Perdido, Suite 401, New Orleans, LA 70112.

New York City N.L.G. 853 Broadway, New York, N.Y. 10003, (212) 673-4970.

N.Y.U.—N.L.G. N.Y.U. Law School, 40 Washington Square South, New York, N.Y. 10012.

North Carolina N.L.G., c/o Ken Quat, 109 Taylor St., Chapel Hill, N.C. 17514, (919) 929-8067.

N. Conn. N.L.G., 487 Main Street, Suite 2, Hartford, CT 06103.

Notre Dame N.L.G., c/o Dave Crossett, Notre Dame Law School, Notre Dame, IN 46556.

Oklahoma N.L.G., c/o Doug Parr, Univ. of Okla. Law School, Monnet Hall, Norman, OK 73069, (405) 232-2512.

Philadelphia N.L.G., 1425 Walnut Street, Philadelphia, PA 19102.

Pittsburgh N.L.G., Univ. of Pitt. Law School, Forbes & Bouquet Streets, Pittsburgh, PA 15260.

Portland N.L.G., 519 S.W. 3rd, #418, Portland, OR 97204.

Puget Sound N.L.G., Univ. of Puget Sound Law School, 8811 S. Tacoma Way, Tacoma, WA 98401.

Rutgers-Camden N.L.G., c/o Jim Hely, 20 Stoneleigh Park, Westfall, N.J. 07090.

Rutgers-Newark N.L.G., Rutgers Law School, 180 University Ave., Newark, N.J. 07102.

Sacramento Valley N.L.G., P.O. Box 1534 (056) Sacramento, CA 95807.

St. Louis N.L.G., P.O. Box 4269, St. Louis, MO 63163.

San Diego N.L.G., c/o Judy Digennaro, 2127 54th Street, San Diego, CA 92105.

S.F. Bay Area N.L.G., 558 Capp Street, San Francisco, CA 94110 (415) 285-5066.

San Joaquin Valley N.L.G., c/o Doug Rippey, 212 North Echo, Fresno, CA 93701.

Santa Clara Valley N.L.G., 255 E. William St., San Jose, CA 95112.

Seattle N.L.G. (035), 1206 Smith Tower, Seattle, WA 98104, (206) 622-5144.

South Carolina N.L.G., c/o Steve Metalitz, 89 Warren St., Charleston, SC 29402 (803) 577-3170.

Southern Arizona N.L.G., P.O. Box 3554, Tucson, AZ 85722.

Southern California N.L.G., 712 South Grandview, Los Angeles, CA 90057, (213) 380-3180.

Southern Illinois N.L.G., P.O. Box 657, Carbondale, IL 62901.

Southern Region Office, P.O. Box 582, Charleston, S.C. 19401, (803) 723-8935.

Spokane N.L.G., c/o Neil Sarles, Inst. Legal Services Proj., Eastern State Hosp., Box A, Medical Lake, WA 99022.

Syracuse N.L.G., Syracuse U. College of Law, Syracuse, New York 13201.

Toledo N.L.G., c/o John Coyne, 2340 Oak Harbor Rd., Fremont, Ohio 43420.

Temple Univ. N.L.G., 1427 Walnut St., Philadelphia, PA 19102.

Twin Cities N.L.G., Box 7193, Powderhorn Station, Minneapolis, MN 55407, (612) 721-3938.

U. Penn. N.L.G., U. Penn. Law School, 34th and Chestnut Sts., Philadelphia, PA 19104.

Valparaiso N.L.G., c/o John Johnson, Valparaiso Law School, Valparaiso, IN 46383.

Vermont N.L.G., P.O. Box 536, South Royalton, VT 05068.

Villanova N.L.G., Villanova Law School, Garey Hall, Villanova, PA 19085.

Washington, D.C.—N.L.G., P.O. Box 29211, Washington, D.C. 20017.

Wayne State N.L.G., Wayne State U. Law School, Detroit, MI 48202.

West Virginia N.L.G., c/o David Grabill, 808 Union Bldg., Charleston, W. Va. 25301.

West Texas N.L.G., c/o Steven Owen, 1978 10th St. No. C, Lubbock, TX 79401.

Yale N.L.G., Box 98, Yale Law School, New Haven, CT 06515.

FOOTNOTE

*There is not yet a chapter in this state/city, but the person listed has agreed to act as Guild contact for this area.●

GAO ACCESS TO EXECUTIVE BRANCH INFORMATION

HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 9, 1979

● Mr. HAMILTON. Mr. Speaker, I would like to bring to the attention of my colleagues recent statements given to me by the National Security Council and the State Department stating reasons for denying information regarding foreign arms sales to the General Accounting Office and a legal memorandum prepared by the American Law Division of the Congressional Research Service regarding GAO access to executive branch information.

The CRS statement prepared by Richard Ehlke, legislative attorney for the American Law Division, concludes that in the absence of a claim of executive

privilege by the executive branch that there are not good grounds for denying policymaking information not directly concerned with expenditures of funds to the GAO.

The statements of the State Department and the National Security Council and the CRS legal paper follow:

COMMITTEE ON FOREIGN AFFAIRS,
April, 1979.

Question posed by Congressman Lee H. Hamilton concerning the legal authority for denying information to GAO:

What is your legal basis for denying the Comptroller General any information?

Answer submitted by Under Secretary of State for Security Assistance, Science and Technology, The Honorable Lucy Wilson Benson:

The statutes governing GAO access to department records (31 U.S.C. sec. 54) extend only to provide unqualified access to records relating to the expenditure of government funds in the course of financial audits conducted by the GAO. The history and context of section 54 make clear that it was not intended to provide such unqualified access to records and papers related solely to policy formulation and implementation. Thus, while the Department's firm policy is to cooperate as fully as possible with the GAO surveys and studies of United States Government policies and their execution, it is our policy to safeguard appropriately access to internal memoranda reflecting individual, bureau, and agency views and recommendations leading to final policy decisions.

NATIONAL SECURITY COUNCIL,
Washington, D.C., April 19, 1979.

Hon. LEE H. HAMILTON,
Chairman, Subcommittee on Europe and the Middle East, U.S. House of Representatives, Washington, D.C.

DEAR MR. CHAIRMAN: Dr. Brzezinski has asked me to reply to your letter of March 1, 1979, on the subject of the recent General Accounting Office study of the arms sales process. I regret the delay in responding to you, but the questions you posed required discussions with a number of National Security Council Staff members, including one individual who has since left the Staff.

Our general policy regarding GAO investigations is that we cooperate as fully as possible with the investigators, and that we provide relevant information unless it is (1) policy deliberative, (2) *especially* sensitive from a national security perspective, or (3) provided in confidence by another agency. I underscore the word "especially," because the fact that information is classified does not prevent providing it to the GAO in the great majority of cases.

In the arms sales investigation, members of our Staff *did* meet with the GAO investigators, and, I am told, did discuss the cases under review to the extent permitted by our general policy. However, by the time the investigators approached the NSC, they had obtained quite a bit of information from the agencies, with the result that mostly policy deliberative information was sought at this level. In order to foster full, frank, and open discussion within the Executive branch on future policy issues, we judged it best not to divulge either agency positions or recommendations to the President on these cases. Thus, there was very little additional information that our Staff could provide.

If the GAO investigators believe that they did not receive information that should have been provided under our general policy, please have them contact me. Also, if I may be of further assistance to you, please do not hesitate to contact me.

Sincerely,

CHRISTINE DODSON,
Staff Secretary.

Hon. ZBIGNIEW BRZEZINSKI,
Assistant to the President for National Security Affairs, National Security Council, Old Executive Office Building, Washington, D.C.

DEAR MR. BRZEZINSKI: On May 30, 1978, I requested the General Accounting Office to conduct a study of the arms sales process with a view to determining at what early stage of an arms sales cycle Congress might receive information in order to improve its own review procedures. In order to accomplish this task, it was necessary for the GAO to obtain information from several Executive branch agencies which are involved in the arms transfer process, including the National Security Council.

The GAO testified before the Committee on Foreign Affairs Subcommittee on International Security and Scientific Affairs on February 23, 1979, that "National Security Council staff refused to even discuss the cases with us," referring to the specific arms sales cases that the GAO had selected to review in order to undertake its report.

I would like to know if this assertion is accurate and what procedures exist for NSC assisting the GAO in a Congressional inquiry. Other questions need answers:

Why did NSC staff refuse to discuss the work GAO was undertaking for a Congressional committee?

On what authority and on what legal basis did NSC staff apparently refuse to meet with GAO on this study?

I would appreciate an early reply to these questions.

With best regards.

Sincerely yours,

LEE H. HAMILTON,
Chairman, Subcommittee on Europe.

THE LIBRARY OF CONGRESS,
CONGRESSIONAL RESEARCH SERVICE,
Washington, D.C., April 25, 1979.

To House Foreign Affairs Committee.
From American Law Division.
Subject GAO Access to State Department Records.

Enclosed please find a report on GAO access to executive branch information.

The report was prepared in response to your request for an analysis of the scope of 31 U.S.C. 54, an access-to-records provision, and the State Department's reliance on that statute as authority to deny access to GAO. The precise nature of the documents sought and the particular investigative interest of the GAO was not discussed. The report thus speaks in general terms regarding the scope of GAO access to information. If further analysis is desired, please contact us.

RICHARD EHLKE,
Legislative Attorney.

THE LIBRARY OF CONGRESS,
CONGRESSIONAL RESEARCH SERVICE,
Washington, D.C.

GAO ACCESS TO EXECUTIVE BRANCH INFORMATION

The General Accounting Office has been denied access by the State Department to documents relating to arms sales. In response to a question from a member of Security and Scientific Affairs, a department representative supplied the following authority for denying information to GAO:

The statutes governing GAO access to departmental records (31 U.S.C. sec. 54) extend only to provide unqualified access to records relating to the expenditure of government funds in the course of financial audits conducted by the GAO. The history and context of section 54 make clear that it was not intended to provide such unqualified access to records and papers related solely to policy formulation and implementation. Thus, while the Department's firm policy is to cooperate as fully as possible with the GAO surveys and studies of United States Government policies and their execution, it is our policy to safeguard appropriately access to internal memoranda reflecting individual, bureau, and agency views and recommendations leading to final policy decisions.

31 U.S.C. 54, part of the Budget and Accounting Act of 1921, provides that

All departments and establishments shall furnish to the Comptroller General such information regarding the powers, duties, activities, organization, financial transactions, and methods of business of their respective offices as he may from time to time require of them; and the Comptroller General, or any of his assistants or employees when duly authorized by him, shall, for the purpose of securing such information, have access to and the right to examine any books, documents, papers, or records of any such department or establishment. The authority contained in this section shall not be applicable to expenditures made under the provisions of section 107 of this title.

On its face, the provision's language is not limited to "records relating to the expenditure of government funds in the course of financial audits" but embraces records regarding the "power, duties, activities, [and] organization" of the various departments and establishments of the executive branch. The term "activities" arguably envisions more comprehensive review of agency records by GAO than would normally be encompassed within a traditional financial audit.[1] Furthermore, the provision does not differentiate between factual information and "records and papers related solely to policy formulation and implementation". Thus, even if 31 U.S.C. 54 is limited to records relating to the expenditure of government funds sought in the course of a financial audit, the fact that the records are internal policy memoranda does not automatically disqualify them from coverage if relevant to the purpose of the access provision.

It is true that 31 U.S.C. 54 was part of the original 1921 Budget and Accounting Act, enacted at a time when GAO's and the Comptroller General's functions were conceived to be narrower than they are today.[2] However, legislation enacted in the supervening 50 years has greatly expanded the role of GAO. The Legislative Reorganization Act of 1946, 31 U.S.C. 60, authorizes the Comptroller General to "make an expenditure analysis of each agency in the executive branch of the Government (including Government Corporations), which, in the opinion of the Comptroller General, will enable Congress to determine whether public funds have been economically and efficiently administered and expended." The Legislative Reorganization Act of 1970 and the Congressional Budget and Impoundment Control Act of 1974 added duties to GAO which solidified its position as an arm of the Congress in matters extending beyond financial auditing. Pursuant to 31 U.S.C. 1154, the Comptroller General is to "review and evaluate the results of Government programs and activities carried on under existing law . . ." GAO was thus to be "the principal supplementary staff for assistance to committees in their analysis of existing agencies and activities" and was envisioned as "an arm of the Congress in examining and analyzing the activities of existing Federal programs and in the budget evaluation process generally."[3] The 1974 Congressional Budget Act expanded GAO's role in assisting committees with their program evaluation and oversight function.[4]

Thus, GAO not only performs traditional fiscal audits, but conducts so-called management audits and program evaluation and analysis. It defines the term "audit" as including more than just verification of accounts, transactions, and financial statements but as a concept which also embraces "[c]hecking for compliance with applicable

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Footnotes at end of article.

laws and regulations; examining the efficiency and economy of Government operations; and determining the extent to which the desired results have been achieved."[5] This description of GAO's functions comports with its statutory mandates and is reflected in the tasks assigned to it by committees of Congress.

While the duties and responsibilities of the GAO have been expanding, the access-to-records provision, 31 U.S.C. 54, has remained untouched. Periodic controversies—similar to the one in question—have arisen over the sufficiency of the authority in 31 U.S.C. 54 to procure records and information from agencies in the course of the GAO's expanded review and evaluative responsibilities. However, several arguments can be made that the GAO does have broad authority, under 31 U.S.C. 54 or other statutes, to gain access to agency records. As discussed above, the language of the access provision can be interpreted to encompass more than merely factual financial information needed for a fiscal audit. In addition, the Comptroller General argues that access necessary to achieve the statutory directive is implicit in the new authorities vested in the GAO.[6] Congress has not felt the need to revise 31 U.S.C. 54 or provide new access authority every time it has given the GAO new oversight responsibilities or when disclosure problems have arisen.[7]

The consistent interpretation by the Comptroller General of the breadth of the access provision is entitled to great weight as an administrative interpretation, particularly when such interpretation has been voiced before Congress which has chosen not to revise it.[8] The Comptroller General has frequently aired his problems in gaining access to agency records before congressional committees. The response has not been calls to amend 31 U.S.C. 54 to cover the records sought, but to provide effective enforcement mechanisms to enable GAO to effectuate its access rights. The assumption has been that the general access provisions of 31 U.S.C. 54 or the access implicit in the statutes granting GAO various review and oversight powers are sufficient; what is needed is a way to enforce them.

For example, the Comptroller General's memorandum outlining his legal authority to gain access to the records of the Emergency Loan Guarantee Board was submitted before the Senate Banking, Housing, and Urban Affairs Committee in 1972. Problems of GAO access to foreign affairs and military information were aired extensively in Congress in 1973. In response to the documentation of denials of access to GAO, provisions to cut off funds if access was not provided were attached to State Department and United States Information Agency appropriations authorization bills.[10] The focus of concern was not whether existing law provided sufficient authority to gain access to the records being sought by GAO, but what enforcement mechanism was appropriate. The fund cut-off provision of the State Department bill was not enacted, largely on procedural grounds.[11] The USIA provision, however, was passed, but the President vetoed it and he was sustained in the Senate.[12]

A bill to revise and restate certain functions of the Comptroller General was also introduced in 1973.[13] It would have amended 31 U.S.C. 54, not to provide additional access authority, but to clarify current statutory language.[14] The bill would have deleted the modifier "financial" to the word "transactions" and the term "methods of business". 31 U.S.C. 54 would then have provided access to "information regarding the powers, duties, organization, transactions, operations, and activities . . ."[15] Senator Percy, a cosponsor, emphasized his view of the clarifying nature of the proposed amendment:

[The amendment], I am assured by GAO counsel, does not provide the GAO with additional access authority. It largely restates [31 U.S.C. 54]. A comparison of the new language versus the old is attached. If anything the new language, by striking the term "financial" . . . would appear to have a weakening effect. In fact, it is to escape the excessively restrictive construction of "financial transactions" by Federal agencies that the word "financial" is deleted.[16]

Oversight hearings in 1975 portrayed GAO in broad terms. Access problems were not the focus of the hearings, but the Chairman of the House Government Operations Committee described GAO as "far more than just an auditor. It serves as a vital resource of the Congress by obtaining, analyzing, and presenting through its audit, review, and reporting activities, information necessary to enable the Congress to legislate more effectively."[17] The same committee reported a bill in 1978 which would have granted the Comptroller General the right to enforce his right to access to records in court.[18] In its report, the Committee emphasized its view that GAO was entitled to all records necessary to perform its various functions: [19]

A principal duty of GAO is to make independent audits of agency operations and programs and to report to the Congress on the manner in which Federal departments and agencies carry out their responsibilities. In establishing GAO, Congress recognized that the Office would require complete access to the records of the Federal agencies. This need would not be fulfilled if GAO's access to records, information, and documents pertaining to the subject matter of audit or review is limited. The intent of the various laws assigning authority and responsibility to the GAO is clear on this point.

Elsewhere, the Committee confronted the recurring argument that GAO access does not extend to opinions as opposed to factual information: [20]

Other sources have raised the concern that tying section 3 to 31 U.S.C. 54 could have the effect of restricting the Comptroller General's authority to obtain data from Federal agencies through court enforcement. The Comptroller General relies upon section 54 as his principal authority to support requests for information from Federal agencies. It is couched in terms of the agencies' obligation to furnish "information" to the Comptroller General. Some agencies have attempted to withhold material from him on the basis that "information" means "factual information only" and does not include opinions, conclusions, conjectures, recommendations, and similar matter. Such an interpretation is clearly erroneous. Section 54 gives the Comptroller General the right to examine the "books, documents, papers, or records" of an agency. Section 54 should be given the broadest meaning possible in order that the Comptroller General will have the right of access to all those records he needs to fulfill the GAO's statutory responsibilities. The same breadth of coverage also is intended to apply to the right of court-enforced access to information conferred under section 3. This position is reinforced by the fact that Section 3 speaks in terms of 31 U.S.C. 54 or "any other provisions of law or agreement granting the Comptroller General a right to access" to material in the possession of a Federal agency.

Thus, the problems of GAO access to executive agency records and the arguments surrounding the scope of its authority to obtain information have been before the Congress several times in recent years. The position that GAO is limited to financial auditing of executive agencies and that its access to information is restricted to factual, fiscal, data has not been embraced by Congress. When informed of access difficulties, the focus of congressional debate has not been on the underlying authority of the GAO or the propriety of its requests but on the need for mechanisms to enforce the right of access. This longstanding congressional acceptance of the broad interpretation given his access authority by the Comptroller General, combined with the literal scope of not only 31 U.S.C. 54 itself, but the other statutory directives to GAO, would seem to refute the argument that policymaking information not directly concerned with expenditure of funds is outside the Comptroller General's access authority.

With respect to the instant controversy, the State Department appears to be basing its refusal to provide information to GAO on its interpretation of the statutory language and context of 31 U.S.C. 54. Executive privilege has not been asserted and this report does not address the question of GAO access in the face of a claim by the executive branch of executive privilege.

RICHARD EHLKE,
Legislative Attorney.

FOOTNOTES

[1] See, Morgan, The General Accounting Office: One Hope for Congress to Regain Parity of Power with the President, 51 N.C.L. Rev. 1279, 1353 (1973). Morgan cites floor debates on the Budget and Accounting Act of 1921 indicating that the power of the Comptroller General to investigate . . . all matters relating to the receipt, disbursement, and *application* of public funds . . . (31 U.S.C. 53. Emphasis supplied) was intended to permit GAO review of agency efficiency as well as financial integrity. 51 N.C.L. Rev. at 1353 n. 273, citing, 58 Cong. Rec. 7292–3 (1919).

[2] But see, note 1, supra. The evolution of the GAO from an agency doing "desk audits" to one engaged in more comprehensive auditing and review activities is described by the Acting Comptroller General in hearings on the Legislative Reorganization Act of 1970. Hearings on the Organization of Congress Before the Joint Committee on the Organization of the Congress, 89th Cong., 1st sess. 1363, 1364–1369 (1965).

[3] H. Rept. No. 91–1215, Legislative Reorganization Act of 1970, 91st Cong., 2d Sess. 18,81 (1970).

[4] See, S. Rept. No. 93–924, 93d Cong., 2d Sess. 72 (1974).

[5] Hearing on Review of the Powers, Procedures, and Policies of the General Accounting Office Before a Subcommittee of the House Government Operations Committee, 94th Cong., 1st Sess. 5 (1975) (testimony of Comptroller General Staats).

[6] See, Hearings on Defense Production Act amendments of 1972. Before the Senate Committee on Banking, Housing & Urban Affairs, 92d Cong., 2d Sess. 52 (1972) (Memorandum on Right of the Comptroller General and the General Accounting Office to Have Access to the Records of the Emergency Loan Guarantee Board).

[7] Where right to access to non-government records are involved, GAO access has frequently been spelled out since the general authority of 31 U.S.C. 54 extends only to departments and establishments of the executive branch. See, e.g., 15 U.S.C. 771 (energy information). There are numerous statutory provisions specifically giving the GAO access to records of recipients of various types of federal financial assistance. See, 42 U.S.C. 1857; 19 U.S.C. 1918; 42 U.S.C. 4592; 45 U.S.C. 722. Specific GAO access authority may also be spelled out with respect to independent establishments. See, 7 U.S.C. 12–3 (Commodity Futures Trading Commission). See also, Hearings supra note 6 at 56.

[8] See, *Eli Lilly & Co.* v. *Staats*, 574 F.2d 904 (7th Cir), cert. denied, 99 S. Ct. 362 (1978). The case involved GAO access to the records of government contractors pursuant to special access provisions and contract clauses. While 31 U.S.C. 54 was not in issue, the court justified GAO access on the basis

of not only the terms of the particular access provisions in question but also the broad investigatory powers of the Comptroller General to "investigate . . . all matters relating to the receipt, disbursement, and application of public funds . . ." contained in 31 U.S.C. 53. 574 F.2d at 910.

[10] See, 119 Cong. Rec. 19627 (June 14, 1973). A report on GAO Access to Records Problems Encountered in Making Audits of Foreign Operations and Assistance Programs appears at 119 Cong. Rec. 19631–19637. Internal memoranda and working papers were frequently the subject of controversy. *Id.* at 19630.

[11] See, 119 Cong. Rec. 29235, 33577–8 (1973).

[12] 119 Cong. Rec. 33579, 35071, 35428–33.

[13] S. 2049, 93d Cong., 1st Sess.

[14] See, 119 Cong. Rec. 20656, 20662 (June 21, 1973).

[15] 119 Cong. Rec. 20659.

[16] Hearing on Improving Congressional Control of the Budget Before the Subcomm. on Budgeting, Management, and Expenditures of the Senate Government Operations Committee, 93d Cong., 1st Sess., Part 3 at 7 (1973). The Comptroller General also viewed the amendment as essentially restating present law. *Id.*, 40. See also, *Id.*, 27–33 for a description of GAO access problems in a variety of situations.

S. 2049 was not reported from committee. Senator Percy proposed to offer the access amendment as a provision of the Congressional Budget Act. It did not appear in the reported versions of the 1974 Act.

Amendments to 31 U.S.C. 54 were also proposed in 1976 and 1977 to deal with a specific problem of GAO access to FBI records. The sponsors emphasized their belief that GAO already possessed the access authority, but felt that clarifying legislation was necessary in the face of repeated challenges by the Attorney General. The bills would have added to the end of 31 U.S.C. 54 the declaration that with respect to the Department of Justice and its divisions, the access provision is applicable to audits, reviews and examinations conducted by GAO pursuant to 31 U.S.C. 65–7 and 31 U.S.C. 1154 and extends to all records and not only those pertaining to receipt, disbursement, or application of public funds. See, 122 Cong. Rec. H 280 (daily ed., March 23, 1976); 123 Cong. Rec. E 3146 (daily ed., May 19, 1977).

[17] Hearing on Review of the Powers, Procedures, and Policies of the General Accounting Office Before a Subcommittee of the House Government Operations Committee, 94th Cong., 1st Sess. 2 (1975).

[18] H. Rept. No. 95–1586, 95th Cong., 2d Sess. (1978).

[19] *Id.*, 5.

[20] Id. 8. The bill passed the House on October 3, 1978. 124 Cong. Rec. H 11360 (daily ed.). See, Hearings on Strengthening Comptroller General's Access to Records Before a Subcommittee of the House Government Operations Committee, 95th Cong., 2d Sess. (1978).●

ADDRESS OF DR. JOHN DI BIAGGIO

HON. WILLIAM R. COTTER

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 9, 1979

● Mr. COTTER. Mr. Speaker, we all accept the fact that this great Nation of ours provides all of us with an opportunity to achieve according to our abilities. Only last week this truth was brought home for all of us to see. Involved were the instances of two immigrant sons; one exemplified by Dr. John DiBiaggio, the other personified by my colleague and friend, U.S. Senator ABRAHAM RIBICOFF.

Dr. DiBiaggio's father came from Italy only 60 years ago. Senator RIBICOFF's family emigrated from Russia. While all of us here know of the Senator's great record, not all realize the details so pertinent to my point. After working his way through law school, ABE RIBICOFF was admitted to the bar in my own State in 1933. In 1938, he was elected to the Connecticut Legislature, there served two terms, became a judge of the Hartford Police Court serving some 7 years, was elected to Congress representing the district I am now proud to serve, and thereafter became Connecticut's Governor. He became Secretary of the Department of Health, Education, and Welfare under President Kennedy, and stepped out to commence the first of three successive terms as our U.S. Senator. Then last week he announced he would decline to seek a fourth term to commence after the 1980 election. There we see the example of the "land of opportunity" personified in our Senator RIBICOFF.

In a similar manner, Dr. DiBiaggio, following his own educational path, worked his way through the intellectual channels in Michigan. From a humble beginning as a child of immigrant parents to a career as a forceful academician, Dr. DiBiaggio was recently unanimously chosen to become the next president of the University of Connecticut with its thousands of students seeking to emulate his achievements. Last week, Dr. DiBiaggio was called upon to address nearly 500 newly naturalized citizens from scores of foreign nations.

At this meeting, Chief Judge T. Emmet Claire of the U.S. District Court for the District of Connecticut complimented Dr. DiBiaggio as he pointed to the educator's stirring address. He extolled the guidance this son of an immigrant had provided that day for all who swore allegiance to our great Nation.

In order that all may know what Dr. DiBaggio had so movingly presented, I would like to place a copy of his address, as supplied to me by former U.S. Senator John A. Danaher, in the RECORD:

ADDRESS OF DR. JOHN DIBIAGGIO

Thank you, Judge Claire.

I am really pleased to be given this opportunity. I can't tell you how much today means to me, as it means so much to all of you. I share your joy; I want you all to know that. And my remarks will not be formal—you have heard enough formality already from the justices.

I want to talk to you as people, people that have come from backgrounds so much like my own. It does my heart so much good to look at all these good and beautiful faces out there in the audience—so many different faces. And that's what is so marvelous and wonderful about this country of ours; that's what makes it so great. That is truly America. And I understand that, I understand that so very clearly.

Because you see, ladies and gentlemen, what the Judge did not say is that my parents were immigrants. Sixty years ago, sixty years ago, 1919, my father got off a boat at Ellis Island—an experience that many of you did not have, fortunately. Ellis Island, from a boat in which he was in steerage for several days, coming from his native country of Italy, to go through a terrible experience that they all endured at that time in order to come into this great country of ours for the opportunities that it would provide for him, and later for his family.

Sixteen years old, not knowing a word of the language, not knowing a single person. It wasn't until 1926 that my father was to share the day that you are sharing today, and to become a citizen of this country.

And during that period of time he attended night school, and worked hard so he could return home to visit his family once again—which he did in 1928. And at that time he met a young lady, a very beautiful young lady, whom he chose to be his wife, and who followed him to this country in 1929.

She was pregnant on that boat coming over, and it was a crowded boat. And they were to have a beautiful daughter, who is my older sister, who was born in the City of Detroit.

My father went to Pennsylvania from that brief start in Ellis Island, and worked in the coal mines for a period of time, and decided that that was not for him, and that he would have to emigrate further west to find his opportunity. And this he did; moved to Detroit and went to work in the Ford Motor Company, which in those days before unions was nothing more than a sweatshop.

And he stayed there until 1930 or thereabouts, when a friend of his went into business in Texas—a cousin, if you will—who invited him down there to join him in business, which he did.

And it was an awful time, the thirties and the late twenties, as most of you know.

In 1932 he was to have a son—perhaps the only misfortune they ever had. And he stayed there for another year and decided that indeed he could not support his family there and he moved back to Detroit, and he went to work in Detroit again. But now with the Briggs Manufacturing Company, which was later to become the Chrysler Motor Company.

And he started out, since there was no other job, as a doorman, because that was the only job they had available: he could stand outside the plant and open the door for the people coming in. He said he would do anything. He was a big, strong, robust man, opening a door into the plant.

And after about two weeks of that he went in to see I guess what was then a foreman—they didn't have personnel managers in those days—and said to the foreman "I simply can't do this; I'm just too strong and too robust and too healthy to be opening doors." And the foreman said the only other job available is a foreman. And my father said, "I'll take it."

And thus my father became a manager, and he worked very hard. He worked very, very hard, and later was to become a general foreman, and finally to retire some years ago as a supervisor of the Chrysler Corporation—truly a remarkable accomplishment.

My mother worked as well. She worked as a domestic; she worked in factories; she washed dishes; she did whatever was necessary. And I could recall in the 1930's when my parents—because I remember the discussions—when my father was making thirty-three dollars, every other week, and we lived on that. And not only did we live on that, but they managed to send a little home to each of their parents every month, back in Italy. That is incredible for us to think of today, but that is the kind of dedication and commitment that they had.

Occasionally my sister and I, and now our children, talk about the years when we were poor. But we were never "poor"; we just never had the material things in life when we were children, but we had love and compassion and that very special heritage that

was granted us because our parents chose to emigrate to this great country.

And I remember so vividly, so very vividly, when their friends went through the experience that you are going through today, and how much it really meant to each and every one of them, and how their friends and their relatives attended the ceremony, and how much we all felt for them and how we celebrated afterwards that they had become citizens of this country.

And I remember how proud my father has always been, and even to this day, of his citizenship papers, and how proudly he has displayed those papers. And how I felt and have felt since that time that perhaps my father becoming naturalized was as important as any degree that I ever achieved, and how remarkable that truly is.

You see, my father is truly a patriot. Unfortunately, so many of us born in this country lack real appreciation of the opportunities that we have here. My father always speaks so strongly in defense of this country and gets so angry with those who would criticize it, who would find fault with some of the problems that do exist in this country, some of the problems that we are not yet able to cope with. But he believes in this country, and he has good reason to believe in this country, as I do.

You see, this great melting pot of cultures that we bring here, where we derive so much from one another, where we have the opportunity to share so many things, to share our values and to learn from one another, to share our collective wisdom and greatness that each of our cultures has brought us. Even to share our food, which is truly a good and remarkable experience, I think you will all agree.

My sister, that beautiful girl that was married shortly before me—by the way, married the son of Polish immigrants. And he is a child psychologist, a very successful child psychologist in the City of Detroit, and they have two wonderful children, one of whom has very brown eyes and dark hair, like mine, and the other who has blue eyes and blonde hair as can be. And I think that is remarkable and wonderful, and another reflection of what we can become.

The most important thing, ladies and gentlemen, what I feel this country has provided us, is opportunity, real opportunity. You see, my parents came from truly peasant stock. Their parents were farmers in Italy, in a small region of northern Italy from which they migrated. And as I said before, they supported them when they came to this country, because there was little other choice. Had they not supported them I'm sure they would have starved following the period of World War I, and then the period immediately following World War II.

And I can remember our parents sending packages in those days back that contained clothing and coffee, and other basic needs, which they so much desperately required following that war.

And what is really amazing, you see, I'm the first in my family to go to college—ever. Now, I had to work my way through college. My father provided as much as he could, but he could not provide all of it.

And I started in a city college, as the Judge said, Wayne University in Detroit. And I worked every night and I worked my way through professional school, and I worked my way through a graduate degree. But it all didn't seem so bad in retrospect; it was rather a marvelous, unique opportunity. And I'm pleased that it happened that way—I'm so pleased that it happened that way.

But what they really gave me, you see, was the ambition, establishing a goal for me, saying to me from the time I was a young child if you are going to go to college you are going to do something important; you are going to prove that you are acceptable to this society.

Because in those days we were criticized, those of us who were the children of immigrants, those of us who had peculiar names in neighborhoods where those names weren't often heard; those of us even who had to learn a second language when we started high school: English, if you will.

And I remember in those days when we used to deny, at least subconsciously, I'm sure some of us, our ethnicity. And what a terrible shame that was, because I'm now so desperately proud of it. But it was that commitment that they gave us that allowed us to achieve whatever we wished to achieve in life.

We overcame all those prejudices that existed, and some that still do; we overcame all those language barriers; we even overcame the cultural shock that some of us had to go through when we started to meet children from other environments who had lived far different lives than we had. And we adjusted.

And I am here to tell you today, ladies and gentlemen, that all that effort was worth it. Because, you see, I have had the pleasure of being a practicing professional in this great country. As the Judge said, I have had the opportunity to be the head of a huge medical center, and now, quite humbly, I have become the President of a great university.

You, each and every one of you, each and every one of your sons and daughters now have that same opportunity available to you, if you will only call upon your very rich heritage, your inherent drive to succeed that brought you to this nation, and your ability to sacrifice which so many of our citizens in this country have lost—if you will apply those qualities you can achieve whatever you wish, I assure you.

I know. You see, my family did it, and I am here today as a guest of the Chief Judge of the District Court to address you. It is a long way, ladies and gentlemen, from Ellis Island and that boat that my father came to this country on.

Thank you very much.

(Applause) ●

FEDERAL REGULATIONS ARE A MAJOR PART OF THE COST OF A COLLEGE EDUCATION

HON. JOHN M. ASHBROOK

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 9, 1979

● Mr. ASHBROOK. Mr. Speaker, it may be of interest to parents struggling to send their children to college that a major portion of the cost of education goes into Federal paperwork. Taxpayers, bear a huge share of the cost of college education in this country, may be interested to know that the cost of Federal paperwork for each student is now in the hundreds of dollars per student per year. At Duke University, according to Business Week magazine:

The per student cost of implementing federal social programs and meeting the reporting requirements rose from $58 per student in 1968 to $451 in 1975.

Please remember that we are not talking about Federal aid being $451 per year per student. We are not talking about tuition being $451 per year per student. We are saying that that $451, straight from the pockets of parents and taxpayers, goes into nothing but meeting the regulations Mr. Califano and others like him have imposed and filling out the paper to prove they have done so.

As Business Week points out in its excellent article on this subject in the May issue:

The money that the colleges spend on compliance doesn't come out of Uncle Sam's pocket. It comes from the institutions and, ultimately, from the students themselves.

Institutions have to cover these costs through tuition increases, at a time when inflation is making the price higher of education impossible for more and more students, says Dr. Elliott (President of George Washington University).

Universities are burdened by these regulations and the resulting paperwork, and their independence is being destroyed. Students are hurt by the increasing regulations and redtape, as are parents and taxpayers, in short, the people whom we represent or are supposed to represent here in Congress.

The obvious question is, then, Who benefits from this huge burden? The answer is that only the liberal and leftist ideologues in the bureaucracy benefit. They get to ram their social ideas down our people's throats. We in Congress have the power to stop this, even if we had to override Mr. Carter's veto to do it. We could end affirmative action and all the other programs which make up the vast majority of this bureaucratic meddling in the affairs of our academic community.

The obvious answer, then, is that a substantial proportion of Congress, even a majority of Congress, is made up of Members who are quite willing to see the voters, taxpayers, and the academic community suffer. This matters less to many of my colleagues than interfering with the ideologues who want to shove through the affirmative action programs which Americans oppose 9 to 1.

It is time for the American public to clean house. And if the academic community wants to regain its independence from the bureaucratic Napoleans in Washington, they will have to join this public rising, and even take the lead in it.

The text of Mary Paul's May 1979 Business Week article, "Pricing Paperwork by the Pound," follows:

PRICING PAPERWORK BY THE POUND

(By Mary Paul)

Government regulators are a bigger tribulation to college presidents than student protesters ever were. They have never occupied the administration building, but their copious regulations occupy administration time, multiply reporting paperwork, and restrain academic freedom.

The paperwork that educational institutions must file with the government is no longer measured by the page but by the pound. A single report from the University of North Carolina at Greensboro weighed in at 12 pounds plus.

HIGH PAPERWORK COST

All that bulk is also extremely costly. The Department of Health, Education and Welfare, which requires the reports, says it adds enough funding to cover the costs of the regulations, but colleges generally disagree.

A recent report by the Southern Association of Colleges and Schools found that complying with federal regulations costs some private colleges as much as half of every dollar of aid received, over and above the amount provided by HEW for compliance.

One administrator interviewed for the as-

sociation's report says: "All of us agree that for the most part the ideas behind the regulations are good and worthy. The difficulty is that when bureaucrats write regulations, they make them extremely complicated and difficult to administer as well as expensive in time and effort."

The end result, he says, is that "regulations are becoming so numerous that they encroach on the freedom and action of the private colleges."

"What makes it so hard to fight these infringements is the bad image you get when you give the impression you are against the programs," says another administrator. "People get confused when you say you support the goals but want freedom, too."

Public university administrators are often more troubled because they tend to accept more federal aid.

In 1976, the four major universities in the nation's capital—George Washington, Georgetown, American, and Catholic—issued a declaration of independence from federal control. In the statement, at the time without precedent, the universities stated their resolve to ". . . maintain institutional independence from any external intervention which threatens the integrity of our institutions, including refusal of federal funds which carry such threats."

TOUGH TO TURN DOWN

In today's economy, however, it's tough for any institution, public or private, to turn down federal funds. Schools like George Washington, which has both a medical and a law school, find it impossible to refuse federal funding.

With the exception of some private religious schools, no institution can make do without student aid.

HEW has ruled that Title IX of the Civil Rights Act, which requires equality in admissions standards, covers any institution receiving federal assistance in the form of scholarships, loans, grants, or other funds. Because their students receive some federal assistance, schools that may never have gotten a federal dollar for their programs are now classed as recipient institutions.

FASTER THAN INFLATION

These schools must produce the paperwork the regulations require. And the time and cost of that paperwork are increasing at a rate far ahead of the rate of inflation.

At Duke University, for example, the per-student cost of implementing federal social programs and meeting the reporting requirements rose from $58 in 1968 to $451 in 1975. An even more dramatic example is Georgetown University, where the per-student cost skyrocketed from $16 in 1965 to $356 ten years later.

A study by the American Council on Education shows the cost of complying with federal regulations at six sample colleges and universities was $10 million, excluding the Title IX regulations.

Just establishing an affirmative action plan to meet HEW criteria cost the University of California at Berkeley $400,000, while the University of Michigan shelled out $350,000 to develop its program.

At a large university, the total cost of all regulations can run into the millions. The University of Illinois spent $1.3 million on all program regulations in 1975. Georgetown and Duke paid about $3.6 million each.

CHARGE OF EXAGGERATION

However, HEW Secretary Joseph A. Califano claims that colleges and universities tend to exaggerate compliance costs. He says HEW has found that costs of regulations barring discrimination against the handicapped are "far lower than the universities said they were."

Mr. Califano previously stated that institutional comments on the costs of administering Title IX did not prove to him that colleges really face financial difficulty in complying with the regulations.

But a group of college presidents who met with the Secretary recently disputed this statement. They went further and said they did not believe that the regulations even attain the social objectives the law intended.

Congress has asked HEW to prepare another study of the costs of regulatory compliance.

The American Council on Education says the cost to universities and colleges of affirmative action programs "has only just begun to be felt."

In 1975, HEW interpreted Title IX to mean that schools must spend as much on women's intercollegiate athletics as on men's. This has meant that some schools' football teams that had been self-sustaining have had to divert some revenues to women's sports. The ruling has led to cutbacks in some schools' athletic programs for men.

"The absurdity of this kind of ruling is appalling when one realizes the implications," says one college administrator. "Where will it end?"

Regulation also diverts an institution's resources from the purpose for which they were intended. The University of North Carolina reports that its computers were swamped in attempting to compile ten reports required by HEW.

DIVERTS OTHER RESOURCES

"All other uses of the computer stopped," says the university's director of institutional research. "For six months, we did nothing but HEW reports."

George Washington President Lloyd H. Elliott recalls the bureaucratic hassle that resulted when HEW challenged his school on Title IX requirements.

In January, 1975, HEW began a review of the school's law center in response to a complaint. "We provided them with armloads of data, but the next year they were back asking for more interviews," Dr. Elliott says. By 1977, the school had met requests for additional data four times.

During the three and a half years of investigation, the school had to hire an attorney, 12 faculty members were involved in compiling information, and, for a time, the law school's dean and associate dean worked on the project almost full-time.

"They were doing this when they should have been doing academic things for the school," says Dr. Elliott.

The investigation ended in a bureaucratic whimper. "After all that time and money HEW ended up taking our word that the school had not violated the Title IX statute."

STUDENTS ARE LOSERS

The money that the colleges spend on compliance doesn't come out of Uncle Sam's pocket. It comes from the institutions and, ultimately, from the students themselves.

Institutions have to cover these costs through tuition increases, at a time when inflation is making the price of higher education impossible for more and more families, says Dr. Elliott.

All students pay, but the students who suffer most from tuition hikes are the ones who can afford it the least—low-income and minority students who use the social programs that push up college costs.

One private institution, Hillsdale College in Hillsdale, Mich., is resisting HEW on the Title IX admissions policy issue. Hillsdale, which has never taken federal funds except for student aid in its 134-year history, was told by HEW in December 1977, that it would begin enforcement proceedings against the school unless the required affirmative action program was established and Hillsdale began filing compliance reports.

Hillsdale, which had never discriminated on the basis of sex or race, refused. HEW threatened to cut off all federal student aid, including veterans' benefits, if the school didn't comply. Hillsdale hired a lawyer.

The college won the first round before an administrative law judge who decided that HEW couldn't withhold funds. HEW has appealed.

FIGHT FOR INDEPENDENCE

Independence, says Hillsdale's administrative vice president, LeMar Fowler, is what the fight is really all about. "We don't accept federal aid," he says. "We've been independent since the beginning, and we want to continue that way.

"You can't be independent with the federal government giving you money," he adds.

Rep. Phil Crane (R.–Ill.) a graduate of Hillsdale, supports colleges that choose to remain free from the encumbrances of federal funding.

"There's more freedom of all kinds when an institution is free from government control," he says. "That control is sometimes subtle and sometimes not so subtle, but it's getting harder in today's climate to maintain the kind of independence that Hillsdale offers."

CONTROL OF DESTINY

Gardner-Webb College in Boiling Springs, N.C., doesn't accept federal funding for its programs either. Says President Craven E. Williams: "The control of our own destiny requires a freedom to do what our own sense of freedom dictates. We feel that, because we do not accept aid, we don't have to wait for a decision from a state legislature or from Washington."

Former Yale University President Kingman Brewster describes the federal attitude toward aid and regulation as one of "now that I have bought the button, I have the right to design the coat."

President Eisenhower saw it all coming 25 years ago when he warned "The prospect of domination of the nation's scholars by the federal government, project allocation, and the power of money is ever present and is gravely to be regarded."

Today, the late President's Orwellian vision has come true. Says Duke University President Terry Sanford: "The avalanche of recent government regulations threatens to dominate campus managements. At the present rate, it is not difficult to imagine a day when faculties and administrators will spend all their time filling out government forms. . . ." ●

SCIENCE AND THE AUTOMOBILE, PART II

HON. GEORGE E. BROWN, JR.

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 9, 1979

● Mr. BROWN of California. Mr. Speaker, yesterday I addressed myself to the importance of the automobile to our society, and discussed one of the major Federal programs aimed at improving the automobile for all of society. Besides the funding problems for the Automotive Propulsion Research and Development Act of 1978 (Public Law 95–238), there is another problem in the Department of Energy with this program, and that is the lack of high level attention it has received. In industry there are still other problems.

Innovation is a difficult problem for our society, but it seems to be especially difficult to innovate in mature industries. like the American automobile industry. Per-

haps the automobile industry is incapable of significant innovation. I do not really know. One thing is clear, however, and that is that the American automobile industry today is a great barrier and force against innovation.

The second part of the recent series from the Detroit Free Press addresses this aspect of the automobile industry, and describes some of the interplay between government and industry.

The article follows:

[From the Detroit Free Press, Apr. 23, 1979]

AUTO INNOVATION OFTEN STALLS OUT

(By Judith Serrin)

William C. Durant, then a Michigan insurance salesman, was on a buggy ride through southern Michigan one day in the 1880s when he met a man driving a light, two-wheeled road cart.

The man was bitter. He believed his cart, which he had patented, was an excellent device—big enough to carry a substantial amount of goods, yet lighter than a regular buggy and difficult to overturn. Still, he said, no carriage manufacturers were interested in it.

The man was one of the first victims of NIH: the "not invented here" syndrome of the American transportation industry.

Durant bought the man's patent for $50 and set up the Flint Road-Cart Co. Profits from the cart put him on his way to becoming a millionaire and the founder of General Motors.

That outcome, however, is little consolation to people who have tried since then to "crack the walls of Detroit," as one inventor puts it.

NIH has become a common auto industry phrase. It is often used when major companies ignore or disparage developments they have not come up with themselves.

Some industry officials have conceded the existence of the syndrome. Former General Motors executive John DeLorean has railed against NIH. The heads of Chrysler's and GM's new devices sections say they rarely buy ideas; but then, they say, most ideas they get are unsound.

Although the best known, NIH is only one of many barriers to automobile innovation. The trip from science to showroom can be a gantlet. It can also take a long time.

Lawrence R. Hafstad, retired head of General Motors research division, has said that science is what takes place more than 10 years in advance of a car's production, engineering five to 10 years away, and design, less than five years away.

Not all scientific projects can endure that long. James W. Furlong, Chrysler's chief of research planning, says the general guide is that nine out of 10 research projects fail. It is his job, he says, to decide when a project has been worked on long enough to call it a failure—although some, such as the gas turbine engine, have been around for 25 years without a clear pass or fail.

In solving problems, says Nils L. Muench, technical director of the GM Research Laboratories, "we have two constraints at least. One is what's do-able, what ideas do you have? And the other is what will it do to the price of the car?"

John Conde, transportation curator at the Henry Ford Museum, says, "Most of the developments that have come along in the industry, with very few exceptions, are to get the cost of building it (the car) down. If it happens to be to the benefit of the consumer, that's great."

After several years of studying the auto industry's future for the Congressional Office of Technology Assessment, Larry Jenney, an OTA staff member, concludes:

"My personal view is that, like many mature industries, there is a reluctance to innovate. The industry is reluctant to change . . . The industry is in business to sell cars, not to engineer automobiles."

Asked his opinion of scientists in the major auto companies, Beno Sternlicht, board chairman of Mechanical Technology, Inc., a firm working on the Stirling engine, replied:

"I don't think that they're not working hard. I don't think that they're hiding (developments). I think that what they're doing is concentrating on the thing that will produce the buck today at the expense of the buck 20 to 30 years from now."

Selling cars and making money are, of course, legitimate concerns for private businesses. Despite the claim of GM's Muench, most company spokesmen say their research staff is doing all that is humanly, not economically, possible.

Such a statement has several effects. For one, it gives the impression that work on safety, emissions control and fuel economy is in good hands.

"It's what I call the 1939 World's Fair syndrome," said Ralph Nader, the consumer advocate, recalling the wondrous "cars of the future" he saw when he was five years old and his parents took him to the New York World's Fair.

"It's basically the process of giving the public the impression that the latest scientific edges are being probed."

The statement also may scare off potential competitors who figure that, even if they do develop something, they cannot match the giant firms' money and marketing resources.

Four companies in California could tell you why.

Back in 1959, the state of California passed its first law requiring pollution control devices on cars. The law was to take effect two years after the state certified at least two different control devices.

The four major automobile companies, working through the Motor Vehicles Manufacturer's Association, said they were working as hard as possible but the devices could not be ready until the 1967 model year.

Meanwhile, four independent companies developed control devices and had them certified earlier. Reversing previous claims, the automobile companies then produced the devices—and drove the independent firms out of business.

Such incidents make many people suspicious of automobile research. Joan Claybrook, head of the National Highway Transportation Safety Administration, for example, accuses Chrysler of sidetracking technology that could improve fuel economy on trucks and vans.

And the suspicions contribute to the stories, almost a folklore, of inventions made into auto company laboratories but kept off the market. So do the thousands of people who tinker with their cars and assume they can do a better job than the manufacturers.

When he came to General Motors in 1955, said Hafstad, the former research director, "that's one of the first things I looked into, because I, too, had heard that the companies had a trick carburetor that ran a lot better, a whole lot of things . . . as soon as I got on the inside I inquired about it."

He concluded, he said, that "there's nothing to it. In a competitive society, it just couldn't be done."

Questions have been raised, however, about the amount of competition in an industry with only four major companies, two of them repeatedly in financial trouble.

"These are not difficult scientific problems" facing the automobile industry, consumer advocate Nader said.

One characteristic of automotive science is that it is incestuous.

Jack Wong, senior automotive engineer at the Insurance Institute for Highway Safety, explained, "It's a field in which there's a lot of money spent, in manufacture, in insurance and everything else. But really, there's not a lot of money spent on research . . . I imagine you could find hundreds of people doing research on cancer."

As for government automotive scientists, W. Dale Compton, vice-president for research at Ford Motor company, said, "They don't have very many. The government does not have a major facility devoted to automotive research."

As a result, the millions of dollars that the government spends, generally through the Departments of Energy and Transportation, and the Environmental Protection Agency, do not necessarily compete with or challenge the automobile industry.

The energy department spends about $95 million for motor vehicle research: $48 million for new kinds of vehicle propulsion, such as gas turbines, Stirling engines and ceramic components; $37.5 million on electric and hybrid vehicles; nearly $6 million on alternative fuels; and the rest on use of transportation systems.

But the money spent on electric cars, according to one consulting engineer, has gone to companies concentrating on battery research to produce a car that can drive across country.

"A viable electric vehicle can be built with today's batteries," he argued, if the goal is to produce an inexpensive, limited performance car for short trips. He says the auto companies are willing to do this, and neither they nor the Department of Energy have the imagination to think along those lines.

None of the energy department's money is spent on the internal combusion engine, according to Vincent Esposito, acting director of the department's office of transportation programs. The department relies on the automobile industry to do that work, he says.

The department has funded all four major auto companies in research on the gas turbine engine. Ford did a year's work on the Stirling engine under a department contract. Ford also owns five percent of Mechanical Technology, Inc., the company that now holds the department's Stirling contract.●

CONSUMER'S GUIDE TO THE SACCHARIN ISSUE

HON. RICHARD L. OTTINGER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 9, 1979

● Mr. OTTINGER. Mr. Speaker, during the next few weeks the House of Representatives will be reconsidering the saccharin controversy. Confusion and uncertainty surround this issue both in Congress and around the country. Today's New York Times presented a consumer's guide to the saccharin controversy: Why it exists, the known risks and benefits, possible substitutes for saccharin and tips for enhancing sweetness without sweeteners. I commend this article to my colleagues.

This article concludes with a discussion of possible alternatives to saccharin. I believe this is particularly important. Clearly, the ideal solution to the present controversy would be a safe substitute. There would be no reason to allow continued use of saccharin—which unquestionably presents some health risk—if a satisfactory substitute were available.

On April 10 I introduced H.R. 3582 which provides for a 3-year phaseout of saccharin as an additive to our food.

H.R. 3582 allows a sooner phaseout if a substitute is approved within 3 years. Passage of my bill would put industry on notice that it must come up with a substitute and it would provide a reasonable but definite time for this. I believe this approach is preferable to continuing the present moratorium because it takes into account the concerns of present saccharin users while providing the necessary incentives to industry to work on alternatives. I personally am confident that those favoring dietetic foods will have their needs met by American industry.

The article by Jane E. Brody from the New York Times follows:

SACCHARIN: UNRESOLVED RISKS AND AN UNCERTAIN FUTURE

(By Jane E. Brody)

In three weeks, the Congressional moratorium on the Food and Drug Administration's proposal to ban saccharin comes to an end. In the 18 months of saccharin's stay of execution, a few new studies have been completed; many health, consumer and industry groups have testified for or against saccharin; millions of Americans have voiced their desire to have the noncaloric sweetener remain on the market despite the possibility that it can cause cancer, and two prestigious national scientific panels have carefully reviewed the saccharin indictment.

But no conclusive findings have come forth, the issue is still being hotly debated and the moratorium will probably be extended while Congress considers new legislation.

Meanwhile, from the consumer's standpoint, the sweet life has acquired a decidedly sour taste, with overtones of confusion and uncertainty. Is saccharin dangerous? Isn't sugar worse? If saccharin is banned, what can take its place? Following is a consumer's guide to the saccharin controversy: why it exists, the known risks and benefits, possible substitutes for saccharin and tips for enhancing sweetness without sweeteners.

A CHECKERED PAST

Discovered in 1879 and marketed in 1900, saccharin was subjected to a safety review ordered by President Theodore Roosevelt in 1912. It passed. In 1955 and again in 1968, the National Academy of Sciences scrutinized the sweetener. Again, it was cleared, but further safety studies were recommended. In 1969, its noncaloric companion, cyclamate, was banned after animal tests indicated that it could cause bladder cancer. The study that spelled cyclamate's doom used a 10-to-1 combination of cyclamate and saccharin, but the latter remained on the market as a "generally recognized as safe" (GRAS) food additive.

Use of saccharin climbed precipitously, reaching about seven million pounds a year by 1976. An estimated 50 to 70 million Americans—including one-third of the children under 10—consume saccharin regularly. Saccharin's GRAS status was revoked by the F.D.A. in 1972 after a preliminary study involving pellets of saccharin implanted in the bladders of laboratory animals suggested that it too could cause cancer.

The National Academy of Sciences took another look in 1974 and proclaimed the evidence for saccharin's carcinogenicity inconclusive. An uneasy truce remained until March 1977, when a Canadian study showed that large doses of saccharin fed to pregnant rats and their weanlings produced bladder cancers in the male offspring. The Canadians immediately banned saccharin (although they still sell cyclamate); in this country, the F.D.A. said that the law, which forbids the use of cancer-causing food additives, required that saccharin be banned here, too.

The outraged public response prompted the Congressional moratorium and two more reviews by the National Academy. Meanwhile, all foods containing saccharin (but not saccharin-sweetened cosmetics and drugs) must bear this warning: "Use of this product may be hazardous to your health. This product contains saccharin which has been determined to cause cancer in laboratory animals."

RECENT WARNINGS

Three studies have now shown that saccharin, when fed to pregnant animals, can cross the placenta, accumulate in the fetus and cause cancer in male offspring. Several other studies showed that saccharin could enhance the cancer-causing potential of other substances.

However, of 10 studies exploring saccharin's ability to damage genes (the presumed basis for a cancer-producing effect), only three had positive findings.

Since 1970, 10 human studies—all with scientific shortcomings—have been completed with similar confusing results. They compared bladder cancer incidence in diabetics (who presumably have used more saccharin for more years than others) with nondiabetics; they looked into the use of saccharin by bladder cancer patients, and they searched for a trend in bladder cancer that might be associated with increasing use of saccharin.

Nine of the studies had negative findings, but the 10th, conducted by a team of Canadian researchers, showed a 60 percent increased risk of bladder cancer among men (but not women) who used saccharin.

UNCERTAIN RISKS

The National Academy, the F.D.A. and many independent scientists have concluded on the basis of these admittedly inadequate findings that saccharin is a weak carcinogen in animals and is probably capable of causing cancer in people. Its primary action may be as a co-carcinogen or promoter of other cancer-causing substances.

Other than the fetus, which seems especially vulnerable, it is not known who may be most susceptible to saccharin's carcinogenic effects. At the least, it would seem wise to avoid saccharin exposure during pregnancy and while nursing. Although only males were affected in the studies so far, there is no guarantee that saccharin is safe for females.

DOUBTFUL BENEFITS

Some 80 percent of the nation's 10 million diabetics are said to use some artificially sweetened foods and drinks. Saccharin is also popular among the millions who are trying to shed or keep off excess pounds. But, in fact, no studies have demonstrated that use of saccharin helps dieters lose weight or diabetics control their blood sugar. Actually, there is some evidence that saccharin may increase appetite and interfere with blood sugar regulation by stimulating insulin.

The average American has gotten heavier since the burgeoning popularity of noncaloric sweeteners, and consumption of real sugars has actually increased. Overweight persons may do better to try to break their addiction to sweets rather than perpetuate it by the continued use of saccharin. Certainly, those who put saccharin in their coffee or tea (saving 18 calories per teaspoon of sugar) and then consume a 400-calorie piece of cake or pie are kidding no one but themselves.

At this point, saccharin's main benefit appears to be psychological, giving the dieter and the diabetic a sense of security about their ability to deal with their problem. Such quality-of-life benefits are not unimportant, but consumers must ask whether they are worth the possible risk of cancer.

ALTERNATIVE SWEETENERS

Currently, saccharin is the only noncaloric sweetener approved for marketing in the United States. While many believe that cyclamate was unjustly banned and is far safer than saccharin, it is unlikely that cyclamate will be put back on the market. Another possibility, Aspartame, is still under review by the Food and Drug Administration after charges of testing irregularities delayed its marketing. Aspartame lacks the versatility of saccharin because it is broken down by high heat and prolonged contact with water.

Three other approved sweeteners—xylitol, sorbitol and mannitol—are digestible by human beings and therefore yield calories. However, they are absorbed so slowly that they do not produce an abrupt rise in blood sugar, making them useful for diabetics. All three can cause diarrhea when consumed in more than moderate amounts.

Xylitol, found naturally in some fruits and vegetables, markedly reduces tooth decay when substituted for sugar. However, recent animal studies suggest that it can cause bladder tumors, gallstones and adrenal tumors. Sorbitol, a GRAS substance used in candies, cough drops and other processed foods, can accumulate in cells, and a Russian researcher has suggested that it may contribute to nerve and blood vessel damage in diabetics.

Fructose, or fruit sugar, the latest sweetening rage, also contributes as many calories as ordinary table sugar (sucrose). However, since it is about 50 percent sweeter than sucrose, somewhat fewer fructose calories are needed to get the same sweetening power.

The savings is piddling for those concerned about their weight. But fructose has an important advantage for the diabetic—it doesn't need insulin to get into the liver and body cells. Thus, there is no sudden demand for insulin, which diabetics cannot produce in adequate amounts. Fructose is also a useful sweetener for persons with reactive hypoglycemia (low blood sugar), who tend to overproduce insulin when sucrose is consumed.

Alternatives to Sweeteners. Since the greatest use of saccharin is in diet beverages, which offer nothing at all of nutritional benefit, eliminating consumption of these can greatly reduce your intake of the controversial sweetener.

Try substituting unsweetened drinks—club soda, mineral water or just plain tap water. If you drink coffee or tea, gradually reduce the amount of sweetener you use; you may be able to eliminate it altogether.

Nadine Condon of the American Dietetic Association suggests some ways to get the effect of sweetness without actually adding any sweetener. One is to use sweet spices and herbs, such as cardamon, coriander, basil, nutmeg, ginger or mace. Another is to caramelize the sugar naturally present in fruits and vegetables, for example, by putting grapefruit, bananas, onions or tomatoes under the broiler or by letting the water just cook out in a pan of carrots. A little shredded coconut will make fruits taste sweeter.●

A CONGRESSIONAL SALUTE TO WICKES CORP.

HON. BOB TRAXLER

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 9, 1979

● Mr. TRAXLER. Mr. Speaker, I am pleased to bring to my colleagues' attention the 125th birthday celebration of Wickes Corp. This multibillion-dollar organization had its humble beginnings in the heart of Michigan's eighth district, Saginaw. Though many businesses survive the tribulations of their early years,

few can boast of the success that Wickes Corp. has achieved.

Wickes' secret for success is no secret. It has prospered because it has worked to satisfy people's needs. Wickes has been able to survive the fads and fancies of an emerging nation because it has been content to roll up its sleeves and provide the basics, reaching people where it mattered most—in their homes, their diets, and in designing and building better machines to do their bidding.

Due to Wickes' sophisticated management and information systems it has boomed in recent years. Through the maximum utilization of its available resources, Wickes has been able to realize a large increase in its sales, and the future looks even more promising. I believe that these achievements are remarkable and deserving of recognition.

Wickes Corp. exhibits the best aspects of our free market economy, and I am sure that my colleagues feel as I do that the United States has grown because corporations such as Wickes have grown. I feel priviledged that I have had this opportunity to honor a great American business—Wickes Corp.●

COMMUNICATING WITH THE DEAF

HON. BARBARA A. MIKULSKI

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 9, 1979

● Ms. MIKULSKI. Mr. Speaker, I would like to share with my colleagues a letter recently published in Ann Landers' nationally syndicated column which concerns all of us who at one time or another will have occasion to communicate with our deaf and hearing-impaired constituents. Since hearing impairment is one of the most widespread of handicaps—an estimated 2 million Americans are totally deaf and about 12 million more suffer from some type of hearing problem—I hope that many of my colleagues will have the chance to become acquainted with this particular segment of their constituency. Although it would be ideal if we could all learn sign language, I hope that my colleagues will find helpful the suggestions provided by Dr. Connor for communicating with the deaf without knowing sign language as they appear in the following letter:

Dear Ann Landers:

Many deaf people work or come in contact with people who have had little or no previous contact with deafness. Here are eight excellent suggestions for hearing people from Dr. Leo E. Connor, executive director of the Lexington School for the Deaf, Queens, N.Y. Please print them, Ann.

1. It is important to have the deaf person's attention before speaking. He may need a tap on the shoulder, a wave of the hand or another signal that you wish to communicate.

2. Speak slowly and clearly, but don't exaggerate and overemphasize. This distorts lip movements and makes speech reading more difficult.

3. Try to show facial and body expression when you speak. You don't have to be a pantomine expert to do this.

4. Not all deaf people can read lips, and even the best speech readers miss many words. Therefore, if the deaf person does not reply or seems to be having difficulty in comprehending, rephrase the thought rather than repeat it exactly.

5. Look directly at the person while speaking. Even a slight turn of the head can obscure the deaf person's vision. Other distracting factors include beards and mustaches.

6. Don't be embarrassed about communicating with paper and pencil. Getting the message across is more important than the medium used.

7. Establish eye contact. It helps convey the feeling of direct communication.

8. Don't restrict conversation to business matters. Deaf people have feelings and opinions. Humor, gossip and small talk help everyone relax.

Many deaf children attend regular schools where teachers and hearing students have to learn communication techniques. This mainstreaming is much easier with deaf students who have learned to speak, rather than relying solely on sign language. The most important advice for those who hear is to remember that deaf people can speak. Deafness is not muteness.

Information about communicating with deaf people, as well as speech and hearing instruction for deaf people, can be obtained at the Lexington School for the Deaf, 30th Avenue and 75th Street, Queens, N.Y. 12370, phone (212) 899-8800.—Steady Reader.

Dear Reader:

Many thanks for passing on some extremely useful information.●

E. C. GATHINGS

HON. JACK BRINKLEY

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 8, 1979

● Mr. BRINKLEY. Mr. Speaker, it has been said that a truly great man can be measured by his concern for others. Congressman E. C. "Took" Gathings was such a man.

Took's 30-year record of vigorous congressional leadership and unstinting commitment to serving his district, his State of Arkansas, and his country will stand as vivid reminders of his greatness. His guiding hand influenced a wide gamut of national issues from America's agricultural programs to improving veterans' services.

But Took Gathings' legacy does not end here. I recall an incident that reveals another, more personal dimension of this uncommon man's character.

In traveling between Washington, D.C., and my home district in Georgia, it was my pleasure, on several occasions, to cross paths with Took Gathings at the airport. On those occasions, I saw a man who unfailingly made it a point to meet every young man or woman who was traveling from his district to Washington to serve as his congressional page. These young people were bright and eager, but no doubt a little apprehensive about their new adventure in the Nation's capital. Took Gathings went that extra mile to give each page a warm, personal welcome.

He was that kind of man—one who cared deeply about every person whose life he touched. And each of our lives is richer for having known and had the privilege of serving with Took Gathings.●

CARTER GAS RATIONING PLAN OPPOSED BY GOP

HON. BUD SHUSTER

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 9, 1979

● Mr. SHUSTER. Mr. Speaker, President Carter's request for emergency standby authority for gasoline rationing, House Resolution 212, is not a plan to ration gasoline but one which allocates the right to buy gasoline.

The plan is discriminatory costly, economically disruptive, bureaucratically bizarre, and an invitation to commit fraud.

The Republican Policy Committee which I have the honor to chair, already is on record, strongly and overwhelmingly, in urging defeat of this bureaucratic boondoggle.

If you are in the "junker car" business there would be an even bigger boon to the boondoggle. This plan will create a junk dealers bonanza because affluent people could purchase junker cars and thereby obtain additional ration coupons.

This is still another example of the ineptness of the Carter administration in coming to grips with this country's serious energy problems.

This poorly conceived, highly costly plan, is nothing more than an unworkable blueprint for a cumbersome bureaucracy to regulate the lives and the livelihood of the American people. It deserves to be resoundingly rejected.

For the benefit of my colleagues, I would like to share with them the entire text of the Republican Policy Committee position statement by inserting it in the RECORD:

HOUSE RESOLUTION 212—EMERGENCY STANDBY AUTHORITY FOR GASOLINE RATIONING—RATIONING PLAN NO. 1.

President Carter's plan for "Emergency Standby Authority For Gasoline Rationing" is discriminatory, costly, economically disruptive, bureaucratically bizarre and an invitation to commit fraud. This plan is strongly opposed by the Republican Policy Committee.

The Energy Policy and Conservation Act of 1975 (EPCA) directs the President to draft rationing and conservation plans for use during emergencies. On March 1, 1979, President Carter submitted to Congress for approval a gasoline rationing plan. Under EPCA, Congress has 60 legislative days to approve the plan. If the plan is approved, the President may implement the plan upon a determination that a severe curtailment of gasoline supplies exists. Congress then has 15 days after the President's determination to approve or disapprove use of the plan by a vote of either House of Congress.

The Administration's highly complex plan is based upon a nationwide registry of owners of gasoline-powered motor vehicles which does not exist. It is estimated that it will take 14 months to compile the list. The Administration estimates that it will cost $400 million to establish the plan and $1.6 billion to operate per year.

The plan sets up a new currency in ration coupons for the payment of gasoline. Coupons will be issued to the registered owner of the motor vehicle through banks and financial institutions with extra allotments for essential public health and safety vehicles. Farmers and users with significant gasoline requirements have been promised special allotments which have not yet been

determined. These coupons will be redeemed at gasoline stations for the right to purchase gasoline. The ration coupons will be freely negotiable, creating a new type of money or currency. The economic impact of this is unclear and will result in a so-called "White Market," permitting citizens and businesses with greater needs to purchase extra coupons from motorists willing to sell them. It is estimated by the Department of Energy that the "White Market" price of a coupon for one gallon of gasoline could be worth about $1.22, not including the cost of the gasoline.

The gasoline rationing plan submitted by the Carter Administration is one which involves a potential stranglehold over the American economy. It proposes that special powers be given to the President never before granted during peacetime and without specifying what degree of gasoline shortage will "trigger" its implementation. In testimony before the Congress, citizens, agricultural and business groups urged disapproval of this plan.

This gasoline rationing plan would do more to disrupt the economy than to ease an energy shortage. In fact, the General Accounting Office states that this plan would not save gasoline, but merely redistribute it among users. The redistribution scheme is discriminatory and inequitable to rural and suburban motorists, to farmers, to travelling salesmen, to delivery services, to taxicabs, and to those in areas without mass transit. The list is almost endless.

Operation of this gasoline rationing plan depends entirely upon an accurate national registry of vehicle owners and sets forth a bizarre system for obtaining coupons. State motor vehicle administrators would compile listings of all the owners of gasoline-powered motor vehicles in their States. This cumbersome procedure involves the registrations of 115 million automobiles, 10 million of which change ownership every month.

Only 13 states presently have the computer capacity to process their registrations for these purposes. Not among these are the heavily populated states of California (with 15.5 million motor vehicles), Ohio, Michigan, and New Jersey. The American Association of Motor Vehicle Administrators testified that State officials could not compile these lists quickly, and if required to do so they would need sizable grants from the Federal government. Considering the number of automobiles that are bought and sold monthly, this list would be at least 10 percent inaccurate at all times.

The federal bureaucracy could process this composite national list, calculate ration allotments according to historic use by class of vehicles and mail "ration checks" to owners accordingly to be cashed for "ration coupons" at designated issue points. These coupons would be redeemed at service stations in exchange for the right to purchase gasoline.

Most Americans recognize that this bureaucratic system lends itself to massive "bureaucratic red-tape" and mismanagement. Moreover, distributing ration coupons according to ownership of vehicles discriminates against one-car families and offers a "junk dealers" bonanza to dealers in registerable "junker" automobiles. Affluent people could purchase "junker" cars and thereby obtain additional ration coupons. This key element is, in itself, enough to justify rejecting this plan.

The fact that these ration coupons will be freely negotiable, creating a new type of money or currency, is an invitation to massive fraud in the buying and selling of ration coupons. The "White Market" concept will impose an ever changing premium on the right of mobility. Buying gasoline will no longer depend on need, but on the financial ability of every motorist. Many motorists will be denied their sole source of transportation. This concept would be unfair to poor Americans, especially those residing in rural areas where no alternative to automobile transportation exists. Even cities with public mass transit would be disadvantaged if their transit systems are incapable of absorbing sudden increases in ridership. The "White Market" would produce a windfall for affluent citizens owning more automobiles than they need, and to those who can rely upon public transportation. The result would be large transfers of coupons and income between the poor and the affluent and between the countryside and the cities.

The Administration's gasoline rationing plan is another example of the ineptness of the Carter Administration in providing solutions to the Nation's serious energy problems. The Administration's gasoline rationing plan has taken two years to develop, costing $3 million in contracted assistance. Yet this plan does not increase or even conserve gasoline supplies. The plan will not affect the actual physical distribution of gasoline itself. It indirectly allocates a shortage. The plan does not ration gasoline—it allocates the right to buy gasoline. The General Accounting Office has called this plan a $2 billion dollar program to reduce lines at gasoline stations, but one which will not result in gasoline savings. This poorly conceived, highly complex plan is nothing more than a costly blueprint for a cumbersome bureaucracy to regulate the lives and livelihood of the American people. It deserves to be resoundingly rejected.●

GOD'S MASTERPIECE

HON. NICHOLAS MAVROULES

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 9, 1979

● Mr. MAVROULES. Mr. Speaker, I would like to take this opportunity to bring to the attention of my fellow colleagues a poem commemoratiing Mother's Day by the Bard of Swampscott, Mass., Maurice Goldsmith. The poem is a beautiful reminder to all of the special meaning of Mother's Day.

Mother's Day, which will be celebrated on Sunday, May 13 this year, was originally conceived by Anna M. Jarvis in 1907 as a day to pay tribute to her own late mother and all the other mothers of her community. This celebration was made official in 1914 when President Woodrow Wilson made the holiday official. Since that time we have set aside this day each year to commemorate our Nation's mothers.

Mr. Speaker, this poem brings the full meaning of Mother's Day before us and, again, I commend to to my colleagues:

GOD'S MASTERPIECE

Sweeter than the flowers of spring,
More blessed than the morning's dew,
Dearer than all the songs I sing,
Is the song dear Mother of you.
Whiter than winter's new fallen snow,
Brighter than the sun's first ray,
Is the soul of the Mother I know,
Fought life's battle for me one day.
Cool is the soft Mother's hand,
That has soothed my burning brow,
Her equal is not in all the land,
Dear Mother I Love you now.
I see through the mists of by-gone years,
The toils and hardships she's gone through,
I see her smiles, I see her tears,
And the trails that for me she won.
Forever and ever I shall love her,
Till my beating heart shall cease,
For I know when God made her,
He made his masterpiece.

MAURICE GOLDSMITH.●

IOWA FUEL NEEDS IGNORED BY DOE

HON. THOMAS J. TAUKE

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 9, 1979

● Mr. TAUKE. Mr. Speaker, the fuel oil situation in Iowa and much of the Midwest is critical, and it appears to be getting worse. The Iowa Energy Policy Council noted a 12-percent shortfall of the fuel in April and projects a 20- to 25-percent shortage this month. Several other Midwestern States, including Nebraska and Missouri, project similar shortfalls in May.

The seriousness of the shortfall cannot be overemphasized. The production of food and fiber in the United States and the livelihoods of thousands of farmers are at stake; 94 percent of all farm vehicles and nearly all of the trucks used to haul farm supplies require fuel oil. Bad weather in the Midwest has forced farmers to concentrate their planting activities solely to the month of May. As a result, farmers need more fuel oil now to get their crops planted. But the projected shortages may leave farm machines idle in the fields with nothing but weeds to grow up around them.

I became fully aware of the seriousness of the fuel oil situation in Iowa during the congressional recess. Several oil jobbers in my district informed me that they would soon be forced to turn away farm customers if additional supplies were not forthcoming. In response, I began an investigation of the fuel oil situation and called it to the attention of Iowa and Federal officials.

Last Friday, during a speech in Des Moines, President Carter wisely acknowledged the fuel oil shortage in Iowa. In so doing, he pledged that "rural America will not run dry." And he stated that he would not allow agricultural production to be bothered by a fuel shortage.

I commend the President for his recognition of the problem and for his stated intent to resolve it. However, I fear that his promises are nothing more than empty rhetoric. The agency established to carry out the President's promises—the Department of Energy (DOE)—turned a deaf ear to Mr. Carter's call to never let rural America run dry. The DOE's actions thus far vividly demonstrate an acute insensitivity and lack of awareness of the fuel oil problem in the Midwest.

Let me outline the paltry DOE response to the President's call:

First. The DOE initially refused to acknowledge the existence of an inordinate shortfall in the Midwest. As the Agency deemed responsible for guaranteeing adequate fuel oil supplies to the Midwest, the DOE failed to closely moni-

tor the supply situation. As a result, the DOE knew nothing of an existing or an impending Midwest fuel oil shortfall and was woefully ill prepared to deal with it once the shortfall became apparent.

I called the shortfall to the DOE's attention and asked for an immediate investigation. Prompted by my questions, the Agency came to admit that the Midwest was "worse off" than elsewhere in the country. The DOE now accepts the fact that Iowa and the Midwest is experiencing a shortfall of at least 20 percent in fuel oil supplies in May. However, the DOE has yet to establish an adequate supply-demand monitoring service and has failed to take any steps to insure that rural America will not run dry.

Second. The DOE has granted States the authority to establish a 4 percent fuel oil set-aside for May. The allowance will give each State the ability to reallocate supplies to areas most severely hit by the shortfall. In addition, the DOE has asked each State to give agricultural users top priority in the reallocation of set-aside reserves.

While these moves are positive, they are highly inadequate. Iowa, for example, already possessed a 4 percent fuel oil reserve and had been giving agriculture top priority in the reallocation of that reserve. Neverthless, Iowa still anticipates a 20- to 25-percent shortfall, and the May set-aside reserves are already over 33 percent gone. Clearly, the set-aside alone is not the answer to our fuel oil problems.

Third. Finally, the DOE has begun a voluntary program to bring more fuel oil supplies to Iowa and the Midwest. DOE officials are meeting with the representatives from the 35 largest fuel oil refiners, asking them to increase the stock of fuel oil reserves; and give agriculture and transportation top priority in the allocation of those reserves. While this voluntary program is laudable, it is also ineffective.

No sign of increasing supplies to Iowa has resulted from the DOE fuel oil "jawboning" program. Instead the situation deteriorates. Several Iowa towns are now completely out of fuel oil; fuel oil terminals in several parts of Iowa are dry: and Standard Oil, the largest supplier of fuel oil to Iowa, has actually announced a cutback of allocations to Iowa during May.

Last week I asked Secretary Schlesinger to consider using existing legal authority to reallocate fuel oil supplies to the energy-starved regions of the Midwest. He promised me positive and expeditious action on my request if it appeared that the voluntary program would not work. The crescendo of complaints received from Iowa farmers, oil jobbers, and energy officials say the voluntary approach is not working. Iowa may soon run dry. Yet DOE officials tell me they do not even plan to begin to consider a review of the voluntary approach for another 10 days. That is the height of folly.

Let me remind the DOE that a farm is not a factory. It cannot be shut down for a week with minimal economic loss. If the farmers cannot get into the fields, around-the-clock, for the remainder of this month, valuable production time, crop yields, and farm income will be irretrievably lost. Farmers and, indeed, consumers who must rely for food on our farmers cannot afford to wait 10 days for a review of the voluntary farm fuel program. A review must begin immediately, and action on my request for a reallocation of supplies must quickly follow. It may already be too late to stave off a farm fuel crisis in the Midwest. Nevertheless, immediate action would serve to lessen the severity of the shortfall later in the month.

In sum, despite the President's promise, the DOE is letting rural America run dry of fuel oil. The lack of monitoring, the set-aside plan, and the voluntary allocation efforts are woefully inadequate.

I have requested the establishment of a careful monitoring service by the DOE. Projections of fuel oil supply and demand based on oil company projections and historical demand trend analysis are needed for each State. Presently, State energy officials do their own monitoring and, as a result, State-by-State shortfall comparisons are made difficult. A Federal system would better guarantee the uniformity and accuracy of reporting that is necessary to proper regulatory action.

In addition, I have requested renewed consideration of my request for a reallocation of fuel oil supplies to the Midwest. The deteriorating supply situation in the Midwest calls for immediate action, before it is too late.

I call on my colleagues to join me in these requests. Congress must not let rural America run dry.●

AN APPRECIATION OF JAMES M. RIEWER

HON. ROBERT K. DORNAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 9, 1979

● Mr. DORNAN. Mr. Speaker, the citizens of my district, and specifically, those of the South Bay area wish to recognize a gentleman who, upon his June retirement, leaves behind an illustrious 9-year record as superintendent of the South Bay Union High School District of California.

James M. Riewer, native Californian, alumnus of the University of Southern California, teacher, principal, and school superintendent, is one who has dedicated himself to the community. He has shown his concern for the educational needs of tomorrow's leaders—the high school students. Jim leaves the superintendency as a "hard act to follow." He is respected and admired by the many teachers, counselors, administrators, parents, and students who make up the district.

His students, their parents, and civic leaders will honor Jim on June 8, 1979, for all the good things he has done for his beloved community. I would like my colleagues to know of this special citizen of the 27th District and how he is appreciated—and how he will be missed. Good luck, Jim Riewer. We know you will make your future endeavors as rich as your accomplished past.●

A CONSERVATIVE FOR THE PANAMA CANAL LEGISLATION

HON. PAUL FINDLEY

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 9, 1979

● Mr. FINDLEY. Mr. Speaker, as the implementing legislation on the Panama Canal Treaty is being readied for House consideration, I call attention to a thoughtful article by our distinguished colleague, Congressman ED DERWINSKI, which explains why he will support the measure. ED, of course, is one of the most perceptive and thoughtful conservative Republican Members. He is a respected member of the House Foreign Affairs Committee and he long opposed the Panama Canal Treaty. Had he been a Member of the Senate, he would have voted against it. Now that the treaty has been ratified, however, he believes the House has no choice but to enact implementing legislation putting it into full force.

Text of article follows:

PANAMA: FROM NO TO YES

(By EDWARD J. DERWINSKI)

One year ago today the Senate ratified the Panama Canal treaty. If I had been in the Senate, I probably would have voted no. Many Americans, I know, are still convinced we gave the Panama Canal away.

But now the situation is different. Once the Senate has ratified a treaty, it becomes a matter of international obligation for the United States. The House must make the best of the situation. The time for denouncing Panama is over. The time is now at hand to put the treaty effectively into force.

The treaty will go into effect Oct. 1 and remain in effect until Dec. 31, 1999. During that period, the United States will operate the canal under new arrangements with Panama as the junior partner. After the year 1999, the United States will withdraw, but will retain the right to defend the canal indefinitely.

The administration views the canal settlement as a foreign-policy victory, but at this point it is only a partial one. The Panama Canal treaty set up the framework for running the canal through 1999; it was silent on the specifics and legal stipulations that are needed to implement treaty terms.

Under the treaty, Panama grants the United States the right to operate the canal through a U.S. government agency called the Panama Canal Commission. The commission must be created by U.S. law

The administration has prepared and submitted to Congress legislation designed to enable us to fulfill our treaty obligations. Rep. John Murphy (D-N.Y.), chairman of the House Merchant Marine and Fisheries Committee, has submitted alternative legislation. Both bills will do the job, irrespective of important differences in the legislation.

The United States must be prepared for the basic changes that will occur when the Panama Canal Zone ceases to exist and Panama assumes jurisdiction over all of its territory. Unless the new structure is in place, orderly operation of the canal will be imperiled.

If passage of the implementing legislation is unduly delayed, we face serious problems in carrying out our responsibilities. For example, the proposed legislation involves the transfer of more than 3,000 employees to local Department of Defense activities. The size and complexity of this transfer will have a direct impact on the lives of employees and their families. Obviously, such a transfer requires some lead time. Without it, the results would be chaotic for employees, all the federal agencies operating in the area and the new Panama Canal Commission.

As a result, the administration has set a June 1 target date for congressional enactment of the implementing legislation. The longer we delay beyond that date, the more difficult it will become to make a smooth transition in implementing the treaty.

It is obvious and perhaps understandable why some members of Congress are dedicated to fighting the necessary legislation. They see it as an effective method of undercutting a treaty unpopular back home. It also enables them to claim credit for preserving America's dominant position at the canal.

The clock cannot be turned back. Failure to enact the pending legislation undoubtedly would arouse all the animosities that led four successive U.S. presidents to conclude, after the 1964 riots, that the way to keep the canal operating smoothly and dependably was to give Panama a stake in its operation. To renege on our pledges in the treaty would be to destroy all we have gained in terms of our relations not only with Panama but the Western hemisphere by showing we can deal justly and fairly with a small country to remove a major irritant.

It would be a national disservice for Congress to go down this road. We need the legislation, which will enable the United States to continue to run the canal in the future as efficiently as in the past.

We have to create the new Panama Canal Commission and provide for the designation of its principal officers. We need to maintain the services provided our canal work force and provide incentives to keep the canal operating efficiently.

We have an obligation to carry out the treaty. We have an opportunity to make a success of a bi-national operation, and we have a national interest in the continuing operation and security of the canal.●

A TRIBUTE TO MR. ADOLF F. HEINE

HON. DON YOUNG

OF ALASKA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 9, 1979

● Mr. YOUNG of Alaska. Mr. Speaker, I rise to pay tribute to Mr. Adolf F. Heine, a distinguished Alaskan sourdough, who will soon celebrate his 100th birthday.

As an Alaskan pioneer, Mr. Heine prospected for gold near an area that is known today as Heine Creek. The actual origin of the name of the creek is not documented, though I suspect this creek was named after this Alaskan. He received his naturalization papers in Fairbanks in 1912.

Mr. Speaker, I am proud to honor this gentleman, on this special occasion, for he is a symbol of what my great State was built upon. I offer my congratulations to Mr. Heine on his 100th birthday.●

PANAMA'S MULTIMILLION-DOLLAR GUN TRAFFICKING BRINGS CRIMINAL CHARGES IN U.S. COURTS

HON. GEORGE HANSEN

OF IDAHO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 9, 1979

● Mr. HANSEN. Mr. Speaker, the same people who broke the treaty between the United States and the Republic of China on Taiwan now say we must honor the new and yet unimplemented 1977 treaties with Panama.

The Carter administration apparently sees nothing immoral about breaking a treaty with our true and faithful friends in Taipei, but they persist in trying to honor a treaty with the lying and lawless regime in Panama City which calls for a $26 billion payaway of the Panama Canal.

Mr. Speaker, I today charge the Government of Panama and its President, Aristides Royo, with obvious and flagrant violations of the spirit and intent of the Panama Canal Treaties of 1977 and of providing a revolutionary base of operations for terrorizing and overthrowing its neighbor governments of Latin America.

I further charge that this violence and chicanery being practiced by the Government of Panama is known in high circles of the U.S. State Department and the administration and is being suppressed.

The neutrality treaty is already in shambles. There is no way Panama can maintain the Canal in safety and neutrality if they are to also be the largest mainland base for Cuban-style revolutionary foment in the Americas. Retaliation measures will always keep the canal in jeopardy.

Now, Mr. Speaker, my words are strong but my proof is stronger, and it is time to wake up. It is time to identify the Torrijos regime for what it is and call it to accountability—and this can be done today while President Royo is in Washington, D.C.

Mr. Royo and his mentor Torrijos are up to their ears at this very moment in a multimillion-dollar illegal revolutionary gun-trafficking operation which has now been exposed by the U.S. Bureau of Alcohol, Tobacco and Firearms with requests for some five criminal indictments being made before a grand jury today.

Mr. Royo should be called on to immediately account for the actions I am about to outline and the Panama Canal Treaties should be set aside and further implementation halted until Panama can definitely establish that they are a responsible and peaceful nation which will not be using the financial benefits of such treaties to generate revolution and undermine American interests among the nations of Central and South America and the world.

These are the facts. The Panamanian G–2 intelligence has been buying arms in Miami and shipping these clandestinely to the Nicaraguan Frente Sandinista de Liberación Nacional (FSLN), the Cuba-backed terrorists attempting to overthrow the government of President Anastasio Somoza.

According to the Miami Herald (May 2), José A. Pujol, cargo manager for Air Panama, surrendered to authorities on gun-smuggling charges. This followed the filing of an affidavit in Miami Federal court on May 1 by special agent Don Kimbler of the Federal Bureau of Alcohol, Tobacco and Firearms. According to the ATF affidavit, Pujol and Edgardo López, then the consul of Panama in Miami, shipped weapons to "Nicaraguan guerrilla forces" in late 1978. Miami arms dealers reported Pujol as saying he was prepared to place orders valued at $2 million.

On November 10, 1978, ATM agents interviewed Edgardo López, Panamanian G–2 agent and consul in Miami at that time, who admitted to directing seven shipments of arms on official orders of intelligence officers in Panama. Eighteen days later, on November 28, 1978, the U.S. State Department spokesman, Hodding Carter, said the Carter administration had been unable to confirm reports that Cuba and other Latin American governments had been supplying weapons to the Sandinist National Liberation Front.

The Associated Press on May 5, 1979, quoted extensively from an unnamed Nicaraguan official as saying that the Carter administration clearly had full knowledge that Panama was trafficking in arms on behalf of the Sandinistas but had taken no action to alert the Nicaragua Government for fear of placing the Panama Canal treaties in jeopardy.

On February 8, 1979, the Carter administration cut economic aid to Nicaragua and reduced U.S. official presence in the country. Said the official statement:

> We deplore any outbreak of terrorism or violence emanating from whatever source * * * we will continue to work * * * to avoid widening the conflict.

This statement was made with the full knowledge of Panamanian G–2 intelligence purchases and shipments of arms to the Nicaraguan Sandinistas.

On March 13 and 16, 1979, two vans equipped with false compartments were intercepted at Peñas Blancas on the Costa Rica-Nicaragua border by the Nicaraguan National Guard. Seized were 90 M–1 carbines, 49 FAL 7.62 cal rifles and large quantities of ammunition and other materiel. According to Nicaraguan sources, from their serial numbers, 70 M–1 carbines were traced to Universal Arms of Florida and Johnson Arms of New Jersey who manufactured these weapons and had exported them to Caza y Pesca S.A. in Panama, a Panamanian front operated by the Panamanian G–2 intelligence.

According to Nicaraguan intelligence, says the AP May 5 story, Panamanian G–2 agent Carlos Wittgreen was in Miami in February 1979 seeking to purchase 5,000 weapons. Arrested as he was attempting to leave by air with 22 weapons for which no export license had been issued, Wittgreen was suddenly released "on orders from higher up."

On July 15, 1978, continues the AP

story, 750 M–16 automatic weapons were exported to Panama aboard a Panamanian Air Force aircraft, ostensibly for a special 1,000-man military unit being trained in David in northwest Panama, only 80 kilometers from the Costa Rican border. Nicaraguan sources believe these weapons may have been destined for the FSLN terrorists.

A May 2, UPI wire story from Madrid reported Panamanian President Aristedes Royo, on an official visit to Spain, as admitting that a Panamanian brigade is fighting alongside the FSLN Sandinistas in Nacaragua. Said Royo: "This is not official intervention. We just do not stand in its way."

Intelligence reports also show that Panama G–2 intelligence continued to make arms purchases during the first months of 1979.

The Florida action of ATF shows several hundred M–1 carbines involved, some 30 AR–15's, many Winchester 7.42's largely used as sniper-type rifles, a large number of handguns, Browning high powers and Colt Commanders, and thousands of rounds of ammunition.

[From the Miami Herald, May 2, 1979]

ARMS SMUGGLED BY PANAMANIANS, INVESTIGATOR SAYS

(By Joe Crankshaw)

Panamanian intelligence officials directed an airline official and the Panamanian consul in Miami to smuggle arms to the Sandinista guerrillas in Nicaragua, according to an affidavit filed Tuesday in Miami federal court.

The affidavit came to light when Jose A. Pujol, 36, Miami cargo manager for Air Panama, surrendered to authorities on gun-smuggling charges.

Pujol was released on a $25,000 personal surety bond after a brief appearance before U.S. Magistrate Charlene Sorrentino.

According to an affidavit given by Special Agent Donald Kimbler of the federal Bureau of Alcohol, Tobacco and Firearms (ATF), Pujol and then-Miami consul Edgardo Lopez, shipped a number of surplus military-type firearms, ammunition, telescopic sights and pistols to "Nicaraguan guerrilla forces" in late 1978.

Kimbler, who is in charge of the ATF investigation, said in his affidavit, that Pujol acted as the middleman for Lopez in making deals with the Garcia National Gun Shop on SW 22nd Avenue.

Employes of Garcia National Gun Shop are cooperating in the ATF investigation, ATF officials said.

The Kimbler affidavit states that Pujol told Garcia gunshop owners he was prepared to order more than $2 million in arms and ammunition for the guerrilla forces.

When gunshop employes told him he would need an export license to legally move the guns out of the country, Pujol said he would personally put the guns on an airplane without a license, Kimbler said the gunshop employes told him.

Pujol purchased guns—paying cash—on Sept. 20, 29 and Oct. 9, Kimbler said gunshop records show.

Kimbler and other ATF agents placed Pujol under surveillance and on Nov. 7 watched Pujol go into the gunshop, sign orders for the weapons and leave, Kimbler said in his affidavit.

On Nov. 9, the agents watched Pujol go to the Tamiami Gunshop, buy seven pistols and one shotgun and hand them to Jose Antonio Alvarez, another Panamanian airline worker.

Alvarez took the guns to Panama aboard an Air Panama flight, Kimbler swore in the affidavit.

At 2 p.m., Nov. 9, Kimbler and other agents seized the weapons Pujol had purchased Oct. 17, Kimbler said. The Tamiami Gunshop also is cooperating with ATF officials in the investigation.

Employes and owners of both gunshops are reluctant to comment on the gun sales.

"Talk to the federal agent in charge," urged Carlos Garcia, owner of the Garcia National Gunshop. "I don't think that I ever will [talk] because it is not in my interest to do so."

The next day, according to Kimbler's affidavit, he interviewed Lopez and Lopez admitted directing seven arms purchases on orders of intelligence officers in Panama.

The Sandinista guerrillas, who take their name from Gen. Cesar Augusto Sandino who was killed fighting the U.S. Marines in the early 1930's, have had the vocal and material support of the Panamanian government.

Efforts to contact the Panamanian consul in Miami and its embassy in Washington, were unsuccessful Tuesday, because both offices were closed for the Labor Day holiday in that country.

Officials in the Nicaraguan Embassy in Washington said they would have no comment on the matter until they could receive more information.

Panama's strongman, Gen. Omar Torrijos has made no secret of his opposition to the regime of Nicaraguan President Gen. Anastasio Somoza. In January, Carter administration officials had to dissaude Torrijos from sending troops to aid the Sandinista guerrillas.

In March, it was revealed that Hugo Spadafora, Torrijos' vice minister of health, had resigned his post to fight with the Sandinistas against Somoza.●

EPA RUNS AMUCK

HON. ELWOOD HILLIS

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 9, 1979

● Mr. HILLIS. Mr. Speaker, in today's Wall Street Journal. there appears an editorial entitled "EPA Runs Amuck." This editorial should be of interest to every Member, particularly those serving on the Ways and Means Committee, which today begins hearings on the President's windfall profits tax proposal.

There are many examples of which we are all familiar where Federal bureaucracies promulgate expensive regulations that never contribute to the general well-being of anyone. Judging from the Journal's editorial, the new EPA hazardous waste regulations may soon be known as the most expensive and meaningless regulations ever suggested by a Government body.

I hope my colleagues will read the editorial. There will soon come a time when the American people will demand that the Congress instill some reason into EPA's regulations. While I look forward to that day, I do not underestimate the difficulty of the task.

The editorial follows:

EPA RUNS AMUCK

While the President has been being earnest about all those extra profits that price decontrol will bring the oil companies, the Environmental Protection Agency has dreamed up a new series of regulations that would soak up the profits of the entire industry and then some. Declaring drilling muds, oil production brines, and crude oil residue to be "hazardous waste," EPA has proposed regulations that the American Petroleum Institute says will cost $45.5 billion annually.

That amount is two to three times the industry's after-tax profits. It's about twice as great as the industry's 1979 budget for drilling exploration and production of gas and oil. It is $6 billion more than our OPEC bill for 1978. Even if ways are found to reduce the API's estimated costs, the EPA clearly will soak up any "windfall profits," eliminating the need for the tax so eagerly being debated in Congress.

For $45 billion EPA will be buying: (1) analysis of mud composition at drilling sites, (2) two-meter fences, gates, signs and security personnel posted around disposal facilities, (3) quarterly reports on groundwater and leachate, requiring four monitoring wells around each drilling pit area, (4) daily inpection of each disposal facility, (5) monitoring and maintenance of security of drilling muds for 20 years after a production site is closed, (6) and so forth.

The regulations also prohibit drilling and production operations in wetlands (most of the Gulf Coast), active fault zone (California), and "500 year floodplains." In other words, areas known to contain large oil reserves are off-limits under the regulations.

All of this is necessary, EPA says, because it lacks information on waste characteristics of muds and brines, on the degree of environmental hazard posed by disposal and on waste disposal practices and alternatives. The plain fact that we have lived with these wastes for years is apparently irrelevant.

Maybe EPA really can't tell an oil rig from a nuclear reactor. But there are enough economists around who can explain to them the difference between an incentive and a disincentive. Regulation is like a tax, and, thanks to government, neither the oil industry nor the economy is robust enough to absorb $45 billion annually in new taxes. If these regs stick, one dollar a gallon gasoline will rapidly become "the good old days."

Today the economy is struggling to adjust to the higher real price of energy; the EPA regulations would have the same kind of shock-wave effect on energy costs as an OPEC price increase. Surely EPA's proposal is an expensive frivolity. There's already enough being done to drive up energy costs and discourage domestic exploration and production without EPA adding its $45 billion worth.

Perhaps Congress and the President will note that the EPA regs are about to run amuck and preempt the windfall profits tax, thereby depriving them of new revenue. At a time of budget stringency when favorite spending constituencies can't be properly serviced, politicians may put their foot down. Maybe EPA's extravagance will provoke Congress to legislate a regulatory budget limiting the costs agencies can impose on the economy. If so, the new regs proposed by EPA will have served a good purpose.●

PERSONAL EXPLANATION

HON. BILL FRENZEL

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 9, 1979

● Mr. FRENZEL. Mr. Speaker, on Monday, May 8, I was in my district conducting a small business conference and missed four rollcall votes.

Had I been present. I would have voted "no" on rollcall No. 121; "yes" on rollcall No. 122; "yes" on rollcall 123; and "yes" on rollcall No. 124.●

TRIBUTE TO BILLIE S. FARNUM

HON. JAMES J. BLANCHARD

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 9, 1979

● Mr. BLANCHARD. Mr. Speaker, tomorrow evening in Madison Heights, Mich., there will be a testimonial dinner for a former Member of this body and an outstanding public servant, Billie Sunday Farnum.

Billie Farnum has served Michigan ably in a wide range of public positions, including a term in the House of Representatives from 1965 to 1967 as the Congressman from the 19th Congressional District.

At his testimonial dinner, he will be presented a letter of tribute signed by the 13 Democratic members of Michigan's congressional delegation. That particular honor is an especially fitting one, for to many of us, Billie Farnum is a living example of the best tradition of the Democratic Party: the tradition of public service founded on human decency and compassion.

Mr. Speaker, I would like to insert at this point in the RECORD an article which appeared recently in the Royal Oak, Mich., Daily Tribune and which more fully describes Billie Farnum and the work that he has done over the years for the State of Michigan and for his country:

BILLIE FARNUM—"POLITICIAN'S POL"

(By M. J. Matuszewski)

Some fellow Democrats credit Billie Sunday Farnum's survival through more than 40 years in organized labor and government to his political skill.

But Farnum, a Drayton Plains resident whose career spans union halls across Michigan, the State Capitol and Congress, calls it "dumb luck."

Whatever the reason, the 63-year-old secretary of the Michigan Senate has won the respect of political friends and foes. Many consider him the "politician's pol," the nickname for the model politician.

INCLUDES MILLIKEN

They'll gather in Madison Heights on May 10 to honor Farnum at a testimonial dinner at the Retail Store Employees Local 876 at 876 Horace Brown near I-75 and Thirteen-Mile Road. The list of dinner organizers includes the names of Democrats and Republicans including Gov. William G. Milliken.

Looking back on his political Horatio trip through the halls of unions, state government and Congress, Farnum says he never laid down any career plans.

"I just keep working and working and working," he said. "I always believed in doing the best job I could with what I had to do it with."

The oldest of 10 children, Farnum was raised in rural Watrousville, about 20 miles east of Saginaw. He said he worked his way through Vassar High School milking cows.

UNLOADING CRANKSHAFTS

As a 20-year-old veteran of the Civilian Conservation Corps, he got a job in Pontiac unloading 116-pound crankshafts from boxcars for the old Pontiac Motor Company in 1935. There he became involved in the fledgling United Auto Workers.

Farnum tells it this way: "There was this older guy. They fired him because he couldn't keep up with the rest of us. This man had a family and I kept thinking of what would happen to my father and family if he were working here and got fired.

"So I got active and I stayed active."

ORGANIZER, "BODYGUARD"

He became an organizer and a "bodyguard" for UAW chieftains Walter and Victor Reuther. "After they got shot (in the late 1940s'), we used to travel together sometimes, sort of for protection," he said.

He took the plunge into politics in 1951 with an appointment to the Michigan State Fair Commission and a year later became an administrative aide to the late Blair Moody, then a U.S. senator.

He was appointed assistant secretary of state in 1955, deputy secretary of state in 1957, and state auditor general in 1961. A year later, Farnum was elected to a two-year term as auditor general.

JOHNSON COAT-TAILS

Riding Lyndon B. Johnson's presidential landslide in 1964, Farnum went to Congress as the 19th District representative for Northern and Western Oakland.

In 1966, he lost the 19th District seat to Republican Jack H. McDonald in the year of George Romney's gubernatorial landslide, then became deputy chairman of the Democratic National Committee. He also operated a private municipal consulting firm in West Bloomfield.

Farnum wasn't ready to retire from politics. In 1975, under the sponsorship of then-senate majority leader William Fitzgerald, he was named secretary of the Michigan Senate.

"WORKAHOLIC"

Farnum earned a reputation as a success-driven "workaholic" who was unselfish with his time and advice.

In spite of open-heart surgery and recent ill health, members of his staff say he continues to put in long hours.

Says Mary Anne Garlack, who has put in 20 years with the secretary of state's office, "He worked better than three or four people put together. He could be extremely busy and he always had time for you. He was always a hard taskmaster. But you were always glad to do whatever he asked because you knew you were on a winning team."

"POLITICAL GODFATHER"

Richard Cole, a former Fitzgerald aide, said he considers Farnum "a political godfather." For the young politicians who need advice, "Billie was the kind of person you would want," he said.

Farnum's son, Eugene B., director of the senate fiscal agency, said he's no longer surprised to run into strangers who know his father.

There's the invariable compliment or story about his father. "It always happens. I guess they like him. He's had the opportunity to help a lot of people and make a contribution."

HARMONY CREATOR

Farnum carries a reputation in state Democratic circles as a master at creating coalitions and turning dissension into harmony.

"He was able to bring together so many different schools of thought and get them to move in one direction," Mrs. Garlack said.

Cole said Farnum's secret was "involving people at every level, from the union halls to all levels of government."

SENATE REFORMS

State Sen. William Faust (D-Westland), majority floor leader, credits Farnum with several senate reforms. "He helped to open the stodgy, old Senate to public scrutiny (through new rules that opened up financial records). We now have a tighter rein on senate spending. We now have computerized lists for all expenditures, including each senator's office expenses."

The list of organizers of the testimonial also includes Mennen Williams of the Michigan Supreme Court, former-Gov. John B. Swainson, Joe Collins, former-chairman of the Michigan Democratic Party, State Sen. Robert Vanderlaan (R-Kentwood) and Fitzgerald.

800 EXPECTED

They plan to be among the 800 persons expected to attend the dinner.●

THE SOFT DRINK INTERBRAND COMPETITION ACT

HON. LES ASPIN

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 9, 1979

● Mr. ASPIN. Mr. Speaker, I would like to take this opportunity today to speak on behalf of the Soft Drink Interbrand Competition Act (H.R. 3567). I note that in addition to myself, 287 Members have joined in cosponsoring this legislation. Identical legislation has been introduced in the Senate (S. 598), and it is cosponsored by 79 Senators. I am happy to see that the majority of the Members of the House and Senate are supporting this legislation. This certainly is good news for the predominantly small businesses which make up the soft drink industry. Let me dwell a little on the background of this legislation.

Since 1971 the soft drink industry has been in litigation with the Federal Trade Commission over the legality of vertically imposed territorial restrictions in bottlers' trademark licensing agreements. The FTC overturned an Administrative Law Judge's decision, which found these territorial exclusivity provisions to be reasonable in light of the effective interbrand competition in the soft drink industry. The FTC disagreed and differentiated between nonreusable—or premix—containers and returnable bottles. The FTC says that in the case of nonreusable containers the exclusivity provisions are an unreasonable restraint of trade. Territorial restrictions according to the FTC are not unreasonable when it comes to returnable, refillable bottles.

The FTC decision is arbitrary and will have a substantial and harmful impact on the soft drink industry.

First, it will eliminate small, independent bottlers who will not be able to compete with large bottlers. The large bottlers will supply their products directly to chainstore warehouse distribution systems. This will result in sale losses to small bottlers who will be alternately forced out of business, forced to merge with each other or large bottlers, or become distribution arms for large bottlers. Unquestionably, this will result in greater concentration, and as such, higher prices to consumers.

Second, the traditional system of local bottlers having routes serving large and small accounts will disappear because small accounts will generate little profit. Once the small bottler is gone, the large bottler will in all likelihood discontinue deliveries, thereby reducing the availability of soft drinks.

Third, the FTC decision will accelerate the use of nonreturnable containers and

aggravate both the ecological and energy problems. Because large bottlers can only expand their territories in nonreturnables, the most expensive packaging form in terms of consumer and energy costs, they and the chain stores and food brokers with which they will deal will move to exclusive use of one-way containers. This move will be assured by a predictable and short-lived price war favoring such containers. The environmental problems associated with nonreturnables will only be intensified.

Fourth, the FTC's speculations as to consumer savings are unrealistic. Nonreturnable containers are more expensive and an increase in the use of such containers will cause an upward price trend. Small bottlers left with marginal returnable accounts will be forced to raise prices in an effort to survive. A predictable price war among large bottlers to gain lucrative chain store and food broker accounts may exert downward pressure; but such pressure will be short-lived and unlikely to reach the ultimate consumer. I fail to see how a decision leading to greater industrial concentration will, in the long run, help the consumer. Ultimately, there will be virtually no intrabrand competition in price and de facto exclusive territories in nonreturnables will result. Further, because chain stores market their own house brands below nationally known brands, the price savings to the chains as a result of a price war will not result in savings to the consumer. A chain store will not reduce national brands to a point competitive with their own house brands.

The result will certainly be felt within and across the States. In my State, Wisconsin, soft drink sales in 1977 totaled an estimated $213.8 million. The bottlers employed 2,399 persons and had a payroll of $25.5 million. There are 85 plants located in 58 cities throughout the State. Of these 85 plants, 71 employed 50 or fewer employees. The bottlers bought goods and services from other firms estimated at $121.9 million. Soft drink bottlers paid State and local taxes estimated at $3.4 million, not to mention the taxes paid by their employees. These consequences suggest that the FTC complaint is not to be taken lightly. The loss of jobs, the loss of revenue in terms of State and local taxes, and the fate of the 71 small bottlers within my State give me the utmost concern. These people's stakes, added to the industrial effects on our economy make H.R. 3567 a matter which we should give our deliberate attention.

The soft drink industry neither requests nor requires an exemption from the antitrust laws. The legislation sets a standard applicable to the soft drink industry under which a determination of substantial and effective interbrand competition would prevent exclusive territorial licensing agreements from being found in violation of the antitrust laws. Further, the legislation would provide that because the soft drink industry has existed in the same form for 75 years, an existing trademark licensing agreement may not be subject to treble damage actions under the antitrust laws until there has been a determination that such agreement is unlawful because no interbrand competition exists.

The need for congressional action is clear regardless of the outcome of the pending litigation. Since 1971 small bottlers have been subjected to 8 years of uncertainty. They face loss of property and investment, and certainly are reluctant to risk further capital to replace existing equipment or expand operations. This uncertainty has already prompted some small businesses to sell out their small bottling plants to large bottlers, again increasing concentration. The FTC decision will eliminate a competitive system replacing it with a system featuring large economic units with very questionable benefit to the consumer and our economy. The need for legislation to create an antitrust standard that will recognize the procompetitive aspects of a contractual relationship almost a century old is imperative. It hardly seems likely that the probable destruction of a small-business-oriented industry will be determined by the Congress to benefit public economic policy.●

HORATIO THOMPSON—1979 FREE ENTERPRISER OF THE YEAR

HON. W. HENSON MOORE

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 9, 1979

● Mr. MOORE. Mr. Speaker, as I have indicated in earlier remarks, the week of January 22–27, 1979, was celebrated as the second annual Free Enterprise Week in the Sixth Congressional District of Louisiana.

As part of the week's activities, a local businessperson was selected to receive a Free Enterpriser of the Year Award.

The selection process included requesting nominations from chambers of commerce, trade and professional organizations, civic clubs, and citizens of the Sixth District. The nominations were reviewed by an independent selection committee which chose the individual to be honored with the Free Enterpriser Award for 1979.

The qualifications for the award were general and flexible, but included emphasis on the fact that we were looking for a small businessperson who had started with little and built a successful business as a result of the hard work, determination, and the opportunity allowed by our free enterprise system.

In other words, we were looking for an example of the typical American success story that is a living demonstration that the free enterprise system works.

The recipient of the 1979 Free Enterpriser Award is a classic example of such a rags-to-riches success story: Mr. Horatio Thompson of Baton Rouge.

Mr. Thompson is the president of the Horatio Thompson Realty Co., and the Horatio Thompson Investment Co. He is a very respected member of the Baton Rouge business community whose story of success should be an inspiration to all of us.

Mr. Thompson entered the world of business in 1933 when he was a freshman at Southern University, then an all-black teachers college.

To earn the money to support his college education, he bought a used 1929 Model A Ford and began a one-man taxi company, a business he operated out of his college dormitory.

In the 1930's Southern had no business school so our free enterpriser learned the fundamentals of business management from library books. Accounting, marketing, bookkeeping were all self-taught, and studied in addition to his regular education courses.

In 1937, Mr. Thompson graduated from Southern University with a degree in education. Although he was offered a job as the principal of a high school, he decided to turn that offer down and continue to run his own business.

After graduation he needed a new base of operation for his taxi business. He spotted a closed Esso gas station in Baton Rouge and arranged to open the station which he also ran as a one-man operation.

Over a number of years of hard work, sacrifice, and perseverance the one-man taxi company gradually grew into a company of five cabs with several employees.

The year 1950 marked a turning point for Mr. Thompson because it was during that year that he decided to sell his taxi company and begin an auto parts business.

An interesting thing about free enterprise is that as one person becomes successful, others benefit too.

When our free enterpriser sold his five cabs to open the auto parts business, he sold them to the drivers who had worked for him. Because of one success story, others were able to realize their dream of owning their own businesses.

Further, as the auto parts business grew and became successful, Mr. Thompson moved on to other businesses and, in turn, sold this auto parts business to former employees.

A person who owns a business in a community is also a person who is concerned about that community, and devoted to its improvement. Mr. Thompson is no exception; he has a record of community service which dates back to his earliest days in business.

He has been a member of St. Michael's Episcopal Church for 30 years and in that time has has held six different church offices.

Since 1954 he has worked with the capitol area United Way, serving in a number of capacities including vice president and director.

A member of four different human relations groups in Baton Rouge, Mr. Thompson is one of the most prominent members of our black community. Also, he has a long and distinguished history of service to his alma mater—Southern University.

This success did not come easily to Mr. Thompson. He earned his success and risked the security to a good position in education position to stay in business after college.

The free enterprise system does not guarantee success, but it does reward those who develop new products and services to meet the needs of our people.

Mr. Thompson is a source of pride and admiration for all who know him and believe in free enterprise.●

UDALL-ANDERSON SUBSTITUTE SUPPORTED BY NATIONAL WILDLIFE FEDERATION

HON. MORRIS K. UDALL

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 9, 1979

● Mr. UDALL. Mr. Speaker, as the House nears the time of decision on the fate of Alaska's magnificent wildlands, I think it is important to share with all Members a portion of the many letters and telegrams the National Wildlife Federation has received from its affiliated organizations throughout the Nation on the Alaska lands legislation. The National Wildlife Federation, with nearly 4 million members nationwide, is a nonprofit conservation education organization dedicated to the wise use and proper management and conservation of our natural resources. They, along with literally thousands of other conservation and outdoor groups throughout the United States, have strongly endorsed the Udall-Anderson substitute as the only conservation bill for Alaska. Enclosed are the texts of a variety of letters and telegrams sent to Mr. Thomas L. Kimball, executive vice president of the Federation, in support of the Udall-Anderson substitute:

Nebraska Wildlife Federation supports National Wildlife Federation's position on Alaska and Udall-Anderson bill. Udall bill is not anti-hunting.

CONSTANCE M. BOWEN,
Executive Director,
Nebraska Wildlife Federation.

New Hampshire Wildlife Federation, State affiliate of the National Wildlife Federation, gives strong support to Udall-Anderson bill. Sportsmen and others depend on unspoiled wildlife habitat. Only Udall-Anderson will adequately protect prime habitat in Alaska—also gives best protection to States right to manage resident wildlife.

Prof. JOE EZYK,
President, New Hampshire Wildlife Federation.

Massachusetts Wildlife Federation, National Wildlife Federation's State affiliate, strongly supports Udall-Anderson Alaska Lands bill and would like to see its speedy passage.

KALIL BOGHDAN,
President,
Massachusetts Wildlife Federation.

The Environment Council of Rhode Island, affiliate of the National Wildlife Federation, strongly supports Udall-Anderson bill. This bill is the only one which balances recreation and development interests. Other bills are mecca for development interests.

DR. ALFRED HAWKES,
Affiliate Representative,
Environment Council of Rhode Island.

Udall-Anderson bill protects vital wildlife habitat for sportsmen and all who enjoy outdoor recreation. Other bills favor mining and other development interests. Connecticut Wildlife Federation, affiliate of the National Wildlife Federation, urges you to support Udall-Anderson.

JOHN REILLY,
President,
Connecticut Wildlife Federation.

The following message telegraphed to the Arkansas Congressional delegation:

"The Arkansas Wildlife Federation has given its full support to preservation of Alaska's wildlands and is in full accord with the recommendations made by the Coalition of Conservation Organizations and the National Wildlife Federation. It wishes to assert its full support for the Udall-Anderson bill concerned with the disposition of Alaska's lands which is now pending before the Congress of the United States."

NESBIT BOWERS,
President, Arkansas Wildlife Federation.

Idaho Wildlife Federation supports Udall-Anderson as sound wildlife management and hunting bill.

WILLIAM R. MEINERS,
Idaho Wildlife Federation.

Due to further information and examination of the Breaux-Dingell bill and the Anderson-Udall bill, the West Virginia Wildlife Federation, Inc., has hereby discontinued our support of the Breaux-Dingell bill. Therefore, we are urging your support of the Anderson-Udall bill. Thank you.

Sincerely,

EDWIN CRITES,
President, Buckhannon, W. Va.

Maine Natural Resources Council, State affiliate of the National Wildlife Federation, urges passage of Udall-Anderson bill, which is the only bill to adequately protect the interests of sportsmen and other outdoor recreationists.

ROBERT GARDINER,
Executive Director,
Maine Natural Resources Council.

Vermont Natural Resources Council, affiliate of the National Wildlife Federation, fully supports Udall-Anderson bill. We are shocked that other bills being promoted would open wildlife refuges and other outstanding wildlife habitat to hard rock mining and other development.

SEWARD WEBER,
Executive Director,
Vermont Natural Resources Council.

California Natural Resources Federation strongly supports its parent group, National Wildlife Federation, in seeking passage of Udall-Anderson version of Alaska Lands bill. This is the only Alaska Lands bill which protects the public's interest. We strongly urge you support Udall-Anderson on the floor.

VERNON J. SMITH,
Affiliate Representative, CNRF.●

FEDERAL AUTOMOBILE MILEAGE REDUCTION ACT OF 1979

HON. GLENN M. ANDERSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 9, 1979

● Mr. ANDERSON of California. Mr. Speaker, no one will now deny our Nation is in the midst of a serious energy crisis. Gasoline is now being rationed in my own district, on an odd/even day gas rationing program. Unfortunately, one of the reasons this drastic measure was needed was the increased number of miles driven weekly above the same period last year.

The President has asked all of us to reduce the use of our cars by 15 miles per week. I believe the Federal Government must lead the way by setting an example.

Therefore, today I introduced the Federal Automobile Mileage Reduction Act of 1979. This legislation instructs the President to reduce the motor vehicle mileage of all Federal agencies by 10 percent, phased in over 4 years. This bill calls for a 6-percent cut in fiscal year 1980, equivalent to 15 miles per week per car, a 2-percent cut in fiscal year 1981, and a 1-percent reduction in fiscal years 1982 and 1983.

The intent of Congress in 1975 when we mandated increased Federal automobile mileage standards was to decrease the amount of gasoline the Federal Government was consuming. Unfortunately, as often happens, the bureaucracy did not follow the intent of the law. From 1976 to 1977 the total miles driven by the Federal automotive fleet increased 5.1 percent, and the total gallons of fuel consumed increased 8 percent. This must be stopped.

The President has asked Federal agencies to reduce their fuel consumption by 10 percent. I applaud the President for this action, but I believe a stronger step must be taken. When you consider that new cars purchased by the Federal Government in 1985 will get much better mileage than those bought this year, and will need 31 percent less gas, the Federal Government can drive more miles than ever before and still meet the requested 10 percent fuel reduction.

This bill also contains a provision which directs the President to promote the use of gasohol in Federal vehicles wherever it is possible. This could result in an additional reduction of gasoline consumed by the Federal automotive fleet by as much as 10 percent.

The Federal Government drives over 3 billion miles annually. This bill will help reduce needless Federal driving, reduce our gasoline consumption, but most of all it will have us in the Federal Government set an example for the rest of the Nation to follow:

Mr. Speaker, I would like to invite my colleagues to cosponsor this legislation. If you have any questions or would like to add your name as a cosponsor, please call my legislative assistant, John Cullather, at 56676.

The material follows:

H.R. 4027

A bill to reduce the annual automotive mileage and fuel consumed by Federal agencies.

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 "Federal Automobile Mileage Reduction Act of 1979".

STATEMENT OF PURPOSE

SEC. 2. The purpose of this Act is to reduce the annual automotive mileage and fuel consumed by Executive agencies.

SEC. 3. For purposes of this Act—

(1) The term "automobile" means any vehicle which has 4 or more wheels, pro-

pelled by fuel, and which is manufactured primarily for use on public streets, roads, and highways (except any vehicle operated on rail or rails).

(2) The term "fuel" means gasoline and diesel oil. The President may include any other liquid fuel or gaseous fuel within the meaning of the term "fuel" if he determines that such inclusion is consistent with the need to conserve energy.

(3)(A) The term "base period automobile usage" means, with respect to any Executive agency in existence on September 30, 1977, the aggregate number of miles traveled by automobiles owned, or leased for more than six months, by that agency during the fiscal year ending September 30, 1978.

(B) In the case of any agency which was not in existence on September 30, 1977, such term means the aggregate number of miles which the President determines would have been traveled by automobiles owned, or leased for more than six months, by that agency if the agency has been in existence on that date, taking into account the automobile usage attributable to functions transferred to or vested in that agency.

(C) The base period automobile usage for any agency shall be adjusted by the President for changes in functions or levels of workload occurring after September 30, 1978; except that the aggregate of the base period automobile usage for all agencies at any time may not exceed the aggregate of all Executive agencies for the fiscal year ending September 30, 1978.

(4) The term "Executive agency" has the meaning given such term in section 105 of title 5, United States Code, except that it shall include the United States Postal Service and the Postal Rate Commission.

LIMITATION ON AUTOMOBILE TRAVEL

SEC. 4. (a) The President shall provide that the aggregate miles travelled by automobiles owned, or leased for more than six months, by any Federal agency in each fiscal year beginning after September 30, 1979, shall be equal to or less than that agency's base period automobile usage reduced as provided in subsection (b).

(b)(1) In the case of any fiscal year beginning after September 30, 1979, and before October 1, 1993, the reduction in each Executive agency's base period automobile usage shall be determined under the following table:

For the fiscal year ending:	The base period automobile usage shall be reduced by
September 30, 1980	6%
September 30, 1981	8%
September 30, 1982	9%
September 30, 1983	10%
September 30, 1984, and thereafter through September 30, 1993	11% plus 1% point for each fiscal year after 1984

(2) In the case of any fiscal year beginning after September 30, 1993, each Executive agency's base period automobile usage shall be reduced by 20 percent, plus such additional amount as the President determines possible without adversely affecting the capability of that agency in carrying out its functions.

(c) In addition to the preceding requirements of this section, the President shall provide—

(1) that the travel by each Executive agency involving the reimbursement for use of employee-owned automobiles or the rental, or lease for periods less than 6 months, of automobiles does not exceed the travel by that agency involving such reimbursement, rental, or lease which occurred during the fiscal year ending September 30, 1978, or if the agency was not in existence on September 30, 1977, which the President determined would have occurred if it were in existence that year.

EXEMPTIONS

SEC. 5. (a) The President may exempt the travel of any automobile or automobiles of an Executive agency during any national emergency or disaster to the extent necessary to respond to that emergency.

(b) The President may exempt automobiles owned or leased by the United States Postal Service to the extent he considers such exemption necessary in order for the Postal Service to effectively carry out its responsibilities.

(c) After September 30, 1983, the President may exempt for one year any Executive agency, to the extent he considers such exemption necessary in order for such agency to effectively carry out its responsibilities. No exemption under this subsection may permit an Executive agency's automobile usage to increase in any fiscal year over the mileage limitation for the preceding fiscal year applicable to that agency (determined without regard to this section).

(d) The President shall transmit to each house of the Congress a written report not later than 60 days after an exemption has been made under this section (excluding Saturdays, Sundays, and legal holidays in the District of Columbia).

GASOHOL USAGE

SEC. 6. The President shall promote the use of gasohol in automobile owned or operated by Executive agencies.●

OIL COMPANIES SEEK TO RESTRAIN THIRD WORLD OIL PRODUCTION

HON. JOHN CONYERS, JR.

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 9, 1979

● Mr. CONYERS. Mr. Speaker, presently the United States is importing in excess of 8 million barrels of crude oil and petroleum products daily, which represents about 44 percent of domestic use. In 1978 these imports cost $43 billion; in 1979 the price tag is expected to rise to the neighborhood of $55 billion. Current energy policy has failed largely because it has not found a way to deal with, and curb, the cost of imported oil, particularly the pricing actions of the OPEC cartel, which, in effect, have eliminated the ceiling on the world price for oil.

The existing oil import system, controlled by a handful of the biggest multinational oil corporations, goes a long way toward explaining the failure of our energy policy. The entire system is geared toward increases in the volume of imported oil; increases in the price of imported oil and, because of decontrol, in the price of domestic oil as well; restraint on the proliferation of oil sources, particularly in Third World countries that have nationalized industries and, therefore, on new future oil production; and maintenance of the privileged access to oil markets that the big oil companies have cultivated over a number of decades. To protect their special access to oil sources, especially the OPEC producers, these companies purchase imported oil at whatever prices the oil-producing countries charge and basically in whatever amounts they determine.

They have no incentive to shop around for the lowest prices, or to expand sources of supply, particularly among non-OPEC countries, or to limit the amount of imports, since the price of the domestic oil they control and the value of the tax breaks they enjoy increase, as the price and volume of imports climbs. The United States has become the captive, in effect, of an oil import system that works to increase, rather than lessen, dependence on other countries' energy sources; and that aggravates rather than diminishes the balance-of-payments deficit and the crippling inflation that results.

The following article in the Washington Post (May 6, 1979), entitled, "Tycoons and Developers Quarrel over Third World's Oil," authored by J. P. Smith, spells out the causes and consequences of this system, that could not have been better arranged to promote the profits of the oil companies, at the expense of the national interests of the American people. Among the revelations is the following: an Exxon executive confirms that while it may be to the interest of the country to support new oil exploration and production, outside of the major oil-producing countries, it is certainly to the disadvantage of the international oil companies, whose present control and competitive position would be jeopardized.

I urge my colleagues to read this article, and judge for themselves whether the present oil import system ought not to be reformed. To that end, on April 10, 1979 Representatives BENJAMIN ROSENTHAL, CHARLES ROSE, and myself introduced the Oil Imports Act of 1979 (H.R. 3604), that establishes through a Federal nonprofit oil-purchasing corporation the very mechanisms through which the existing system can be transformed. The article follows:

TYCOONS AND DEVELOPERS QUARREL OVER THIRD WORLD'S OIL

(By J. P. Smith)

The prospect of a vast and untapped global supply of oil beyond the control of the existing energy cartel is casting a powerful lure in such staid institutions as the World Bank, the United Nations and the U.S. Treasury Department.

This new hope centers on the oil-producing potential in the undrilled regions of Africa, Latin America and Asia.

Already the World Bank has embarked on a $3 billion funding program in these regions which its energy experts believe could raise world production by 6 million barrels a day, the equivalent of Iran's production before the coup.

All this would seem to fit the prescription written five years ago for the United States and other industrial nations when crude oil prices quadrupled against a background of shrinking reserves. What could better fit the bill than a new and globally diversified supply base for the world's crude oil consumers?

There are already strong stirrings of discord among big oil, the Carter administration and the World Bank over the exploration-financing program as well as the share of the international oil companies in tapping the new supply source.

In January the chairman of the world's largest oil company, Exxon's Clifton Garvin, privately called on Treasury Secretary W. Michael Blumenthal to urge that the bank's

program for the non-OPEC countries be abandoned.

He told Blumenthal that such programs of exploration for oil and gas are "inherently risky" and "ill-suited to bank lending." Should the World Bank wish to go forward nonetheless, Garvin told the treasury secretary, it should insure that drilling opportunities were "first offered to industry on reasonable terms." Blumenthal serves as a U.S. director of the international lending organization.

World Bank and Carter administration officials were surprised at Garvin's plea.

Promise of new Third-World oil coming into world markets also means downward pressure on prices, and undercutting the OPEC grip.

Blumenthal did not follow Garvin's advice and the bank program, earlier endorsed by the Bonn Summit, was approved.

What was curious about Garvin's argument, however, is that two-months later Exxon took a different tack. In an announcement that sent tremors through international oil circles, Exxon said it would no longer be selling crude oil to European and Japanese companies in the 1980's. Supplies then would be too tight, Exxon said.

This episode illustrates vividly the most compelling energy question facing the nation: can we avert a world oil shortage by developing oil resources outside of OPEC? And, if possible, will it be with or without the major oil companies?

The outlines of an answer are entwined in the explanations of why Exxon would be discouraging future oil production, while at the same time planning future cutoffs in its oil sales—paths that appear contradictory.

William Slick, an Exxon vice president, explains: "We're not against oil development . . . we're against loaning money through the World Bank to national companies that compete against our private companies."

A sterner assessment of Exxon's motives is offered in a February Congressional Budget Office report: "Guaranteed loans from the World Bank and other sources can only damage further the competitive position of the international oil companies," the CBO said.

Does this mean that the world must forgo added oil production unless the major oil companies do it? Blumenthal answered no.

Still other questions remain, however. Do companies like Exxon and the other majors have a continual incentive to seek new oil production? On this point, the CBO study, "A Strategy for Oil Proliferation: Expediting Petroleum Exploration and Production in Non-OPEC Developing Countries," suggests that the answer may also be no.

The CBO says there are two reasons why "the companies might deliberately ignore prospects" for oil production in developing countries. "By restraining supplies prices are kept high" and "the companies see their futures as marketers for OPEC and do not want to jeopardize their status by negotiations with potential competitors."

CBO's suggestion is reinforced by a disclosure Exxon made at a Senate Foreign Relations subcommittee hearing several years ago. Asked by Sen. Charles H. Percy (R-Ill.) why Exxon did not develop what company geologists suspected could be 10 billion barrels of oil reserves in Oman, Exxon executive Howard Page said, "I might put some money in it if I was sure we weren't going to get some oil, but not if we were going to get oil because we are liable to lose the Aramco concession."

Aramco, the Arabian American Oil Co., is made up of Exxon, Mobil, Standard Oil of California and Texaco, and produces most of Saudi Arabia's oil. Page, in other words, said Exxon did not want to increase oil production if it jeopardized relations with the Saudis, or forced a reduction in Saudi oil production.

There are occasions then—if the CBO is right—when the major oil companies could act, either consciously or inadvertently, as obstacles to increasing oil production and finding new oil supplies.

If the suggestions posed by CBO and the incident cited by Page are correct, oil companies are not likely to develop new supplies that would threaten their market shares or profit margins.

Setting aside the issue of the companies' role, the great challenge confronting the world, if Energy Secretary James R. Schlesinger Jr's warnings of a 1980s oil squeeze are correct, is how to increase non-OPEC oil production.

Garvin's letter added still another argument why the United States should oppose the bank program. "Industry activity in these [non-OPEC] countries has been extensive," Garvin wrote.

World Bank officials and the U.S. Geological Survey's Bernardo Grossling dispute this, contending that the Third World countries today are still largely unexplored frontiers with enormous prospects for new oil and natural gas discoveries.

Among their arguments:

There are better prospects for major oil discoveries in the non-OPEC developing countries than in the United States and other industrial states, according to the World Bank. Grossling says that over the last three decades, the oil discovered per well drilled in the United States averaged 15, 20 and 30 barrels per foot drilled.

In Western Europe, including the North Sea, it has averaged 50, 60 and 80 barrels a foot.

In Latin America, even excluding oil-rich Mexico, it has been 100 to 200 barrels. And in Africa, it has been a staggering 500 to 1,000 barrels found for every foot of exploratory drilling.

The non-OPEC Third World countries have had little exploratory drilling. The United States, on the other hand, with 6 percent of the prospective drilling area, has been the center of two-thirds of the world's oil drilling.

As for the rest of the world? There are twice as many oil wells in Kansas as in all of Latin America, and three times as many wells in Arkansas as in all of Africa.

Despite the 5-fold increase in world oil prices since 1973, trends for seismic work and exploratory drilling have remained nearly level or have declined. From 1973 to 1976, exploratory drilling in non-OPEC Latin America dropped from 9.1 wells per 100 square miles to 8.5.

During the same years in non-OPEC Africa, the drilling rates remained at 2.8 wells per 100 square miles of prospective areas.

"The bulk of the drilling has been done mostly in the United States, followed by Canada and Mexico, since the embargo," Grossling says, adding that "The OPEC countries' [drilling activities] are also way down."

Grossling concludes that the drop in exploratory works "has nothing to do with geology."

Still other reasons are offered why major oil companies have not explored as widely in the non-OPEC nations.

William Lane, head of DOE's Office of Competition, says "There has been a significant market failure, the laissez faire system the companies operated under has broken down." New mechanisms and new assurances are needed, Lane says, for moving private investment into oil exploration where it is needed overseas.

Lane's view is shared in part by Lehman Bros.' Martin Roberts, who talks about the "great structural changes" in world oil markets over the last 25 years. Roberts points out that today more than 60 national oil companies control about 80 percent of the world's oil reserves, versus 20 percent two decades ago.

The rise of OPEC's power and economic nationalism are other factors. Even then, major oil companies are also exposed to unexpected risks abroad. One major, for example, recently found oil in the Cameroons, only to learn afterwards that the Yaunde government changed the terms of their original agreement once they knew oil was found.

Efrian Friedman, head of the World Bank energy program, said in a recent interview, "Our diagnosis that there was a problem with exploration has been correct." To turn that around, the Chilean scientist says, "The main thrust of our program has been to facilitate the access of the oil industry to the developing world."

This means not only insuring that the host countries have equitable agreements with the oil companies, but also identifying energy projects the bank can provide seed money for.

Loans have been made to India, Thailand and Pakistan, and nearly 15 other countries have expressed interest in projects ranging from oil exploration to production.

Equally important, the bank has taken on the role of "honest broker" in negotiations between Gulf Oil and Pakistan, a deal concluded satisfactory to both parties, and has been approached to help in other negotiations.

Knowledgeable sources also say that since the bank program was approved a number of companies have asked the bank to help gain access to countries that have resisted negotiating with majors.

"The thinking in the industry is changing very fast," Friedman says.

How fast that thinking changes likely will determine the outcome of the world energy production over the next years.●

PRAISE FOR PRESIDENT CARTER'S BREEDER REACTOR POSITION

HON. GEORGE E. BROWN, JR.

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 9, 1979

● Mr. BROWN of California. Mr. Speaker, President Carter is being hit from both sides on most of his important energy policy recommendations, which reflects the divisions in our society over these various energy policies.

One position that President Carter has consistently taken since becoming President, and before, is his position in regard to breeder reactor research, development, and demonstration.

As most Members are aware, the most controversial aspect of the President's policy is his decision to terminate the Clinch River breeder reactor project. The Congress has not gone along with this recommendation in the past, and the President has been unable to negotiate an acceptable compromise. As one who has been closely involved with the Clinch River breeder reactor fight, I am quite supportive of the efforts of President Carter to resolve this matter. I hope my colleagues will join me on the House floor in reversing the recent vote of the House Committee on Science and Technology, which rejected all efforts at compromise.

The Los Angeles Times has been a careful chronicler of this dispute, and a

responsible voice on the nuclear question in general. I would like to bring to my colleagues' attention their most recent editorial on the Clinch River breeder reactor, which properly praises President Carter.

The article follows:

[From the Los Angeles Times, May 9, 1979]

CARTER IN THE CLINCH

President Carter has sent word to Capitol Hill that he will continue to fight any further work on the construction of a breeder-reactor demonstration plant.

His position, according to an internal White House memorandum disclosed in The Times last week, has not changed. He believes that any breeder built with the relatively crude technology now available would be a waste of money and a threat to his campaign to curb the growth in the world supply of weapons-grade plutonium.

A breeder reactor takes its name from the fact that it "breeds" plutonium as part of the proces of using uranium fuel to generate electricity.

Carter's resistance to a breeder, on which work already has begun in Clinch River, Tenn., will not sit well with Congress, which wants the $2.2 billion breeder badly, but he is right to hold out.

His position is even more commendable with the hindsight of the nuclear power plant accident at Three Mile Island that occurred some days after Carter advised his staff privately that he would not budge on the breeder.

Three Mile Island was a clear warning that there are problems of design and operation still to be worked out on light water reactors. A breeder represents a step upward in complexity from conventional reactors roughly similar to that from a Piper Cub to a space capsule.

Carter made his intentions known with his reaction to a staff paper in which his domestic advisers urged him to keep peace with Congress by promising an even bigger breeder demonstration soon if Congress would drop its plans for Clinch River.

Across the bottom of the memorandum he wrote: "I would rather go down swinging. A large breeder in the near future is a waste of money."

In ruling out the breeder, Carter sided with his National Security Council and others. Their advice was that he could cripple his campaign to persuade other nuclear nations to hold down, perhaps even reduce, the world stock of plutonium if he showed the slightest interest in a technology that would add to the plutonium stock in his own country.

In resisting Clinch River, Carter did not slam the door on all breeder technology, but only on that now easily available. In a letter to congressional leaders, he said the United States should "pursue a vigorous program of breeder-reactor research and development so that this option can be commercially available to us if and when we need it."

That is far short of what Congress wants, but Carter is right to stop his promise at research. In view of the many questions about breeder technology—ranging from those of domestic health and safety to those of world stability—he is on the right course.●

SHOULD HIPPOCRATES SHRUG—REGULATORY POWERS OF FTC

HON. BILL ARCHER

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 9, 1979

● Mr. ARCHER. Mr. Speaker, the following is an address by a friend and constituent of mine from Houston, Dr. Whitney G. Sampson, president of the American Association of Ophthalmology. His remarks were made in address to the Washington State Academy of Ophthalmology and raise several valid points about the regulatory powers of the FTC which I would like to commend to the attention of my colleagues:

ADDRESS BY DR. WHITNEY G. SAMPSON

PROLOGUE

A specter is haunting the practice of medicine! The specter of its emasculation as a noble and honorable profession by powerful and unrelenting governmental and private forces.

How is such a specter possible in a free society where everyone is supposedly granted the right to life, liberty and the pursuit of his trade or profession, free from the authoritarian forces of government?

Jan Kozak, formerly a member of the Secretariat of the Community Party of Czechoslovakia, published a pamphlet[1] in 1957 in which he codified the basic and classic techniques of graceful, unsensational, non-revolutionary metamorphosis of a democratic and representative society into a socialist state by parliamentary and regulatory methods.

Impossible? Platitudes? Let's review very briefly Kozak's premises and see if they don't start to ring a few bells! Paraphrasing appropriately for relevance to the theme of this presentation:

"A piece of enabling legislation is adopted to remedy some easily discoverable public concern. A new agency is created—or an old one is given expanded authority; and once established follows normal agency procedure and behavior.

"The public's need for remedial action becomes more precisely defined over a time span (months, years, and even generations). Increased authority is granted periodically in response to organized pressures, both artificial and real and from both above and below.

"All in good time, a new authority is there, self-contained; and a new instrument of power has arisen, sufficient unto itself. By such parliamentary means, a democratic and representative government can be made authoritarian, legally and piece-by-piece.

"The individual, who one year is free and independent, is next year just a little more restricted—then a little more—and a little more. Suddenly, overnight, he no longer is an individual. He is a cog, being moved inexorably by the monolithic machinery of the state!

"And not a shot is fired!"

PUBLIC'S NEED FOR REMEDIAL ACTION

In order to apply the relevance of this concept to the problems facing all professionals today—especially physicians—let's turn the clock back a bit and review some happenings during the past few years that are of grave concern as we look to the future.

On July 2nd, 1890, the Sherman Anti-Trust Act was signed into law by President Benjamin Harrison. This bill was enacted to remedy (Kozak's) "easily discoverable public concern" over the huge monopolies that were developing at the turn of the century, and allegedly, were driving the small businessman out of the market due to unfair business practices, price-fixing and an assortment of supposedly amoral activities.

The Sherman Act got perhaps its biggest boost into the arena of Big-Brotherism during the "Trust-Busting" administration of President Theodore "Square-Deal" Roosevelt (1902–08)—who felt that, "The captains of industry . . . should not have their activities prohibited, but rather supervised and, within reasonable limits, controlled!" During Roosevelt's administration, 44 suits were filed by the government under the Sherman Act.

In the beginning, the Sherman Act, which essentially proscribes personal, contractual and corporate activity (conspiracies) in restraint of trade or commerce, and in the fostering of monopolies of trade or commerce, provided that, if convicted, the defandant was guilty only of a "misdemeanor"—and therefore subject to not more than a year of imprisonment or a fine of not more than $5,000 dollars, or "both", in the discretion of the court.

However, as the result of (Kozak's), "increased authority requested continually and granted in response to organized pressures", today (1979), if convicted a defendant, "shall be deemed guilty of a felony", and on conviction thereof, shall be punished by a fine not exceeding one million dollars if a corporation, and if an individual, one hundred thousand dollars or by imprisonment not exceeding three years, or by both said punishments, in the discretion of the court. (PL 93–528—1974 Amendment signed into law by President Gerald R. Ford).

In commenting upon the serious ramifications of the Sherman Act, the well-known author Ayn Rand—from whose classic "Atlas Shrugged" the title of this presentation is borrowed respectfully—proffered the following remarks in an article published in 1962.[2]

"If I were asked to choose the date which marks the turning point on the road to the ultimate destruction of American industry, and the most infamous piece of legislation in American history, I would choose July 2nd, 1890—the date of approval of the Sherman Anti-Trust Act—which began that grotesque, irrational, malignant growth of unenforceable, incompliable, unjudicable contradictions known as the anti-trust laws."

As Miss Rand points to further, although "Restraint of Trade" is the essence of anti-trust activities, no exact definition of what constitutes "Restraint of Trade" can be given. The courts in the U.S. have been engaged since 1890 in deciding case-by-case exactly what the law proscribes; and no broad definition can unlock with any reality the exact meaning of the anti-trust statutes.

"This means that a businessman has to live under the threat of a sudden, unpredictable disaster, taking the risk of losing everything he owns or being sentenced to jail, with his career, his reputation, his property, his fortune—the achievement of his whole lifetime—left to the mercy of any ambitious young bureaucrat, who for any reason, public or private, may choose to initiate proceedings against him."

Another serious hazard existing in the remedial provisions of the anti-trust statutes is the possibility of treble damage suits, which may be retroactive. Firms and individuals which run afoul of the anti-trust laws are exposed to such suits, in addition to any fines and imprisonment levied by the government, even though their offense was a course of action or conduct that "everyone" considered to be quite legal at the time—as well as ethical; however, a subsequent re-interpretation of the law declared it to be illegal.

This is an example of "retroactive" (ex post facto) law, and although such laws are forbidden specifically by the U.S. Constitution, they exist unequivocally in the form of the Sherman Act and its multiple amendments since 1890.

To complete the relevant history pertinent to the theme of this presentation, in 1914 during the administration of Woodrow Wilson, (Kozak's) "the public's need for reme-

[1] Kozak, Jan: "How Parliament Can Plan A Revolutionary Part In The Transition To Socialism," and the "Role of the Popular Masses," American Edition, published by the Long House, Inc., New Canaan, Connecticut, 1962.

[2] Rand, Ayn: "America's Persecuted Minority—Big Business", Published by Nathaniel Branden Institute, New York, 1962.

dial action becoming more precisely defined" culminated in the creation of the Federal Trade Commission to help "police" industry and stop abuses and "unfair trade practices." The "FTC" was empowered with investigative enforcement authority to issue "cease-and-desist" orders against all trade practices which it considered to affect "commerce" adversely.

However, for many years the FTC languished ineffectively in the anti-trust arena since its true enforcement powers were weak and its staff was lacking in both manpower and fiscal appropriations to handle adequately (Kozak's) "the public's need for remedial action."

AN AUTHORITY IS THERE

Borrowing on Miss Rand's format, if the author (WGS) were asked to choose the year and events that mark the turning point on the road to the potential demise of all professionalism—and especially the profession of Medicine—I would choose the year 1975: and I would cite the following landmark events in support of this thesis:

A. Magnuson-Moss Act (PL 93-637)—Signed into law by President Gerald R. Ford on January 4th, 1975 (the same day as PL 93-641!). This bill amended the Federal Trade Commission Act by granting to the FTC broader rule-making authority—including the implied power to preempt any and all conflicting state laws—as well as significant civil enforcement authority—viz., the levying of penalties up to $10,000 for each and every violation of its rules! Additionally, the Act provided for fiscal appropriations totaling 265 million dollars through September 30th, 1979, to fund its policing activities of industry and commerce!

Coming immediately behind PL 93-528 discussed earlier, viz., the increase in the punitive provisions of the anti-trust statutes, the year 1975 was indeed a giant step forward for those interests bent toward the control and policing of all trade and commerce in the U.S.

B. Goldfarb vs. Virginia State Bar (U.S. Supreme Ct., June 16, 1975): From a case involving minimum fee schedules by lawyers, in its decision ruling that such schedules were in violation of the Sherman Anti-Trust Act, the High Court also held that:

1. "The nature of an occupation, standing alone, does not provide sanctuary from the Sherman Act—nor is the public service aspect of professional practice controlling in determining whether (the Sherman Act) excludes professions"!

2. "Whatever else it may be, a (professional act) is a service; and the exchange of such a service for money is commerce in the most common usage of that word"!

3. "(Sherman Act) . . . shows a carefully studied attempt to bring within the act every person engaged in business whose activities might restrain or monopolize commercial intercourse among the states"!

4. "In the modern world it cannot be denied that the activities of (professionals) play an important part in commercial intercourse; and that anti-competitive activities by such professionals may exert a restraint on commerce"!

And suddenly—overnight—the "authority is there, self-contained; and a new instrument of power has arisen unto itself; legally and piece-by-piece." (Kozak)

"And not a shot (has been) fired!"

The decision of the Supreme Court in the "Goldfarb Case" was a devastating blow to the concept of professionalism; for it summarily threw out the time-honored "learned profession" exemption from the Sherman Act; and consequently—with the stroke of a pen—placed all professionals under the jurisdiction of the anti-trust statutes and made them subject to regulation by the almost unbelievingly naive bureaucracy of the Federal Trade Commission—and, "at the mercy of any ambitious young bureaucrat" who chooses to initiate regulations for remedial action against allegedly unfair practices.

ASSAULT ON PROFESSIONALISM

Since that "Black Monday" when "Goldfarb" changed the destiny of all professions in the U.S. (June 16th, 1975), the professions, and Medicine in particular, have been assaulted by the Federal Trade Commission on a broad front that has resulted in serious concern and frustration among their leadership and confusion and hostility among the rank and file! Specific examples affecting the practice of medicine include:

FTC vs. AMA, et ux (Conn. & New Haven)—Initiated December, 1975, and decided on November 13th, 1978, by Ernest G. Barnes, Administrative Law Judge for the FTC—in a 312-page decision finding the defendants guilty of a grand conspiracy to stifle all advertising in Medicine and to subvert any innovative form of health care delivery! This action was initiated without any warning by the FTC and was the first "Big-Bang" exerted under its newly-granted authority (PL 93-637).

The "Cease and Desist" order issued by Judge Barnes astonishingly forbids the AMA and its constituent organizations from involving themselves in any way in monitoring the advertising and promotional practices of physicians. If any misleading advertising or deceptive practices arise, individual physicians or medical organizations must report them directly to the FTC for its investigation and resolution.

Even more sweeping in this "Cease and Desist" order is that the AMA may not establish ethical guidelines governing advertising and solicitation for a period of two years after the order becomes final (90 days unless held in abeyance during appellate procedures)—and after such a period (2 years), not unless it first obtains the permission and approval of the FTC!

The administrative law judge in this case—a salaried employee of the FTC for over 30 years—has declared astonishingly in his lengthy opinion that the AMA (and presumably all of its constituent organizations) is organized for the profit of its members because it has done such things as offer a retirement plan and oppose enactment of certain forms of National Health Insurance! As a for profit corporation, therefore, it is subject to regulation of its "Trade & Commerce" activities by the FTC!

As Newton N. Minnow—one of several attorneys for the AMA—has observed in commenting on this order by the FTC, "I submit that George Orwell's '1984' has arrived six years early for Medicine; for the world of Big-Brother seeking to take over the independent professional practice of Medicine has arrived in 1978!"

Although devastating in its impact on the practice of Medicine and its concept of ethics and professionalism, this order is not yet a final one. It must still come before the full Federal Trade Commission—where the results are less than optimistic since the FTC initiated the action to begin with—the U.S. Court of Appeals, and most likely the Supreme Court before, and "if", it becomes final!

The AMA is committed to fight this misguided decision with the full extent of its resources—as its dynamic EVP, James H. Sammons, M.D., has stated "to your last dues dollar!"—as it is so contrary to the public's interest and so alien to the basic American traditions of freedom—which by "parliamentary means (is becoming) authoritarian . . . and more restricted . . . legally and piece-by-piece!" (Kozak)

FTC TRR No. 456—Advertising of Ophthalmic Goods and Services—Initiated January 16th, 1976, and made effective July 3rd, 1978. This was the second "Bang" against medicine by the FTC and the first of its "TRRs" under its new rulemaking authority granted by Public Law 93-637 (and GOLDFARB)—as announced by Terry S. Latanich, Esq., Staff Attorney with the FTC's Bureau of Consumer Protection which has responsibility over TRR No. 456. Attorney Latanich is typical of Miss Rand's description of the, ". . . bureaucrat who for any reason, public or private, chooses to initiate proceedings. . ." Without any background in Medicine in general nor Ophthalmology in particular, this aggressive consumer advocate supervised the development of a "TRR" that was not only ill-considered, poorly written and inconsistent, but has ramifications that go far beyond the "easily discoverable public concern" (Kozak) over limited abuses in the ophthalmic industry. This "TRR" has already been modified two times in less than a year—September 15th, 1978, and January 12th, 1979—and more are needed for clarification badly if the legality of this "TRR" is upheld by the courts.

Aside from the direct and immediate concerns for Ophthalmology, of far greater significance is that if "TRR No. 456" is upheld by the courts, it would establish the unprecedented authority of an agency of the federal government (FTC now—others later) to override and preempt the laws and regulations of state legislatures in all medical matters at the whim of any "ambitious bureaucrat" who may consider them to be "unfair"!

TRR No. 456 could serve as a precedent which could lead the FTC to try to strike down other state laws such as those regulating medical licensure, discipline and practice; hence the greater ramifications of this TRR pose a serious threat to the entire practice of medicine, and indeed all professions, which far transcends its apparent immediate consequences for Ophthalmology! The AMA and several other organizations including, interestingly enough, the American Optometric Association, and nine states (including Texas!) have field a petition for review of TRR No. 456 of the FTC in the U.S. Court of Appeals for the District of Columbia Circuit. As is the case with the Cease & Desist order concerning advertising by physicians, this matter may well go before the U.S. Supreme Court before it is resolved, and hopefully, declared an unconstitutional usurping of prerogatives of state authority by a regulatory agency of the federal government. In this regard, it is interesting to note that a petition to stay (delay) the implementation of TRR No. 456 was denied by Chief Justice Warren E. Burger because, (paraphrased) "Since the rule does no harm, it shall be implemented pending its judicial review."

The constraints of time and space preclude an in-depth discussion of other plans that the FTC has for the profession of medicine; but suffice to say, they include some "Lu-Lus"! For openers:

The FTC is concerned that physician direction and monitoring of basic medical education, post-graduate training, continuing medical education activities, "Certification" and "Recertification" of professional competence, etc., represent a conspiracy to limit the entry of more physicians into the market place—especially from disadvantaged and minority backgrounds—thereby limiting the availability of medical care, driving up fees for medical services and increasing the income of physicians!

As noted by another "advocate" from the FTC, Jonathan E. Gains, former director of its Bureau of Competition, at a recent medical anti-trust seminar in Chicago (December 15-16th, 1978), ". . . in the best of all possible worlds, (medical education—specialty board certification—etc.) should be run by non-physicians and the physician role should be limited to acting as advisors to the decision makers!" Although no regulations have

been promulgated yet by the Bureau of Competition concerning these matters. Mr. Gaines has stressed that, ". . . the Bureau is studying these issues very carefully for abuses . . ."; and implied that regulations may become necessary to satisfy "the public's need for remedial action as it becomes more precisely defined!" (Kozak).

In winding down these observations concerning the assault on professionalism, one cannot help but comment on the frustration, confusion, anger and sense of helplessness thrust upon the leaders of the medical profession by the helter-skelter demands and activities of competing and conflicting federal agencies of the government concerned (or rather—concerning themselves) with the delivery of medical services! For example:

The Department of Health, Education and Welfare (HEW) has for years been charging Medicine to "clean its own house"; viz., get rid of its incompetent and dishonest physicians, improve its standards for basic, graduate and post-graduate medical education, put a lid on hospital costs and physicians fees, etc. Yet, every positive effort expended by the profession in this direction has been attacked by the FTC as being in restraint of trade and commerce in one form or another!

The General Accounting Office (GAO) has requested that the various specialty disciplines develop comprehensive manpower studies to project for adequate numbers of properly trained physicians to deliver medical care in the future; and you guessed it, the FTC claims that such studies are conspiracies to limit the number of physicians, reduce competition and keep the cost of medical care high!

As observed by Miss Rand, these conflicting activities are representative classically of the ". . . grotesque, irrational, malignant growth of unenforceable, incompliable, unjudicable contractions known as the antitrust laws."

THE BOTTOM LINE

Can medicine survive as a profession if its ability to teach itself, improve itself and regulate itself is stripped and forbidden by regulatory agencies of the federal government and court decisions?

What is the bottom line below which it cannot sink in order to retain its position as the noblest of all professions serving mankind?

These questions are not answered easily in today's societal environment; and a considerable amount of circumspection is required of the profession, its leaders and its individual members. It must be understood clearly that what has happened seemingly "overnight" is, in fact, the culmination of nearly ninety years of legislative and judicial activity that allowed "an authority . . . self-contained . . . to become established . . . legally . . . piece-by-piece . . . restricting (our) activities a little more . . . then a little more . . . and a little more . . . without a shot being fired!" (Kozak)

With this reality in mind, Medicine must resolve that its bottom line is the preservation of its professionalism and code of ethical behavior—proffered by Hippocrates centuries ago—which separates physicians from merchants and tradesmen and places service to mankind above economic rewards; and its leaders and members must recognize that remedial action—if forthcoming at all—will come slowly, as the legislative and judicial processes move at a snail's pace!

During this period, Medicine must continue to recognize that its Achilles-Heel has always been the member of the profession who dishonors it by his unethical activities—largely economically motivated—and new methods of discipline must be evolved to control those who would dishonor its tenets! A recent U.S. Supreme Court decision in Bates & Steen vs State Bar of Arizona—decided on June 27th, 1977, offers some hope that the High Court will approve the vesting of essential professional disciplinary activity in statutory agencies, viz., such as State Boards of Medical Examiners, vis-a-vis, voluntary organizations, e.g., County and State Medical Associations which are under attack currently by the FTC.

In this opinion, the Supreme Court held that a disciplinary rule of the Arizona State Bar prohibiting advertising by lawyers did not violate the Sherman Act—since the rule was an act of government imposed by a state acting in a sovereign capacity! In the footnotes of this opinion, the Supreme Court noted—with approval—the position of the AMA's Judicial Council on Advertising, viz., Section 6.00 of its Opinions and Reports, Revised May 1977! Keep your fingers crossed—this may be a good omen of things to come!!

In the meantime, each of us should both adopt and practice the timeless advice from Shakespeare's Hamlet, "This above all—to thine own self be true!" And in our hearts and daily activities, "Refuse to shrug" the Tenets of Hippocrates—because when all of the cards are played, they are our aces-in-the-hole!

And finally, although I am not here tonight to recruit membership for any organization, I cannot help but comment on the importance of a strong, unified and financially secure front line of defense against the assault upon our profession. Remember—our adversaries are attacking us with the full weight and resources of the U.S. Government—legally—and with our tax dollars paying their costs!

Defense and counter-attack in the federal courts are enormously expensive, as well as painfully time consuming! If the ultimate costs of all of the battlefronts to which medicine is committed presently in federal courts alone could be totaled at this point in time, it would stagger the imagination—(how does "Eight Figures" sound!) These costs must be borne by the profession through its financial support of those organizations equipped and able to conduct the battle—and we all know which ones they are! Our collective petty disagreements over the details of conducting the battle must be set aside, or we shall most assuredly all take the "Deep-6" together!

The future "surprises" that the FTC and other regulatory agencies have in store for medicine will also need both offensive and defensive efforts—all of which will cost money! Although in "The Best Of All Possible Worlds" it costs nothing to talk about your rights and privileges, in the real world of the Barnes', Latanichs', Gaines', and other countless bureaucrats, it costes plenty to defend them! Each of us should ask ourself privately, "Am I paying my share?"

EPILOGUE

It is unfortunate indeed—but a reality of life—that a few of each generation of physicians will either disavow or betray the essence of the principles of medical practice and ethical behavior to the detriment of the entire profession! For it is those few who perpetrate the abuses that fuel the engines of the bureaucracy to quench "The public's need for remedial action!" (Kozak)

It is to those who have kept their oaths to Hippocrates willingly and sincerely—and with some sacrifice "Refused to shrug" his tenets of professionalism—to those who move our profession forward and give credence to its continued existence—that I have sought to address this presentation!

With your understanding, patience and unyielding support—both moral and financial—the ominous specter of Medicine's emasculation as a noble and honorable profession—shall pass!

FOOTNOTE

Since this presentation was delivered, a recent decision of the U.S. Supreme Court, viz., Group Life & Health Insurance Co. vs. Royal Drug Company was released February 27th, 1979, which has important ramifications for prepaid health care programs! Briefly, the High Court held that "provider agreements" between an insurer and providers establishing the fees for goods and services "was not the business of insurance", regardless of the claim that such cost-savings arrangements may well be sound business practice and may insure ultimately to the benefit of policyholders in the form of lower premiums. Henceforth, such agreements are no longer held to be exempt under the anti-trust laws! The issue of whether such agreements are in violation of the Sherman Act was not a matter before the court; and will have to be tested in the District Courts. The application of this decision to Medical Eye Care Service programs and other prepaid health programs should be obvious—and onerous!●

THE CONSTITUTIONALITY OF THE PANAMA CANAL TREATY IMPLEMENTING LEGISLATION—THE ISSUE OF PANAMANIAN GOVERNMENT APPOINTEES AS U.S. CIVIL OFFICERS

HON. ROBERT K. DORNAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 9, 1979

● Mr. DORNAN. Mr. Speaker, during the negotiations on the Panama Canal Treaty of 1977, the administration agreed to the most unusual provision, under article III, paragraph 3 of the treaty, in establishing the Panama Canal Commission. As a U.S. Government agency, as I mentioned in previous statements to this body, the Commission is to be governed by five Americans and four Panamanians. We have the further anomaly of nonresident aliens serving as agents of the United States. I do not know how, constitutionally, this feat can legally be accomplished. I would hope that, between now and the final debate on the Panama Canal implementing legislation, some of my colleagues would be kind enough to explain a way in which we could accomplish this without doing direct and immediate violence to the Constitution.

It will probably be said, Mr. Speaker, that this is a mere technicality. But, as I understand it, there is no small provision of the Constitution that could not be dismissed as a mere technicality. The sum total of these technicalities provides the legal bulwark of our liberties. There is no sacred set of provisions of the Constitution that are open to loose interpretation, while others are to be subjected to rigid application. The Constitution itself, Mr. Speaker, makes no distinctions.

So I ask: How can we make Panamanian citizens, actually Panamanian Government officials, civil officers of the United States? I will be happy to have an explanation. In the meantime, I would like to submit Dr. Charles Breecher's testimony of March 7, 1979, concerning this issue. I would appreciate it if my colleagues would give the matter their closest attention.

TESTIMONY BY DR. CHARLES BREECHER

Re Issue 4: Can a non-resident alien be made a civil officer of the United States?

The U.S. Constitution prescribes citizenship requirements of varying length for elected officers only (President, Vice-President, Senators, members of the House of Representatives), but is silent on civil officers. Indeed, the U.S. Constitution does not lay down any mandatory qualifications for non-elective public office except indirectly.

The thesis that a non-resident alien owing no allegiance to the Government appointing him, but owing such allegiance to another country, could become an officer of the appointing Government and clothed with a significant part of its authority, is not to my knowledge accepted by any sovereign Government on earth. The makers of the U.S. Constitution, having just emerged from foreign domination, would have been the most unlikely persons to admit that possibility, so one should not be surprised that they did not rule it out explicitly.

However, there are two provisions of the U.S. Constitution which implicitly rule out that non-resident aliens could become civil officers of the U.S. Government.

First, Art. II, Section 4 says that . . . all civil officers of the United States, shall be removed from office on impeachment for, and conviction of, treason, bribery, or other high crimes and misdemeanors.

How could a non-resident alien commit treason, as defined in the U.S. Constitution? Further, how could the U.S., which has no jurisdiction over non-resident aliens, impeach and convict them for high crimes and misdemeanors? U.S. laws defining bribery and other high crimes and misdemeanors do not apply to non-resident aliens, so what standards would be used in impeachment proceedings?

How could a non-resident alien be tried at all under the due process clause? It seems evident that the makers of the U.S. Constitution did not admit the possibility that non-resident aliens could become civil officers of the United States, when they wrote the impeachment clause. Nor, to my knowledge, is there any case where a non-resident alien has been made a civil officer of the United States.

Second, Art. VI, Section 3, provides that . . . all executive and judicial officers, both of the United States and of the several States, shall be bound by oath or affirmation, to support this Constitution. . . .

Here also, it is evident that a non-resident alien could not swear such an oath which might bring him in direct conflict with his duties as a citizen of his own country.

The drafters of the implementing legislation seem to be aware of the problem because the implementing draft says that: "Each director . . . shall take an oath faithfully to discharge the duties of his office". That provision can of course not dispense with the constitutionally required oath for all civil officers of the United States. Further, the draft implementing legislation of 3 March 1978 mentions only "foreign nationals" as directors of the Panama Canal Commission notwithstanding any U.S. law, but not non-resident aliens. It may be possible to contend that a resident alien not owing allegiance to any foreign country might become a civil officer of the United States, since he could probably be impeached and could also probably swear the oath required under Art. VI of the United States Constitution. However, the Panamanian directors would be non-resident aliens.

Conclusion: The U.S. Constitution, by implication, does not allow non-resident aliens owing allegiance to a foreign country and subject to its jurisdiction, to become civil officers of the United States, as the implementing legislation would ordain.●

SENATE COMMITTEE MEETINGS

Title IV of the Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules Committee—of the time, place, and purpose of all meetings when scheduled, and any cancellations or changes in the meetings as they occur.

As an interim procedure until the computerization of this information becomes operational the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Any charges in committee scheduling will be indicated by placement of an asterisk to the left of the name of the unit conducting such meetings.

Meeting schedule for Thursday, May 10, 1979, may be found in the Daily Digest of today's RECORD.

MEETINGS SCHEDULED

MAY 11

9:30 a.m.

Finance

Energy and Foundations Subcommittee

To resume oversight hearings on the implementation of the energy taxation policy for tax proposals relating to energy production.

2221 Dirksen Building

10:00 a.m.

Appropriations

Transportation Subcommittee

To resume hearings on proposed budget estimates for fiscal year 1980 for AMTRAK.

1224 Dirksen Building

Banking, Housing, and Urban Affairs

Business meeting, to mark up pending calendar business.

5302 Dirksen Building

*Commerce, Science, and Transportation

Communications Subcommittee

To continue hearings on S. 611, proposed Communications Act Amendments, and S. 622, proposed Telecommunications Competition and Deregulation Act.

235 Russell Building

Energy and Natural Resources

Business meeting on pending calendar business.

3110 Dirksen Building

2:00 p.m.

Commerce, Science, and Transportation

Communications Subcommittee

To continue hearings on S. 611, proposed Communications Act Amendments, and S. 622, proposed Telecommunications Competition and Deregulation Act.

235 Russell Building

MAY 14

9:30 a.m.

Energy and Natural Resources

To hold hearings on S. 968, to expedite processing of applications from Midwestern residential, agricultural, and industrial consumers for crude oil transportation systems.

3110 Dirksen Building

Select on Small Business

To resume hearings on the effect of Government regulations on the production and utilization of coal.

6226 Dirksen Building

10:00 a.m.

Banking, Housing, and Urban Affairs

To receive testimony on S. 85 and 353, bills to strengthen the ability of the Federal Reserve Board, focusing today on the need for reserve requirements for the conduct of monetary policy.

5302 Dirksen Building

1:00 p.m.

Appropriations

District of Columbia Subcommittee

To resume hearings on proposed budget estimates for fiscal year 1980 for the Government of the District of Columbia.

1114 Dirksen Building

MAY 15

9:30 a.m.

Governmental Affairs

Governmental Efficiency and the District of Columbia Subcommittee

To hold oversight hearings to examine the Federal Government's policy relative to relocation of offices.

6226 Dirksen Building

*Judiciary

Business meeting to mark up S. 390, to expedite and reduce the cost of enforcing existing antitrust laws, and S.J. Res. 68, to proclaim the week of June 17 through 23, as "Product Safety Week".

2228 Dirksen Building

Judiciary

Antitrust, Monopoly and Business Rights Subcommittee

To hold hearings on S. 334, to provide regulation of certain anticompetitive developments in the agricultural industry.

318 Russell Building

Select on Indian Affairs

To hold hearings on S. 751, to provide for the relocation of the Navajo and the Hopi Indians

1202 Dirksen Building

Select on Small Business

To continue hearings on the effect of Government regulations on the production and utilization of coal.

4232 Dirksen Building

10:00 a.m.

Appropriations

Interior Subcommittee

To continue hearings on proposed budget estimates for fiscal year 1980 for the Smithsonian Institution.

1223 Dirksen Building

Banking, Housing, and Urban Affairs

To hold joint hearings with the Committee on Governmental Affairs on S. 332, proposed Consolidated Banking Regulation Act.

3302 Dirksen Building

Governmental Affairs

To hold joint hearings with the Committee on Banking, Housing, and Urban Affairs on S. 332, proposed Consolidated Banking Regulation Act.

3302 Dirksen Building

10:30 a.m.

*Judiciary

To resume hearings on proposed legislation relative to regulatory reform.

2228 Dirksen Building

MAY 16

9:30 a.m.

Governmental Affairs

Civil Services and General Services Subcommittee

To hold oversight hearings on the activities of the Former Presidents Program and the Presidential Transition Program.

4200 Dirksen Building

Governmental Affairs
Governmental Efficiency and the District of Columbia Subcommittee
To continue oversight hearings to examine the Federal Government's policy relative to relocation of offices.
6226 Dirksen Building

Judiciary
To hold hearings on the nominations of Frank M. Johnson, Jr., of Alabama, to be U.S. Circuit Judge for the Fifth Circuit Court of Appeals, and Dolores K. Sloviter, of Pennsylvania, to be U.S. Circuit Judge for the Third Circuit.
2228 Dirksen Building

Labor and Human Resources
Business meeting to mark up S. 209, to provide for the establishment and implementation of Federal laws relating to the regulation of employee benefit plans.
4232 Dirksen Building

10:00 a.m.
Commerce, Science, and Transportation
To hold oversight hearings on the status of conserving the salmon and steelhead fish stocks in the State of Washington.
235 Russell Building

Energy and Natural Resources
Business meeting on pending calendar business.
3110 Dirksen Building

Governmental Affairs
To resume hearings on S. 262 and 755, bills to require that all Federal agencies conduct a regulatory analysis before issuing regulations, and to require the use of less time consuming procedures to decide cases.
3302 Dirksen Building

11:00 a.m.
Select on Small Business
To hold hearings on the nomination of Paul R. Boucher, to be Inspector General, Small Business Administration.
424 Russell Building

2:00 p.m.
Energy and Natural Resources
Parks, Recreation, and Renewable Resources Subcommittee
To hold oversight hearings on the implementation of the National Forest Management Act.
3110 Dirksen Building

Labor and Human Resources
Health and Scientific Research Subcommittee
To resume markup of S. 570, to control increases in hospital revenues (hospital cost containment).
4232 Dirksen Building

Select on Ethics
To resume hearings in conjunction with the investigation of Senator Talmadge's alleged abuse of certain financial reporting rules of the Senate.
6226 Dirksen Building

MAY 17

10:00 a.m.
Appropriations
Transportation Subcommittee
To resume hearings on proposed budget estimates for fiscal year 1980 for the Department of Transportation.
1224 Dirksen Building

Energy and Natural Resources
Business meeting on pending calendar business.
3110 Dirksen Building

Judiciary
*Antitrust, Monopoly and Business Rights Subcommittee
To resume hearings on S. 600, to preserve the diversity and independence of American business.
6226 Dirksen Building

Labor and Human Resources
Health and Scientific Research Subcommittee
To hold hearings on proposed legislation to investigate drug reform programs.
4232 Dirksen Building

2:00 p.m.
Appropriations
Transportation Subcommittee
To resume hearings on proposed budget estimates for fiscal year 1980 for the Department of Transportation.
1224 Dirksen Building

MAY 18

9:00 a.m.
Finance
Taxation and Debt Management Generally Subcommittee
To hold hearings on S. 100, to provide a deduction for expenses incurred by the replanting of trees by the timber industry and environmental groups, and S. 394, to provide that certain authors and artists be considered employees of certain corporations under specified contracts.
2221 Dirksen Building

10:00 a.m.
Labor and Human Resources
Health and Scientific Research Subcommittee
To continue hearings on proposed legislation to investigate drug reform programs.
4232 Dirksen Building

MAY 21

9:30 a.m.
Energy and Natural Resources
Energy Regulation Subcommittee
To receive testimony from officials of the Department of Energy and certain oil companies on the supply situation of diesel fuel, gasoline and heating oil, both nationally and regionally.
3110 Dirksen Building

10:00 a.m.
Commerce, Science, and Transportation
Surface Transportation Subcommittee
To hold oversight hearings on the implementation of the Milwaukee railroad system.
235 Russell Building

2:30 p.m.
Finance
Health Subcommittee
To hold hearings on the provisions of home health benefits under the Medicare and Medicaid programs.
2221 Dirksen Building

MAY 22

9:30 a.m.
*Energy and Natural Resources
To resume hearings on S. 685, proposed Nuclear Waste Policy Act.
3110 Dirksen Building

10:00 a.m.
Commerce, Science, and Transportation
Surface Transportation Subcommittee
To resume hearings on S. 796, proposed Railroad Deregulation Act.
235 Russell Building

Select on Small Business
To hold hearings on the availability of investment capital to small businesses.
424 Russell Building

MAY 23

8:00 a.m.
*Veterans' Affairs
To hold oversight hearings on employment programs administered by the Department of Labor.
6226 Dirksen Building

9:30 a.m.
Energy and Natural Resources
To hold hearings on S. 885, proposed Pacific Northwest Electric Power Planning and Conservation Act.
3110 Dirksen Building

10:00 a.m.
Banking, Housing, and Urban Affairs
To hold oversight hearings on the activities of the banking system.
5302 Dirksen Building

Commerce, Science, and Transportation
Surface Transportation Subcommittee
To continue hearings on S. 796, proposed Railroad Deregulation Act.
235 Russell Building

Environment and Public Works
Environmental Pollution Subcommittee
To hold oversight hearings to explore the status of efforts by the Environmental Protection Agency and Department of Justice to enforce Federal environmental requirements.
4200 Dirksen Building

Labor and Human Resources
Health and Scientific Research Subcommittee.
To hold oversight hearings on the implementation of mental health policy programs.
4332 Dirksen Building

MAY 24

8:30 a.m.
*Energy and Natural Resources
To continue hearings on S. 885, proposed Pacific Northwest Electric Power Planning and Conservation Act.
3110 Dirksen Building

9:30 a.m.
Judiciary
Constitution Subcommittee
To resume hearings on S. 506, proposed Fair Housing Amendments Act.
2228 Dirksen Building

Labor and Human Resources
To hold oversight hearings on the implementation of farm workers' collective bargaining programs.
4232 Dirksen Building

10:00 a.m.
Banking, Housing, and Urban Affairs
To hold hearings on S. 35, to amend the Credit Control Act.
5302 Dirksen Building

Environment and Public Works
Environmental Pollution Subcommittee
To continue oversight hearings to explore the status of efforts by the Environmental Protection Agency and Department of Justice to enforce Federal environmental requirements.
4200 Dirksen Building

*Labor and Human Resources
Health and Scientific Research Subcommittee
To continue oversight hearings on the implementation of mental health policy programs.
5110 Dirksen Building

MAY 25

10:00 a.m.
Banking, Housing, and Urban Affairs
To continue hearings on S. 35, to amend the Credit Control Act.
5302 Dirksen Building

Joint Economic
To resume hearings on the Consumer Price Index figures, and on inflationary trends.
345 Cannon Building

JUNE 1

10:00 a.m.
Joint Economic
To hold hearings on the employment-unemployment situation for May.
5110 Dirksen Building

JUNE 6

9:30 a.m.
Commerce, Science, and Transportation
Science, Technology, and Space Subcommittee

To hold joint hearings with the House Subcommittee on Science, Research, and Technology of the Committee on Science and Technology, to examine U.S. policies and initiatives of the U.S. Conference on Science and Technology for Development.

5110 Dirksen Building

Veterans' Affairs

To hold hearings on S. 870, proposed GI Bill Amendments Act, S. 830, to eliminate the State's required payment in the educational assistance allowance program provided for veterans, and S. 881, to provide for the protection of certain Officers and employees of the VA assigned to perform investigative or law enforcement functions.

6226 Dirksen Building

10:00 a.m.

Commerce, Science, and Transportation

Surface Transportation Subcommittee

To resume hearings on S. 796, proposed Railroad Deregulation Act.

235 Russell Building

JUNE 7

10:00 a.m.

Commerce, Science, and Transportation

Surface Transportation Subcommittee

To continue hearings on S. 796, proposed Railroad Deregulation Act.

235 Russell Building

JUNE 12

9:00 a.m.

*Veterans' Affairs

To hold hearings on S. 689, proposed Veterans' Disability Compensation and Survivors Benefits Act.

6226 Dirksen Building

JUNE 19

10:00 a.m.

Energy and Natural Resources

To hold oversight hearings on the activities of programs administered by the Surface Mining Control and Reclamation Act of 1977.

3110 Dirksen Building

JUNE 20

9:00 a.m.

*Veterans' Affairs

To hold hearings on S. 759, to provide for the right of the United States to recover the costs of hospital nursing home or outpatient medical care furnished by the Veterans' Administration to veterans for non-service-connected disabilities to the extent that they have health insurance or similar contracts.

6226 Dirksen Building

10:00 a.m.

Commerce, Science, and Transportation

Surface Transportation Subcommittee

To resume hearings on S. 796, proposed Railroad Deregulation Act.

235 Russell Building

JUNE 21

10:00 a.m.

Commerce, Science, and Transportation

Surface Transportation Subcommittee

To continue hearings on S. 796, proposed Railroad Deregulation Act.

235 Russell Building

Energy and Natural Resourcres

To resume oversight hearings on the activities of programs administered by the Surface Mining Control and Reclamation Act of 1977.

3110 Dirksen Building

JULY 12

9:30 a.m.

*Veterans' Affairs

To hold oversight hearings on the efforts made by the Veterans' Administration to provide information on benefits due incarcerated veterans.

6226 Dirksen Building

CANCELLATIONS

MAY 8

10:00 a.m.

Labor and Human Resources

Health and Scientific Research Subcommittee

To hold hearings on the roles of women in health and science.

4232 Dirksen Building

MAY 15

2:30 p.m.

Select on Intelligence

To receive testimony on alleged Soviet electronic surveillance in the United States.

5110 Dirksen Building

MAY 16

10:00 a.m.

Labor and Human Resources

Health and Scientific Research Subcommittee

To resume hearings on the roles of women in health and science.

4232 Dirksen Building